

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

1 SECOND AMENDMENT TO AGREEMENT NO. 30773

2 **30773**

3 THIS SECOND AMENDMENT TO AGREEMENT NO. 30773 (this
4 "Amendment") is made and entered, in duplicate, as of November 17, 2009, 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") and an amendment thereto dated June 10, 2008, whereby Consultant
11 agreed to perform engineering and design work for the restoration of the Colorado
12 Lagoon in the City of Long Beach ("Project"); and

13 WHEREAS, the parties desire to add to the total compensation to be paid to
14 Consultant for additional services.

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

17 1. The "Part 1 Fee" schedule attached to this Amendment as Exhibit "B"
18 hereby replaces in its entirety the "Part 1 Fee" schedule which is currently part of Exhibit
19 "B" to the Agreement.

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

23 3. Except as expressly amended herein, all of the terms and conditions
24 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: Michael J. McCarty
Name: MICHAEL J. MCCARTHY
Title: VICE PRESIDENT

By: E. D. Allen
Name: Edward D. Allen
Title: Vice President

"City"
CITY OF LONG BEACH
Assistant City Manager

By: Patrick H. West
Name: Patrick H. West
Title: City Manager
EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

This Second Amendment to Agreement No. 30773 is approved as to form on January 19, 2010.

ROBERT E. SHANNON, City Attorney

By: [Signature]
Deputy

EXHIBIT B

PART 1 FEE

	LABOR COSTS		OTHER DIRECT COSTS		TASK TOTALS
	M&N	Capouya	M&N	* Subs	
TASK 1 - ENGINEERING SUPPORT TASKS	\$26,800		\$50		\$26,850
TASK 2 - FINAL ENGINEERING	\$395,600	\$9,900	\$150	\$1,700	\$407,350
TASK 3 - CONSTRUCTION SUPPORT	\$50,500		\$100		\$50,600
TASK 4 - PROJECT MANAGEMENT	\$7,890				\$7,890
TOTALS	\$480,790	\$9,900	\$300	\$1,700	
TOTAL FEE FOR PART 1					\$492,690
Assumptions					
1. All permits, including LACSD and City Water Department permits, obtained by City under separate contract.					
2. City plan check is performed at 30% and 90% submittals.					
3. Plan sheets are based on 20-scale, D-size sheets.					

6 January 2010

EXHIBIT C

PART 2 FEE

	LABOR COSTS					OTHER DIRECT COSTS		TASK TOTALS
	M&N	Capouya	DYA	GeoSyn	KLI	M&N	Subs*	
TASK 1 - PROJECT MANAGEMENT	\$29,245							\$29,245
TASK 2 - DATA COLLECTION AND MODELING	\$36,800		\$12,500			\$50	\$39,700	\$89,050
TASK 3 - PRELIMINARY DESIGN DEVELOPMENT - 35%	\$90,895	\$43,610				\$85	\$910	\$135,500
TASK 4 - INTERMEDIATE DESIGN DEVELOPMENT - 75%	\$102,220	\$49,840				\$100	\$1,040	\$153,200
TASK 5 - CEMENT STABILIZATION EVALUATION	\$23,727		\$0	\$0	\$37,688	\$80	\$12,798	\$74,293
TASK 6 - FINAL DESIGN DEVELOPMENT AND BID PACKAGE PREPARATION	\$63,885	\$31,150				\$65	\$650	\$95,750
TASK 7 - CONSTRUCTION SUPPORT	\$39,800	\$19,900				\$50	\$800	\$60,550
TOTALS	\$386,572	\$144,500	\$12,500	\$0	\$37,688	\$430	\$55,898	
								\$637,588
TASK A - OPTIONAL TASKS:								
8. Sediment Sampling and Test	\$2,200				\$12,400		\$6,400	\$21,000
9. Hydro-geologic Investigation for Dredging	\$13,200			\$75,200			\$60,000	\$148,400
TOTAL FEE FOR PART 2 INCLUDING OPTIONAL TASKS								\$806,988
* Includes Dulin & Boynton Topo Survey, DYA Geotech Survey Equipment, LCI Soil Fertility Testing, KLI Sediment Testing Lab Costs, and GeoSyntec Hydro-Geologic Equipment, Instrumentation and Groundwater Testing Lab Costs								
Assumptions								
1. All permits, including RWQCB dewatering permit, obtained by City under separate contract.								
2. City plan check is performed at 35%, 75% and 100% submittals.								
3. Plan sheets are based on 20-scale, D-size sheets for all sheets except those related to the ACOE dredging component.								
4. Plan sheets for ACOE dredging component are based on 200-scale, D-size sheets.								