

FIRST AMENDMENT TO AGREEMENT NO. 30245

30245

THIS FIRST AMENDMENT TO AGREEMENT NO. 30245 (this "Amendment") is made and entered, in duplicate, as of September 7, 2010, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on September 7, 2010, by and between MOFFATT & NICHOL, a California corporation ("Consultant") and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the parties entered into Agreement No. 30245 (the "Contract") whereby Consultant agreed to perform monitoring work for the restoration of the Colorado Lagoon in the City of Long Beach ("Project"); and

WHEREAS, the parties desire to extend the term of the Contract and increase the Scope of Work thereunder.

NOW, THEREFORE, in consideration of the mutual terms and conditions in the Contract, the parties agree as follows:

1. Section 2 of the Contract is hereby amended so that the term of the Contract shall expire at 11:59 p.m. on September 7, 2012, unless sooner terminated as provided in the Contract.

2. The additional work described in the Scope of Work attached to this Amendment as Exhibit "A" is hereby incorporated and included in Scope of Work attached to the Contract as Exhibit "A", and Consultant shall perform such additional work in accordance with the requirements of the Contract.

3. Section 1.1 of the Contract is hereby amended so that the total payment by City to Consultant under the Contract shall not exceed \$166,382.

4. Except as expressly amended herein, all of the terms and conditions of the Contract are ratified and confirmed and shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

"Consultant"

MOFFATT & NICHOL, a California corporation

By: Michael J. McLaughlin
Name: MICHAEL J. MCLAUGHLIN
Title: VICE PRESIDENT

By: Timothy J. Kellard
Name: TIMOTHY J. KELLARD
Title: SALES MGR

"City"

CITY OF LONG BEACH

By: Patrick H. West
Name: PATRICK H. WEST
Title: CITY MANAGER

This First Amendment to Agreement No. 30245 is approved as to form on November 29, 2010.

ROBERT E. SHANNON, City Attorney

By RE Shannon
Deputy

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664



EXHIBIT A

(562) 426-9551
(562) 426-7461

August 13, 2010

Community Development Department
Project Development Bureau
City of Long Beach
333 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802

Attn: Eric Lopez

Subj: Proposal for Additional Monitoring of Colorado Lagoon Improvements

M&N File: 6378

Dear Mr. Lopez:

This is a resubmittal of a letter proposal dated October 16, 2008 of the same subject title. The fee has been updated based on a revised post-construction monitoring schedule and current labor rates. The scope of work has not changed.

We are pleased to provide this proposal for services associated with monitoring of the Colorado Lagoon restoration improvements. As per our discussion, this proposal is for an addendum to our existing "Part I" (SWRCB grant components) monitoring contract to include a seven-month period of post-construction monitoring and for other changes that arose during the final design of the monitoring program. (These changes reflect the final SWRCB-approved monitoring plan).

The additional scope for this Part I addendum is described in the attachment herein and the associated fee is \$62,388. The post-construction monitoring is now assumed to occur from approximately November 2010 to May 2011.

Thank you for this opportunity to assist you. Please contact me at 562-426-9551 if you have any questions or would like to discuss this proposal further.

Sincerely,

MOFFATT & NICHOL

Kim Garvey
Project Manager

Enclosures

**Scope of Work –
Colorado Lagoon Improvements Monitoring
Part I Addendum**

Phase 1 / Task 1a - Develop Monitoring Plan

No change to existing contract, based on M&N letter proposal dated June 22, 2007 for this phase/task.

Phase 2 / Task 2a - Perform Pre-Construction Monitoring

The additional scope items for this task are:

- Addition of one pre-construction sampling event and duplicate samples for metals, PCBs, and pesticides parameters, as a result of task 1a monitoring program refinements.

Phase 3 / Task 3a - Perform Post-Construction Monitoring

The additional scope items for this task are:

- One-month extension of post-construction monitoring period for turbidity, bacteria, and litter parameters (from 6 months to 7 months);
- Three-month extension of post-construction monitoring period for algae bloom, nutrients, TSS, and DO parameters (from 4 months to 7 months);
- Addition of one post-construction sampling event and duplicate samples for metals, PCBs, and pesticides parameters, as a result of task 1a monitoring program refinements;
- Additional hours for Quality Assurance Officer (Quality Assurance Task Leader), as a result of task 1a monitoring program requirements understanding.

Phase 4 / Task 4a - Analyze Monitoring Results

The additional scope items for this task are:

- Analysis of additional parameters generated from extension of post-construction period.
- Analysis of additional bacteria sample location and storm events (requested by SWRCB for final approval of monitoring program).

Phase 0 / Task 0a - Project Management

The fee for this task has been revised to include an additional one month period of project management and for implementation of this proposal addendum.

FEE
Colorado Lagoon Improvements Monitoring
Part I Addendum

	Assumed Phasing	LABOR COST DELTAS		OTHER DIRECT COST DELTAS		MARKUP	TASK TOTAL DELTA COST
		M&N	KLI	M&N	KLI		
Phase 1 / Task 1a - Develop QAPP/MP	2007	\$0	\$0	\$0	\$0	\$0	\$0
Phase 2 / Task 2a - Perform Pre-Construction Monitoring	2008	\$2,624	\$1,293	\$120	\$7,844	\$1,389	\$13,270
Phase 3 / Task 3a - Perform Post-Construction Monitoring	2010-2011	\$4,113	\$12,686	\$460	\$12,471	\$3,842	\$33,572
Phase 4 / Task 4a - Analyze Monitoring Results	2011	\$4,355	\$6,235	\$0	\$0	\$935	\$11,525
Phase 0 / Task 0a - Project Management	2007-2011	\$4,021	\$0	\$0	\$0	\$0	\$4,021
SUB-TOTALS		\$15,113	\$20,214	\$580	\$20,315	\$6,166	
TOTAL FEE INCREASE FOR BASIC PART I POST-CONSTRUCTION MONITORING PERIOD EXTENSION							\$62,388
<i>Assumptions:</i>							
2. City of LB Health Department staff will perform bacteria sampling and testing.							
4. Friends of Colorado Lagoon volunteer staff will perform turbidity, algae blooms, and litter monitoring.							

“KLI” is Kinnetic Laboratories Inc. (subconsultant to Moffatt & Nichol)