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

#### SECOND AMENDMENT TO AGREEMENT NO. 28837

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THIS SECOND AMENDMENT TO AGREEMENT NO. 28837 is made and entered, in duplicate, as of March 24, 2008 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on April 24, 2007, by and between HEERY INTERNATIONAL, INC. formerly JCM FACILITIES PLANNING & MANAGEMENT, a California partnership, with a place of business at 11 Golden Shore, Suite 550, Long Beach, California 90802 ("Consultant"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the parties entered Agreement No. 28837 and Consultant agreed to provide As-Needed Planning & Relocation Services ("Project"); and

WHEREAS, the parties desire to extend the term of the Agreement and adjust the fee schedule of hourly/billing rates;

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

- 1. Section 1.A. of Agreement No. 28837 is hereby amended to read as follows:
- "1. SCOPE OF WORK OR SERVICES. A. Consultant shall furnish specialized services more particularly set forth in Exhibit 'A', attached to the Agreement and incorporated herein by this reference, in accordance with the standards of the profession, and City shall pay for said services in the manner described below, not to exceed \$1,000,000, at the rates or charges described in Exhibit 'A'. For the period from May 1, 2008 through April 30, 2009, City shall pay to Consultant the rates identified in Consultant's Schedule of Hourly Billing Rates, attached hereto as Exhibit 'A-1'."
- 2. Section 2 of Agreement No. 28837 is hereby amended in its entirety to read as follows:
- "2. <u>TERM</u>. The term of this Agreement shall commence at midnight on May 11, 2004, and shall terminate at 11:59 p.m. on April 30, 2009, unless sooner

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| 3  |   |             |  |  |  |  |  |
|----|---|-------------|--|--|--|--|--|
| 1  | terminated as provided in this  | s Agreemen  | t, or unless the services to be performed                      |  |  |  |  |
| 2  | hereunder or the Project is completed sooner."  |             |  |  |  |  |  |
| 3  | <ol><li>Except as expressly amended herein, all of the terms and conditions</li></ol> |             |  |  |  |  |  |
| 4  | in Agreement No. 28837 are r  | atified and | confirmed and shall remain in full force and                   |  |  |  |  |
| 5  | effect.   |             |  |  |  |  |  |
| 6  | IN WITNESS WHEREOF, the parties have caused this document to be duly                  |             |  |  |  |  |  |
| 7  | executed with all formalities required by law as of the date first stated above.      |             |  |  |  |  |  |
| 8  |   |             | HEERY INTERNATIONAL, INC. formerly                             |  |  |  |  |
| 9  |   |             | JCM FACILITIES PLANNING & MANAGEMENT, a California partnership |  |  |  |  |
| 10 | April 15  | 2000        | D. A. Wolder   |  |  |  |  |
| 11 |   | , 2008      | by runa mercury  |  |  |  |  |
| 12 |   |             | Richard B. Dilday, Vice President (Type or Print Name)         |  |  |  |  |
| 13 | April 16  | , 2008      | By 6 by  |  |  |  |  |
| 14 |   |             | Robert J. York, Nice President (Type of Phint Name)            |  |  |  |  |
| 15 |   |             | "Consultant"   |  |  |  |  |
| 16 |   |             |  |  |  |  |  |
| 17 |   |             | CITY OF LONG BEACH, a municipal corporation                    |  |  |  |  |
| 18 | Mon B   | . 2008      | By Assistant City Manager                                      |  |  |  |  |
| 19 |   | ,           | City Manager EXECUTED PURSUAL                                  |  |  |  |  |
| 20 |   |             | "City"  TO SECTION 301 OF THE CITY CHARTER.                    |  |  |  |  |
| 21 | This Second Amendment to Agreement No. 28837 is approved as to form                   |             |  |  |  |  |  |
| 22 | on 4-29,  | 2008.       |  |  |  |  |  |
| 23 |   |             | DODEDT E OLIANNON O'L Allega                                   |  |  |  |  |
| 24 |   |             | ROBERT E SHANNON, City Attorney                                |  |  |  |  |
| 25 |   |             | By My My Deputy  |  |  |  |  |
| 26 |   |             |  |  |  |  |  |
|    |   |             |  |  |  |  |  |

# EXHIBIT "A-1"

# **HEERY**

#### 2008 Hourly Billing Rates

It is the firm's policy to review all billing rates in January of each year and request such modifications as are necessitated by cost of living and labor increases. However, it is understood and agreed that no changes in billing rates can be made without the approval of the City of Long Beach.

| Architectural/Interior Design                                 | Hourly Rate          |
|---|----------------------|
| Principal   | \$180.00             |
| Senior Project Manager 1                                      | \$145.00             |
| Senior Project Manager 2                                      | \$140.00             |
| Senior Project Manager  | \$135.00             |
| Project Manager 1   | \$125.00             |
| Project Manager 2   | \$115.00             |
| Project Designer 1  | \$120.00             |
| Project Designer 2  | \$115.00             |
| Senior Architect 1  | \$160.00             |
| Senior Architect 2  | \$125.00             |
| Architect 1   | \$120.00             |
| Architect 2   | \$115.00             |
| Senior Technical Staff 1                                      | \$ 95.00             |
| Senior Technical Staff 2                                      | \$ 85.00             |
| Intermediate Technical Staff 1 Intermediate Technical Staff 2 | \$ 80.00<br>\$ 75.00 |
| Technical Staff 1   | \$ 70.00             |
| Technical Staff 2   | \$ 65.00             |
| Move Coordinator 1  | \$ 85.00             |
| Move Coordinator 2  | \$ 75.00             |
| Administrative Staff 1 Administrative Staff 2                 | \$ 75.00<br>\$ 55.00 |
| Clerical Staff 1  | \$ 40.00             |
| Clerical Staff 2  | \$ 30.00             |

# **HEERY**

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#### 2008 REIMBURSABLE PROJECT COSTS

Project-related expenses are to be reimbursed by the City of Long Beach at cost. These expenses include, but are not limited to, the following:

#### In-house Services:

| Computer Plots    | \$<br>16.00 | each      |
|-------------------|-------------|-----------|
| Computer Scanning | \$<br>16.00 | each      |
| Blueprinting      | \$<br>2.00  | per sheet |
| Photocopying      | \$<br>.10   | per page  |

### Outside Services: (subject to cost at time of purchase)

- Parking

- Parking
  Outside Blueprinters
  Messenger Services
  Outside Photocopying
  Long Distance Telephone
  Cellular Telephones
  Labels, Boxes

- Office Supplies
- Art Supplies