

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

1 THIRD AMENDMENT TO AGREEMENT NO. 30773

2 **30773**

3 THIS THIRD AMENDMENT TO AGREEMENT NO. 30773 (this  
4 "Amendment") is made and entered, in duplicate, as of March 1, 2010, for reference  
5 purposes only, pursuant to a minute order adopted by the City Council of the City of Long  
6 Beach at its meeting on November 17, 2009, by and between MOFFATT & NICHOL, a  
7 California corporation ("Consultant") and the CITY OF LONG BEACH, a municipal  
8 corporation ("City").

9 WHEREAS, the parties entered into Agreement No. 30773 (as amended,  
10 the "Contract"), an amendment thereto dated June 10, 2008, and a second amendment  
11 thereto dated November 17, 2009, whereby Consultant agreed to perform engineering  
12 and design work for the restoration of the Colorado Lagoon in the City of Long Beach  
13 ("Project"); and

14 WHEREAS, the parties desire to amend the scope of work and fee  
15 breakdown (without reducing the services to be provided or increasing the total amount to  
16 be paid for such services) in order to comply with new funding requirements imposed by  
17 certain regulatory and funding agencies.

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

20 1. The "Part 2.1 New Scope of Work" schedule attached to this  
21 Amendment as Exhibit "C" supplements the "Part 2 Scope-of-Work" which is currently  
22 part of Exhibit "C" to the Agreement.

23 2. The "Part 2 Fee" schedule attached to this Amendment as Exhibit  
24 "C" hereby replaces in its entirety the "Part 2 Fee" schedule which is currently part of  
25 Exhibit "C" to the Agreement.

26 3. Except as expressly amended herein, all of the terms and conditions  
27 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: EQ Allen  
Name: Edward D. Allen  
Title: Vice President

By: Michael J. McCarthy  
Name: MICHAEL J. MCCARTHY  
Title: VICE PRESIDENT

"City"  
CITY OF LONG BEACH

By: [Signature]  
Name: Patricia H. West  
Title: City Manager  
**Assistant City Manager**

This Third Amendment to Agreement No. 30773 is approved as to form on June 8, 2010.

ROBERT E. SHANNON, City Attorney

By [Signature]  
Deputy

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# EXHIBIT C

## ATTACHMENT A

### PART 2.1 NEW SCOPE-OF-WORK

In general, the Part 2.1 plans will include:

- a. West Arm dredging;
- b. West Arm side slope recontouring;
- c. Central Area (western part) dredging;
- d. West Arm Irrigation, including water main connection and electrical connection for irrigation controller;
- e. West Arm Native Planting;
- f. Electrical Power Source for dredge sediment treatment site at Colorado Lagoon
- g. Electrical Power Source for dredge sediment treatment site at Marine Stadium.

The specific new Part 2.1 work under Task 6 is:

- 6.A.1. *Prepare 100% submittal engineering plans.* Engineering plans will be prepared for the project and submitted for review and comment at 100%, leading to the final set for construction bidding. The plans will reflect the potential for construction via any of the four dredge scenarios/methods defined in the NEPA Environmental Assessment (EA) document.
- 6.A.2. *Prepare 100% construction specifications.* Construction specifications will be prepared to specify restrictions on the contractor, quality of work, and project requirements. Specifications will be provided in either Green Book or Construction Specifications Institute (CSI) format. They will comprehensively present all construction materials and permit constraints. The specs will reflect the potential for construction via any of the four dredge scenarios/methods defined in the NEPA EA document.
- 6.A.3. *Prepare 100% opinion-of-probable construction cost.* Construction cost estimates will be prepared for each of the four dredge scenarios defined in the NEPA EA document. Costs will consist of spreadsheets showing construction items, quantities, unit costs, and total item costs. Contingencies and “soft costs” will also be included as appropriate throughout submittal iterations.
- 6.B. *Prepare engineering plans for electrical power sources.* Develop estimates of power requirements of construction equipment at dredge material treatment sites. Coordinate and meet with SCE. Prepare engineering plans and specifications for two separate services – one at Colorado Lagoon and one at Marine Stadium. The fee assumes initial design work for two plans, but that only one site will be carried forward into the plans after March 31, 2010.

- 6.C. *Support City and LSA for preparation of EA document.* Develop dredge scenarios in coordination with City. Define conceptual construction methods and timing for each scenario. Respond to questions regarding design and project description. Attend meetings and telecons.
- 6.D. *Prepare Pre-Final engineering plans, specifications and opinion-of-probable construction costs.* The Pre-Final set will be prepared in response to City and Corps comments to the 100% submittal.
- 6.E. *Prepare Final engineering plans, specifications and opinion-of-probable construction costs.* The Final set will be prepared in response to City and Corps comments to the Pre-Final submittal.

All remaining work for Part 2.2 plans to be deleted.

# EXHIBIT C

## ATTACHMENT B - NEW PART 2 FEE

	LABOR COSTS				OTHER DIRECT COSTS		NEW TASK TOTALS
	M&N	Capouya	DYA	KLI	M&N	Subs*	
TASK 1 - PROJECT MANAGEMENT	\$23,396						\$23,396
TASK 2 - DATA COLLECTION AND MODELING	\$33,848		\$12,500		\$50	\$38,200	\$84,598
TASK 3 - PRELIMINARY DESIGN DEVELOPMENT - 35%	\$90,895	\$43,610			\$85	\$910	\$135,500
TASK 4 - INTERMEDIATE DESIGN DEVELOPMENT - 75%	\$41,560	\$49,360			\$600	\$400	\$91,920
TASK 5 - CEMENT STABILIZATION EVALUATION	\$23,727			\$37,688	\$80	\$12,798	\$74,293
TASK 6 - FINAL DESIGN DEVELOPMENT AND BID PACKAGE PREPARATION	\$152,027	\$18,690			\$1,400	\$320	\$172,437
TASK 7- CONSTRUCTION SUPPORT	\$41,610	\$12,935			\$600	\$300	\$55,445
<b>TOTALS</b>	<b>\$407,062</b>	<b>\$124,595</b>	<b>\$12,500</b>	<b>\$37,688</b>	<b>\$2,815</b>	<b>\$52,928</b>	
<b>TOTAL FOR PART 2</b>							<b>\$637,588</b>
<p><i>The costs shown above for Tasks 1-3 include work completed to date for Part 2.1 and Part 2.2. The costs shown above for Tasks 4-7 are only for Part 2.1.</i></p>							
<p><i>* Includes Dulin &amp; Boynton Topo Survey, DYA Geotech Survey Equipment, LCI Soil Fertility Testing, and KLI Sediment Testing Lab Costs</i></p>							
<p><b>Assumptions</b></p> <p>1. All permits, including RWQCB dewatering permit, obtained by City under separate contract.</p> <p>2. City plan check is performed at 35%, 75% and 100% submittals.</p> <p>3. Plan sheets are based on 20-scale, D-size sheets for all sheets except those related to the ACOE dredging component.</p> <p>4. Plan sheets for ACOE dredging component are based on 200-scale, D-size sheets.</p> <p>5. All City and Corps comments to the 100% submittal are provided to M&amp;N simultaneously such that M&amp;N can respond to all comments in one design/plan iteration.</p> <p>6. All City and Corps comments to the pre-final submittal are provided to M&amp;N simultaneously such that M&amp;N can respond to all comments in one design/plan iteration.</p>							

<b>Cost Breakdowns for Task 6 and Task 7</b>						
	LABOR COSTS			OTHER DIRECT COSTS		SUBTOTALS
	M&N	Capouya		M&N	Capouya	
<b>TASK 6 - FINAL DESIGN DEVELOPMENT AND BID PACKAGE PREPARATION</b>						
6.A Prepare and Submit 100% Plans, Spec, and Cost Estimates	\$78,263	\$13,083		\$300	\$320	\$91,966
6.B SCE Coordination, 100% Plans, Specs for Power Sources at Two Sites	\$23,224	\$0		\$0	\$0	\$23,224
6.C Support to City and LSA for Dredge EA	\$10,243	\$0		\$0	\$0	\$10,243
6.D Respond to 100% Submittal Review Comments and Submit Pre-Final Plans	\$32,238	\$4,466		\$200	\$0	\$36,923
6.E Respond to Pre-Final Submittal Review Comments and Submit Final Plans	\$8,059	\$1,121		\$900	\$0	\$10,081
<b>Task 6 Subtotal for New Part 2.1 Plans</b>	<b>\$152,027</b>	<b>\$18,690</b>		<b>\$1,400</b>	<b>\$320</b>	<b>\$172,437</b>
<b>TASK 7- CONSTRUCTION SUPPORT</b>						
7.A Allocation of Original Part 2 Construction Support Budget for Part 2.1	\$33,870	\$12,935		\$500	\$300	\$47,605
7.B Increased Construction Complexity/ Scope for New Part 2.1 Plans	\$3,980	\$0		\$0	\$0	\$3,980
7.C Electrical power source electrical engineering	\$3,760	\$0		\$100	\$0	\$3,860
<b>Task 7 Subtotal for New Part 2.1 Plans</b>	<b>\$41,610</b>	<b>\$12,935</b>		<b>\$600</b>	<b>\$300</b>	<b>\$55,445</b>