

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

1 FIRST AMENDMENT TO AGREEMENT NO. 30291

2 **30291**

3 THIS FIRST AMENDMENT TO AGREEMENT NO. 30291 is made and
4 entered, in duplicate, as of June 8, 2009 for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting held on
6 September 18, 2007, by and between KINETIC LABORATORIES, INC., a California
7 corporation, with a place of business at PO Box 1040, Santa Cruz, California 95601
8 ("Consultant"), and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City requires specialized non-point source runoff water quality
10 monitoring services requiring unique skills to be performed in connection with the
11 obligations imposed on the City under its California Regional Water Quality Control
12 Board, Los Angeles Region, Order No. 99-060 ("Waste Discharge Requirements for
13 Municipal Storm Water and Urban Runoff Discharges Within the City of Long Beach")
14 (also known as the "Permit"), those services to be referred to herein as the "Project"; and

15 WHEREAS, the parties entered Agreement No. 30291 whereby Consultant
16 agreed to provide these services to the City; and

17 WHEREAS, the parties to desire to make an administrative revision to
18 reflect that the \$429,675 approved by the City Council is an annual not-to-exceed
19 amount;

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

22 1. Section 1.A. is amended in its entirety to read as follows:

23 "1. SCOPE OF WORK OR SERVICES.

24 A. Consultant shall furnish specialized services more particularly
25 described in Exhibit "A", attached to this Agreement and incorporated by this reference,
26 in accordance with the standards of the profession, and City shall pay for these services
27 in the manner described below, not to exceed \$429,675 annually, at the rates or charges
28 shown in Exhibit "A".

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. The Labor Rate Schedule in Exhibit "A" to the Agreement is hereby replaced in its entirety with Exhibit "A-1", attached hereto and incorporated by this reference.

3. Except as expressly amended herein, all terms and conditions in Agreement No. 30291 are ratified and confirmed and shall remain in full force and effect.

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.

KINETIC LABORATORIES, INC., a California corporation

10 June, 2009

By Patrick Kinney
President
Patrick Kinney
Type or Print Name

10 June, 2009

By Margaret Carpenter
Secretary
MARGARET CARPENTER
Type or Print Name

"Consultant"

CITY OF LONG BEACH, a municipal corporation

June 22, 2009

By [Signature] Assistant City Manager
City Manager
MADE AND FORWARDED
TO SECTION 301 OF
THE CITY CHARTER.

"City"

This First Amendment to Agreement No. 30291 is approved as to form on

June 11, 2009.

ROBERT E. SHANNON, City Attorney

By [Signature]
Deputy

EXHIBIT “A-1”

KINNETIC LABORATORIES, INC.

2007-2010 LABOR RATE SCHEDULE

<u>PROFESSIONAL CATEGORY</u>	<u>HOURLY RATE</u>
SCIENTIST V / PRINCIPAL	\$ 153.36
SCIENTIST IV / PROJECT MANAGER	\$ 142.50
SCIENTIST III	\$ 114.43
SCIENTIST II	\$ 95.37
SCIENTIST I	\$ 79.29
TECHNICAL EDITOR	\$ 86.37

<u>DIRECT COSTS</u>	<u>RATE</u>
MILEAGE	
< 1 TON	\$ 0.36 / MILE
> 1 TON	\$ 0.46 / MILE
FACSIMILE	\$ ACTUAL
PHOTOCOPYING	\$ 0.15 / PAGE
KLI TRUCKS & VANS	\$ 75.00 / DAY
PER DIEM AND ACCOMODATIONS	
LODGING	\$125.00 / DAY
MEALS	\$ 48.25 / DAY
EQUIPMENT USEAGE FEES	AS QUOTED

**KINNETIC LABORATORIES, INC. DIRECT COSTS AND TRAVEL
SCHEDULE**

EFFECTIVE 4/07

ITEM	COST
Black & White Copying	\$0.15/Page
Color Copying / Printing	\$1.00/Page
Graphics Computer	\$20.00/Hour
Black & White Graphics – Bond	\$.020/Sq. Ft.
Black & White Graphics – Vellum	\$0.45/Sq. Ft.
Black & White Graphics – Film	\$2.35/Sq. Ft.
Color Graphics – Bond	\$1.45/Sq. Ft.
Color Graphics – Vellum	\$1.85/Sq. Ft.
Color Graphics – Film	\$2.85/Sq. Ft.
Facsimile	Actual
Telephone	Actual
Postage/Shipping	Actual
Vans/Pick-Up Trucks	\$50/Day
Service Trucks w/ Traffic Safety Equipment & Tools	\$75/Day
Vehicle Miles < 1 Ton	\$0.36/Mile
Vehicle Miles > 1 Ton	\$0.46/Mile
Per Diem	
Lodging	\$125/Day
Meals	\$48.25/Day
Parking/Tolls	Actual
Airfare	Actual
Rental Vehicles	Actual
Computer, Portable	Up to \$125/Day
Cellular Phones	Actual
Camera, 35mm	Up to \$25/Day

**KINNETIC LABORATORIES, INC. DIRECT COSTS AND TRAVEL
SCHEDULE (continued)**

ITEM	COST
Storm Water Monitoring*	
Basic Station	\$1,000/Month
Security Enclosure	\$300/Month
Composite Sample Container (20liter)	\$50/Month
Depth Sensor	\$200/Month
Velocity/Flow Sensor	\$500/Month
Rain Gauge	\$100/Month
Cellular Telephone Link	\$100/Month
Solar Panel	\$50/Month
AC Power	Actual
Refrigerated Sampler (requires AC Power)	\$500/Month
Confined Space Entry Equipment	\$500/Day
Field Meters*	
Anemometer	\$25/Day
Conductivity and Temperature	\$35/Day
Dissolved Oxygen	\$35/Day
Nephelometer	\$75/Day
pH	\$35/Day
Boats*	
34' Research Vessel : D.W. Hood	\$1,500/Day
30' Research Vessel : Prophecy	\$1,350/Day
21' Zodiac Mark 5	\$450/Day
17' Boston Whaler	\$350/Day
14' Jon Boat	\$100/Day
13' Zodiac Mark 3	\$300/Day
15 hp Outboard Engine	\$75/Day
A-Frame w/ Puller Motor, for Whaler & Zodiac	\$50/Day

**KINNETIC LABORATORIES, INC. DIRECT COSTS AND TRAVEL
SCHEDULE (continued)**

ITEM	COST
Navigation*	
GPS, Differential w/ Base Station	\$350/Day
GPS, Differential w/ Beacon Receiver	\$150/Day
Loran C	\$40/Day
Mini Ranger	\$350/Day
Transit Surveyor	\$50/Day
Water Sampling*	
Diaphragm Pump, Teflon	\$25/Day
Go Flo Bottle	\$25/Day
Niskin Bottle w/ Messenger	\$25/Day
Peristaltic Pump	\$75/Day
Valskon Sampler	\$60/Day
VIPS, Trace Metals Sampler	\$250/Day
Sediment Sampling*	
Gravity Core, 3-1/2" X 8' w/ Butyrate Liners	\$125/Day
Gravity Core, 1-3/4" X 2' w/ Butyrate Liners	\$75/Day
Hand Core, Stainless-Steel	\$50/Day
Vibracore, 4" diameter up to 20' length w/ Generator	\$1,050/Day
Bucket Dredge, Stainless-Steel, 40-Gal. Capacity	\$200/Day
Gray/O'Hara Box Core, Halar Coated	\$150/Day
Smith/MacIntyre, Halar Coated	\$100/Day
Smith/MacIntyre, Galvanized Steel	\$75/Day
Van Veen, 0.1 m2, Halar Coated w/ Cage	\$100/Day
Van Veen, 0.1 m2, Stainless-Steel w/ Cage	\$75/Day
Van Veen, 0.1 m2, Kynar Coated	\$100/Day
Van Veen, 0.06 m2, Stainless-Steel	\$50/Day
Ponar Grab, 0.06 m2, Galvanized Steel	\$50/Day
Sediment Mixer, Hobart (30-Gal. Capacity)	\$150/Day
Dive Operations*	
Communication Gear, Diver to Diver or Diver to Ship	\$50/Day

Biological Testing – ToxScan, Inc.

BIOASSAY/BIOACCUMULATION EXPOSURES	1 ST SAMPLE PRICE	ADDITIONAL SAMPLE PRICE
Suspended Particulate Phase Bioassays*		
<i>Mytilus edulis</i> / <i>M. galloprovincialis</i>	\$1400	\$390
<i>Mysidopsis bahia</i>	\$1320	\$525
<i>Menidia beryllina</i>	\$1320	\$525
Solid Phase Bioassays – 10 day		
<i>Ampelisca abdita</i>	\$2250	\$700
<i>Neanthes arenaceodentata</i>	\$2250	\$700
<i>Nephtys caecoides</i>	\$2250	\$700
<i>Rhepoxynius abronius</i>	\$2250	\$700
<i>Eohaustorius estuarius</i>	\$2250	\$700
Chronic Bioassays – Marine**		
<i>Haliotis rufescens</i>	\$1400	\$390
<i>Strongylocentrotus purpuratus</i>	\$1275	\$330
<i>Macrocystis pyrifera</i>	\$1620	\$445
<i>Atherinops affinis</i>	\$2400	\$1440
<i>Menidia beryllina</i>	\$2400	\$1440
Chronic Bioassays – Freshwater**		
<i>Ceriodaphnia dubia</i>	\$1500	\$1080
<i>Pimephales promelas</i>	\$1980	\$1140
<i>Selenastrum capricornutum</i>	\$960	\$480
28 Day Bioaccumulation Exposures		
<i>Nereis virens</i>	\$3625	\$990
<i>Nephtys caecoides</i>	\$3625	\$990
<i>Macoma nasuta</i>	\$3625	\$990

TOXICITY IDENTIFICATION EVALUATION (TIE) TESTING	
<i>Ceriodaphnia dubia</i>	
Phase 1	\$4500
Phase 2	\$6500
Phase 3	\$4000
<i>Pimephales promelas</i>	
Phase 1	\$5500
Phase 2	\$7000
Phase 3	\$4500
<i>Haliotis rufescens</i>	
Phase 1	\$4500
Phase 2	\$6500
Phase 3	\$4500
<i>Selenastrum capricornutum</i>	
Phase 1	\$4500
Phase 2	\$6000
Phase 3	\$4500

**KINNETIC LABORATORIES, INC. DIRECT COSTS AND TRAVEL
SCHEDULE (continued)**

ITEM	COST
Oceanographic Monitoring*	
CTD w/ D.O. ph Transmissivity	\$400/Day
Current Meter, Doppler	\$2,000/Month
Current Meter, Acoustic	\$800/Month
Current Meter, Rotor	\$500/Month
Current Meter, Tape Reader	\$100/Day
Drogue, Holey Sock	\$35/Day
Drogue, Window Shade	\$35/Day
Fluorometer	\$150/Day
Fluorometer w/ Data Logger	\$175/Day
OBS, D&A, w/ Pressure Housing and Data Logger	\$500/Month
Underwater Beacon	\$150/ Month
Underwater Beacon Locator	\$150/Day
Release, Acoustic	\$400/Month
Release, Acoustic, Command Unit	\$300/Day
Thermistor Chain, 16 Array	\$750/Month
Thermistor Chain, 8 Array	\$600/Month
Data Logger*	
Datalogger/Controller	\$50/Day
Interface Device	\$25/Day
Multiplexer Device	\$25/Day
Storage Module	\$25/Day
Benthic and Bioaccumulation*	
Benthic Sampling Sieves, Table, Supplies	\$50/Day
Crab Trap, Plastic	\$25/Day
Long-Line Fishing Gear	\$25/Day
Otter Trawl, 25'	\$100/Day
Otter Trawl, 16'	\$90/Day