

1 FIRST AMENDMENT TO AGREEMENT NO. 36109

2 **36109**

3 THIS FIRST AMENDMENT TO AGREEMENT NO. 36109 is made and  
4 entered, in duplicate, as of June 3, 2022 for reference purposes only, pursuant to a minute  
5 order adopted by the City Council of the City of Long Beach at its meeting on September  
6 7, 2021, by and between TRB AND ASSOCIATES, a California corporation ("Consultant"),  
7 with a place of business at 4182 North Viking Way, #204, Long Beach, California 90808,  
8 and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.  
10 36109 (the "Agreement") whereby Consultant agreed to provide as-needed plan review  
11 and inspection services; and

12 WHEREAS, the Parties desire to add \$50,000 to the Agreement for a total  
13 not to exceed amount of \$100,000;

14 NOW, THEREFORE, in consideration of the mutual terms, covenants, and  
15 conditions herein contained, the Parties agree as follows:

16 1. Section 1.A. of the Agreement is hereby amended to read as follows:

17 "A. Consultant shall furnish specialized services more particularly  
18 described in Exhibit "A", attached to this Agreement and incorporated by this reference, in  
19 accordance with the standards of the profession, and City shall pay for these services in  
20 the manner described below, in an amount not to exceed One Hundred Thousand Dollars  
21 (\$100,000), at the rates or charges shown in Exhibit "B"."

22 2. Except as expressly amended herein, all terms and conditions in  
23 Agreement No. 36109 are ratified and confirmed and shall remain in full force and effect.

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OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

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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.

TRB AND ASSOCIATES, a California corporation

December 12th, 2022

By [Signature]  
Name Todd Bailey  
Title President

December 12th, 2022

By [Signature]  
Name Todd Bailey  
Title Secretary

"Consultant"

CITY OF LONG BEACH, a municipal corporation

December 22, 2022

By [Signature]  
City Manager

"City"

**EXECUTED PURSUANT  
TO SECTION 301 OF  
THE CITY CHARTER.**

This First Amendment to Agreement No. 36109 is approved as to form on

December 15, 2022.

CHARLES PARKIN, City Attorney

By [Signature]  
Deputy

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

**CERTIFICATION OF BOARD RESOLUTION**

The undersigned, duly elected and acting Secretary of **TRB and Associates**, certifies that at the meeting of Board of Directors of the Corporation duly held and convened on **January 27, 2007** at which meeting a quorum was present and acted throughout, the following resolution was approved, and the same has not been annulled, revoked and amended in any way whatsoever and the same is in full force and effect on the date hereof:

"RESOLVED, That TRB and Associates (the "Corporation") authorize as it hereby authorizes **Mr. Todd Bailey** to sign, execute, issue and deliver contracts for and on behalf of the Corporation, and to do or cause to be done all such other acts and things as may be proper or necessary arising out of or in connection with the foregoing authority"

Dated: January 27, 2007

A handwritten signature in black ink, appearing to read "Todd Bailey", is written over a horizontal line.

Todd Bailey, Secretary

# **EXHIBIT “A”**

**OVERVIEW OF SERVICES**

**SCOPE OF SERVICE**

**PROJECT SPECIFICATIONS**





City of Long Beach  
Purchasing Division  
411 West Ocean Boulevard, 6<sup>th</sup> Floor  
Long Beach, CA 90802

## **1. OVERVIEW OF SERVICES**

The City of Long Beach (City) is seeking Statements of Qualifications (SOQs) from professional consulting firms to help supplement existing Building Bureau staff and provide as-needed plan review, inspection services, and other services as described in Section 3 – Scope of Project.

The Department's Building and Safety Bureau (Building Bureau) serves as the lead to ensure compliance with State and local building codes. Using the Infor Public Sector (aka Hansen) system and Adobe Pro Software, the Building Bureau is tasked with providing streamlined, efficient services to its customers. Specifically, the Building Bureau is responsible for coordinating the review and approval of all construction documents, processing plan submittals, issuing permits, performing required inspections and construction approvals during the course of a development, and offering routine and technical assistance to both professional and nonprofessional applicants.

The ideal Consultant should have a range of staffing available on an as-needed basis, with limited notice, and to provide one or more of the following services:

1. Plan review of Construction Documents to determine compliance with the California Building Standards Code, Long Beach Municipal Code or other ordinances of the City, or laws and statutes of the State (Code), where applicable.
2. Inspection services of construction projects to determine compliance with the City-approved Construction Documents and aforementioned Codes.
3. Permit counter services to provide routine and technical information related to the processing of permit applications, plan submittal and issuance of permits.
4. Plan review and inspection services for Medical Marijuana (MMJ) businesses.
5. Staff training and community workshops related to Code changes.



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### **3. SCOPE OF SERVICE**

The following is intended to provide a description of the types of services that would be requested from the Awarded Consultant(s). Consultants are encouraged to provide additional details and/or value additions to the proposed scope of services to be included in the Statement of Qualifications (SOQ).

The Consultant may specialize in a type of service or a range of services as described below. Consultants will clearly label responses to indicate which areas they are including in their SOQ. Once awarded, Development Services will select an Awarded Consultant(s) in ways that best suit the project or task on a case by case basis.

#### **3.1 Plan Review**

Plan review provides examination, analysis, and review of construction documents for various developments within the City in order to determine compliance with all applicable Codes.

##### **3.1.1 As-needed plan review services may include, but are not limited to:**

- Building plans (i.e., architectural, structural, civil);
- Electrical plans;
- Plumbing plans;
- Mechanical plans;
- Fire-Building plans (i.e., fire sprinkler system, fire alarm system, smoke control, etc.);
- Grading and Civil plans;
- Stormwater/Standard Urban Stormwater Mitigation Plans (SUSMP);
- Technical reports (i.e., structural calculations, geotechnical/soils engineering reports, hydrology report, Title 24 energy, etc.); and
- Green Code and Energy Code inspection.

##### **3.1.2 As-needed plan review staff tasks may include, but are not limited to:**

- Reviewing and providing plan review comments on submitted Construction Documents to check for architectural, structural, mechanical, plumbing, electrical, fire, grading, civil, stormwater, accessibility, Green and/or energy requirements;
- Ensuring Construction Documents adhere to the Codes;
- Coordinating plan reviews with other City departments or agencies;
- Systematically logging/entering status of plan review activities and records;
- Meeting and conferring with permit applicants to resolve all outstanding plan review comments, and approving their developments;
- Performing over-the-counter plan review of Construction Documents for simple developments;
- Working with permit counter staff to facilitate the issuance of construction permits for approved Construction Documents;



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- Attending/participating in meetings with other City plan review or inspection staff, property owners, Consultants, or design professionals;
- Conducting Model Water Efficiency Landscape Ordinance (MWELO) review; and
- Performing other related duties, as required.

### **3.2 Inspection Services**

Inspection services involves comprehensive field inspections for various developments within the City, in order to determine compliance with the City-approved Construction Documents and all applicable Codes.

#### **3.2.1 As-needed inspection services may include, but are not limited to:**

- Building inspections (multi-family dwellings and nonresidential);
- Plumbing inspections;
- Mechanical inspections;
- Electrical inspections;
- Combination residential inspections (one- and two-family dwellings);
- Fire inspections;
- Grading inspections; and
- Erosion/Stormwater Best Management Practices (BMPs).

#### **3.2.2 As-needed inspection services tasks may include, but are not limited to:**

- Reviewing approved Construction Documents to gain familiarity with a development;
- Conducting inspections on developments to determine conformity with approved Construction Documents and Codes;
- Working closely with property owners and consultants to provide solutions to problems on-site;
- Attending/participating in meetings with other City inspection or plan review staff, property owners, consultants, or design professionals;
- Maintaining a record of non-complying items and ensuring the resolution of such items;
- Ensuring that any construction changes are properly documented and approved by the appropriate City staff;
- Systematically logging/entering status of construction inspection activities and records; and
- Performing other related duties, as required.



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### **3.3 Permit Counter Services**

Permit counter services provide routine and technical information related to processing permit applications and the issuance of permits to architects, engineers, consultants, business owners and homeowners.

3.3.1 As-needed permit counter services may include, but are not limited to:

- Processing plan submittals;
- Verifying necessary approvals for permit issuance;
- Calculating fees;
- Maintaining records;
- Reviewing and approving simple non-structural plans at the counter;
- Processing applications using the City's permitting system (Infor Public Sector) to process applications; and
- Providing customer support and assistance.

3.3.2 As-needed permit counter services tasks may include, but are not limited to:

- Providing customer support and assistance at the Permit Center counter and over the phone; assisting the public in completing permit applications and other necessary forms; determining permit, plan, and process requirements for permit applicants; and notifying permit applicants when Construction Documents or permits are ready for pick-up or issuance;
- Reviewing permit applications and other pertinent information at the Permit Center counter to verify accuracy and completeness of information; processing permit applications and plan intake; and calculating a variety of fees;
- Reviewing and approving less-complicated non-structural plan reviews over the counter;
- Maintaining a variety of permit-related records;
- Verifying that projects have obtained all necessary approvals before issuing permits and that the following have been filed with the City: valid consultant's license, workers' compensation, and valid business license information;
- Coordinating/routing Construction Documents to the appropriate City staff for plan review and approval; and
- Performing other related duties, as required.

### **3.4 Medical Marijuana Businesses**

As a result of the passage of the State of California's Proposition 64 Marijuana Legalization and the City of Long Beach's Measure MM: Regulation of Medical Marijuana Businesses, the City has been receiving a large number of applications for Medical Marijuana (MMJ) businesses starting in early 2017.

In addition to more routine inspection services as described above, the City desires Consultants that have experience in performing plan review and inspections of MMJ



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businesses. Consultants with this expertise should demonstrate the ability to review multiple MMJ businesses simultaneously, as well as the ability to meet expedited time frames.

### **3.5 Building Bureau Training**

Changes in federal, State and/or local laws may require staff and community trainings to ensure compliance with new regulations. At the request of the Building Bureau, a Consultant shall be requested to facilitate or assist with training opportunities to introduce or provide continuing education on changing regulations. These trainings may include presentations, outreach, meeting planning, preparation of training materials, and Bulletin writing.

### **3.6 COVID-19 Pandemic Consideration**

Due to the COVID-19 pandemic, in March of 2020, City facilities were closed to the public. The Building Bureau temporarily suspended in-person plan review and is currently only accepting plans in an electronic, digital format (PDF). On a case by case basis, some contract staff may be approved to work remotely.

The successful Consultant will explain how their firm is prepared to carryout plan review and Permit Center tasks remotely should the pandemic continues through 2021 or another unforeseen incident occurs. The Consultant should describe the technology Contract Staff would use to work remotely and how they can adapt to changing work environments.

If permitted to work remotely, Contract Staff will, after instruction, connect to the City's permitting system. Contract Staff with experience working with electronic permitting systems is desirable. They will also need to be able to communicate with applicants via email, telephone or other remote-working methods.



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## **7. PROJECT SPECIFICATIONS**

- 7.1 Contract Staff assigned to work at the City may work up to 960 hours in a 12-month period from July 1 through June 30 annually. This is a cumulative total for each contact staff employee and includes hours worked at all City departments and any work performed at the City while employed by other temporary agencies. Consultant is responsible for tracking contract staff hours to ensure the total hours worked for the City do not exceed 960. (See Section 3 – Scope of Project.)
- 7.2 Contract Staff are not eligible for alternative work schedules that exceed 8 hours per day or 40 hours per week. Any exceptions must be preapproved in writing by the City.
- 7.3 All Contract Staff are required to maintain a record of hours worked via timecard or sheet. Department/Division designee will approve timecards/sheets.
- 7.4 Background/Live Scan, paid for by the Department, is required for all Contract Staff assigned to the City and must be coordinated with Department/Division designee prior to the assignment.
- 7.5 Contract Staff provided by the Consultant are independent contractors and not employees of the City of Long Beach.
- 7.6 The Consultant acknowledges and agrees that the City will not withhold taxes of any kind from Contract Staff compensation; nor will the City secure Worker's Compensation or pay unemployment insurance to, for, or on Contract Staff behalf; and the City will not provide Contract Staff, and Contract Staff are not entitled to, any of the usual customary rights, benefits, or privileges of City employees. Consultant expressly warrants that neither Consultant nor Contract Staff shall represent themselves to be employees of the City.
- 7.7 To comply with CalOSHA's reporting requirements, employers are required to record injuries and illnesses for all workers, including Contract Staff, on one work location OSHA log. The host employer is an employer that is in charge of the Contract Staff's day to day supervision and should report their injuries and illnesses. The City of Long Beach (host employer and/or client of the Consultant) will manually record the Contract Staff's injuries and illnesses on its log. The selected Consultant is required to report to the City any injuries or illnesses reported by a Contract Staff employee that occurred in a City facility. The selected Consultant will be required to provide the City with a copy of their firm's work-related injuries and illnesses procedures and train each Contract Staff how to report these types of injuries and illnesses.
- 7.8 The Consultant shall be responsible and liable for any mandates, requirements, implementation, and/or costs associated with federal and State mandates, acts, and/or requirements pertaining to the Affordable Care Act, as well as any subsequent





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mandates that arise from such, including any State and local mandates, laws, and/or requirements that arise in response to said mandates.

- 7.9 The Consultant shall be responsible and liable for any mandates, requirements, implementation, and/or costs associated with federal and State mandates, acts, and/or requirements pertaining to the Affordable Care Act, as well as any subsequent mandates that arise from such, including any State and local mandates, laws, and/or requirements that arise in response to said mandates.
- 7.10 The Consultant shall be responsible and liable for any mandates, requirements, implementation, and/or costs associated with federal and State mandates, acts, and/or requirements pertaining to the minimum wage, as well as any subsequent mandates that arise from such, including any State and local mandates, laws, and/or requirements that arise in response to said mandates.
- 7.11 The Consultant shall be responsible and liable for any mandates, requirements, implementation, and/or costs associated with federal and State mandates, acts, and/or requirements pertaining to the COVID-19 Pandemic, as well as any subsequent mandates that arise from such, including any State and local mandates, laws, and/or requirements that arise in response to said mandates.

**EXHIBIT "B"**  
**RATES AND CHARGES**



**Fee Schedule**

TRB and Associates offers the following fixed-fee and hourly rate schedules for services provided. Please note that Building Plan Review services may be rendered on either a fixed fee or hourly rate basis, as noted below. If additional services are requested such as Fire Plan Review, Building Inspection, Staff Augmentation and Other services (e.g. CASp consulting), those services can be provided on an hourly basis at rates shown in the provided Schedule of Hourly Rates and Reimbursables.

**Plan Review Services**

Our plan review fees may be calculated as a percentage of the total plan review fee collected by the City. The fee compensation shown covers three total plan review cycles – the initial plan review and two rechecks. Any further review cycles which become necessary and reviews of revisions to approved plans would be billed based upon a negotiated hourly rate. Please note that the turnaround timeframe for providing expedited and express plan reviews would be negotiated/mutually agreed upon prior to commencement of the review. Please also note that all plan reviews are subject to a minimum \$250 fee.

<b>Turnaround Timeframe* (in business days)</b>	<b>Structural Only Review</b>	<b>M/E/P Only Review</b>	<b>Complete Review (Structural, Life Safety/Disabled Access, M/E/P, Green, Title 24 Energy, Grading &amp; Drainage)</b>
<b>Standard:</b> - 7-10 days first check - 5 days rechecks	40%	40%	69%
<b>Expedited**</b> - 5 days first check - 5 days rechecks	Standard fee plus an additional 50 percent	Standard fee plus an additional 50 percent	Standard fee plus an additional 50 percent

\* For exceptionally large/complex projects, 15-day first check and 10-day rechecks may apply, as mutually agreed upon prior to commencement of review.

\*\* Turnaround timeframe would be mutually agreed upon prior to commencement of work.

\*\*\* Note: For other review scope combinations not specifically identified in the above table (e.g. Electrical Only, Mechanical/ Plumbing Only, etc.), the fee compensation would be on an hourly basis.

Please note that the pickup, shipment, and delivery of hardcopy and/or electronic plan documents and other relevant correspondence to the City is included in the above-noted cost.

**Schedule of Hourly Rates and Reimbursables**

The following billing rates apply for services rendered on an hourly basis:

<u>Position</u>	<u>Hourly Rate</u>
Principal / Director	\$175.00
Project Manager	\$155.00
Building Official	\$150.00
Assistant Project Manager	\$135.00
Analyst	\$ 95.00
Plan Review Task Leader	\$145.00
Senior Plan Review Engineer / Architect	\$135.00
Senior Plans Examiner (Building & Fire)	\$120.00
Plan Review Engineer/Architect	\$110.00
Plans Examiner (Building & Fire)	\$ 95.00
Intern Plans Examiner	\$ 65.00
Permit Technician Task Leader	\$ 85.00
Senior Permit Technician	\$ 75.00
Permit Technician	\$ 65.00
Clerical/Admin	\$ 58.00
Fire Protection Engineer	\$195.00
CASp Certified Inspector/Examiner	\$135.00
Grading/Storm Water Plan Review Engineer	\$135.00
QSP Storm Water Inspector	\$110.00
Inspection Task Leader	\$135.00
Supervising Inspector	\$120.00
Senior Inspector III	\$110.00
Senior Inspector II	\$105.00
Senior Inspector I	\$ 95.00
Inspector II	\$ 85.00
Inspector I	\$ 80.00
Intern Inspector	\$ 65.00

- Overtime, Emergency, Expedited, and After-hours work is billed at the above-noted rates plus an additional 50 percent (Note that no overtime will be charged without client authorization)
- Project inspections subject to prevailing wage requirements are at the above-published rates plus 30 percent.
- All requested inspection and other staff-augmentation services are subject to a minimum 4-hour fee.
- Reimbursement for direct expenses, incurred in connection with the work, will be at cost plus 10 percent.
- Other in-house charges for prints, reproductions and equipment use, etc. will be at standard company rates.

*The above Schedule is valid through June 30, 2022 and may be adjusted thereafter to account for CPI changes, as mutually agreed upon.*

# **EXHIBIT "C"**

**DEPARTMENT REPRESENTATIVE**

**DIRECTOR OF DEVELOPMENT**

**SERVICES OR DESIGNEE**

# **EXHIBIT "D"**

**MATERIALS AND INFORMATION**

**NONE**

# EXHIBIT "E"

## KEY EMPLOYEE

Todd Bailey  
Principal

[tbailey@trbplus.com](mailto:tbailey@trbplus.com)

**RFQ DV21-038 Plan Review and Inspection Services**

**Allocation Spreadsheet - Term November 1, 2021 to October 31, 2023 (Year 2 of 2)**

Vendor #	Agreement	Munis Contract	Vendor Name	Revised Year One Allocation	Year Two Allocation	Aggregate Not-to-Exceed
1145	36111	32200001	Bureau Veritas North America	50,000.00	-	50,000.00
11628	36113	32200002	CSG Consultants	150,000.00	300,000.00	450,000.00
11654	36133	32200003	Interwest Consulting Group	150,000.00	300,000.00	450,000.00
4001	36110	32200005	JAS Pacific	300,000.00	300,000.00	600,000.00
<del>25167</del>	<del>36109</del>	<del>32200007</del>	<del>TRB &amp; Associates</del>	<del>100,000.00</del>	<del>-</del>	<del>100,000.00</del>
25166	36114	32200008	True North Compliance Services	50,000.00	-	50,000.00
16737	36104	32200006	The Code Group, dba VCA Code	650,000.00	400,000.00	1,050,000.00
6860	36112	32200009	Willdan, Inc.	50,000.00	-	50,000.00
<b>Total</b>				<b>1,500,000.00</b>	<b>1,300,000.00</b>	
<b>Annual Aggregate</b>				<b>1,500,000.00</b>	<b>1,500,000.00</b>	
<b>Unallocated</b>				<b>-</b>	<b>200,000.00</b>	