

1 FIFTH AMENDMENT TO AGREEMENT NO. 34375

2 **34375**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34375 is made and
4 entered, as of July 25, 2022, for reference purposes only, pursuant to a minute order
5 adopted by the City Council of the City of Long Beach at its meeting on July 19, 2022, by
6 and between AKM CONSULTING ENGINEERS, a California corporation ("Consultant"),
7 with a place of business at 553 Wald, Irvine, California 92618, and the CITY OF LONG
8 BEACH, a municipal corporation ("City").

9 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
10 34375 (the "Agreement") whereby Consultant agreed to provide as-needed public works
11 construction management and inspection services in a not to exceed amount of Five
12 Hundred Thousand Dollars (\$500,000) for a period of three (3) years with the option to
13 extend for two (2) additional one-year periods, at the discretion of the City Manager; and

14 WHEREAS, the Parties entered into a First Amendment to the Agreement to
15 extend the term to August 31, 2020; and

16 WHEREAS, the Parties entered into a Second Amendment to the Agreement
17 to add Five Hundred Thousand Dollars (\$500,000) for a total not to exceed amount of One
18 Million Dollars (\$1,000,000) and extend the term to August 31, 2021; and

19 WHEREAS, on August 3, 2021, the City Council authorized increasing the
20 aggregate not to exceed amount by Ten Million Dollars (\$10,000,000) for a revised
21 aggregate amount not to exceed Forty-Nine Million Dollars (\$49,000,000) and extended
22 the term to August 31, 2022, for as-needed construction management and inspection
23 services for all public works projects; and

24 WHEREAS, the Parties entered into a Third Amendment to the Agreement
25 to add Two Million Dollars (\$2,000,000) for a total not to exceed amount of Three Million
26 Dollars (\$3,000,000) and extend the term to August 31, 2022; and

27 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
28 to add One Million Dollars (\$1,000,000) for a total not to exceed amount of Four Million

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

1 Dollars (\$4,000,000); and

2 WHEREAS, on July 19, 2022, the City Council authorized increasing the
3 aggregate not to exceed amount by Six Million Dollars (\$6,000,000) for a revised aggregate
4 amount not to exceed Fifty-Five Million Dollars (\$55,000,000) and extended the term to
5 August 31, 2023, for as-needed construction management and inspection services for all
6 public works projects; and

7 WHEREAS, the Parties desire to add One Million Dollars (\$1,000,000) for a
8 total not to exceed amount of Five Million Dollars (\$5,000,000), extend the term one (1)
9 additional one-year period, attach an updated rate sheet, and update the City
10 Representative;

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

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

14 "A. Consultant shall furnish specialized services more particularly
15 described in Exhibit "A", attached to this Agreement and incorporated by this
16 reference, in accordance with the standards of the profession, and City shall pay for
17 these services in the manner described below, not to exceed Five Million Dollars
18 (\$5,000,000), at the rates or charges shown in Exhibit "B-1"."

19 2. Section 2 of the Agreement is hereby amended to read as follows:

20 "2. TERM. The term of this Agreement shall commence at midnight on
21 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2023, unless sooner
22 terminated as provided in this Agreement, or unless the services or the Project is
23 completed sooner."

24 3. The Rates contained in Exhibit "B" to the Agreement are hereby
25 amended and replaced by Exhibit "B-1", attached hereto and incorporated herein.

26 4. The City Representative in Exhibit "C" to the Agreement is hereby
27 amended in accordance with Exhibit "C-1", attached hereto and incorporated by this
28 reference.

1 5. Except as expressly amended herein, all terms and conditions in
2 Agreement No. 34375 are ratified and confirmed and shall remain in full force and effect.

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

5 AKM CONSULTING ENGINEERS, a
6 California corporation

7 8-8-, 2022

By [Signature]
8 Name Zeki Kayiran
9 Title President

10 8-8-, 2022

By [Signature]
11 Name Mehmet Kayiran
12 Title Treasurer

13 "Consultant"

14 CITY OF LONG BEACH, a municipal
15 corporation

16 August 19, 2022

By [Signature]
17 City Manager

18 "City"

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

19 This Fifth Amendment to Agreement No. 34375 is approved as to form on

20 August 16, 2022.

21 CHARLES PARKIN, City Attorney

By [Signature]
22 Deputy

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Lana Beach, CA 90802-4664

Exhibit B-1

Rates or Charges Update

EXECUTED PURSUANT
TO SECTION 201 OF
THE CITY CHARTER.



AKM Consulting Engineers
553 Wald
Irvine, CA 92618
Telephone: 949.753.7333
Facsimile: 949.753.7320
www.akmce.com

*Water Resources
Infrastructure
Construction Management*

**Schedule of Rates for Services for City of Long Beach
As Needed Construction Management
August 31, 2022 to August 31, 2023**

Title	Hourly Rate
Principal	\$234.86
Principal Engineer (I)	\$234.86
Project Manager	\$234.86
Project Engineer	\$211.94
Resident Engineer	\$200.49
Senior Engineer	\$200.49
Principal Engineer (II)	\$192.47
Associate Engineer	\$154.66
Senior Construction Manager	\$148.93
Construction Manager / Senior Resident Engineer / Inspector	\$165.00
Staff Engineer	\$137.47
Field Engineer / Inspector	\$155.00
Deputy and Special Inspections	\$155.00
Financial Analyst	\$114.56
Senior Designer / Senior CADD Technician	\$103.10
Assistant Engineer	\$99.67
Designer / Senior CADD Technician	\$97.38
Engineering Technician	\$91.65
Administrative / Support Staff	\$75.61
Engineering Aid	\$63.01

No mileage, transportation charges or per diem allowed.
Pre-approved reimbursable items charged at cost.
Sub-consultants billed at cost.
Rates can only be changed by amendment.
Pre-approved overtime will be charged at time and a half.

Exhibit C-1

City's Representative:

Keith Hoey

Assistant City Engineer

Keith.Hoey@LongBeach.Gov

562/570-6586