

## FIRST AMENDMENT TO DESIGN-BUILD CONTRACT NO. 31687

31687

THIS FIRST AMENDMENT TO DESIGN-BUILD CONTRACT NO. 31687 is made and entered, in duplicate, as of August 17, 2011, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on August 16, 2011, by and between BELLINGHAM MARINE INDUSTRIES, INC., a Washington corporation ("Design-Builder"), with a place of business at 1205 Business Park Drive, Dixon, California 95620, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the parties executed Design-Build Contract No. 31687 on June 28, 2010 whereby Design-Builder agreed to provide City with construction and engineering design services for Alamitos Bay Marina, Basin 4, which have continued to the present time; and

WHEREAS, the parties desire to amend Design-Build Contract No. 31687 to increase Design-Builder's payment under the Contract for work related to Phase 1B of the Project in the amount of \$6,430,000;

NOW, THEREFORE, in consideration of the mutual terms and conditions in the Contract and in this First Amendment, the parties agree as follows:

1. Section 6.1 of Design-Build Contract No. 31687 is hereby amended and restated in its entirety to read as follows:

"6.1 Contract Price. Owner shall pay Design-Builder in accordance with Article 6 of the General Conditions of Contract an amount not to exceed Eighteen Million Two Hundred Thirty Thousand Dollars (\$18,230,000) ("Contract Price," as illustrated in Exhibit "B-1", attached to this First Amendment and incorporated herein by reference.), subject to adjustments made in accordance with the General Conditions of Contract. Unless otherwise provided in the Contract Documents, the Contract Price is deemed to include all sales, use, consumer and other taxes mandated by applicable Legal Requirements."

1                   2. Exhibit "B" is replaced by Exhibit "B-1", and all references in the  
2 Contract shall now mean and refer to Exhibit "B-1".

3                   4. Except as expressly amended in this First Amendment, all terms and  
5 conditions in Design-Build Contract No. 31687 are ratified and confirmed and shall  
remain in full force and effect.

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

8                   BELLINGHAM MARINE INDUSTRIES,  
9 INC., a Washington corporation

10                  Aug 29, 2011

11                  By Robert Babbitt  
12                  President

13                  Aug 29, 2011

14                  By J. Everett Babbitt  
15                  Type or Print Name  
16                  Secretary

17                  9.9.11, 2011

18                  By Tina M. Jeffcoat  
19                  Type or Print Name

20                  "Design-Builder"

21                  CITY OF LONG BEACH, a municipal  
22                  corporation **Assistant City Manager**

23                  This First Amendment to Design-Build Contract No. 31687 is approved as  
24                  to form on September 1, 2011.

25                  By [Signature]  
26                  City Manager  
27                  "City" **EXECUTED PURSUANT  
28                  TO SECTION 301 OF  
                        THE CITY CHARTER.**

ROBERT E. SHANNON, City Attorney

By Amy J. Anderson  
Deputy

SCHEDULE OF VALUES Phase 1 Basin 4 Construction + Eelgrass Mitigation Site	FOR REFERENCE ONLY			Phase 1B + Eelgrass Mitigation		
	Phase 1A (UNDER CONTRACT)					
	Phase Quantity	Unit Price	Total Sell	Phase Quantity	Unit Price	Total Sell
Design and General Conditions						
11.01 Phase 1 Design	1	\$0	\$0		NIC	
11.02 Phase 2 thru 12 Design	1	\$759,080	\$759,080		NIC	
11.03 Engineering Support	1	\$119,263	\$119,263	1	\$54,210	\$54,210
11.04 Bonds and Insurance Phase 1	1	\$230,137	\$230,137	1	\$187,385	\$187,385
11.05 General Conditions	8	\$73,284	\$586,272	2	\$73,284	\$146,568
11.06 Contingency	1	\$686,226	\$686,226			
			\$2,380,978			\$388,163
Marine						
12.01 Office and Yard Setup	1	\$114,926	\$114,926		NIC	
12.02 Equipment Mobilization Total	1	\$359,716	\$359,716		NIC	
BMI					NIC	
Manson					NIC	
Reyes				1	\$195,158	\$195,158
12.03 Float Demolition, Disposal Complete	72500	\$7.41	\$537,225		NIC	
12.04 Pile Removal and Disposal	87	\$2,911	\$253,257		NIC	
12.05 Dredging and Disposal	35000	\$25.75	\$901,250		NIC	
12.06 Pile Procurement	80	\$2,025	\$162,000		NIC	
12.07 Pile Installation	80	\$3,918	\$313,440		NIC	
12.08 Boat Hoist Gangway Reorientation	1	\$27,989	\$27,989		NIC	
12.09 Float Procurement	56576	\$54.50	\$3,083,392		NIC	
12.10 Float Installation	56576	\$17.71	\$1,001,961		NIC	
12.11 Float Apurtenance Supply and Installation	56576	\$1.79	\$101,271		NIC	
12.12 Marine Utility Installation	56576	\$25.34	\$1,433,636		NIC	
12.13 Gangway Procurement	1	\$97,278	\$97,278	1	\$62,165	\$62,165
12.14 Gangway Installation	7	\$1,693	\$11,851	3	\$1,693	\$5,079
12.15 Basin 4 Seawall Grouting		NIC		1	\$764,368	\$764,368
12.16 Seawall Rip Rap		NIC		1	\$54,210	\$54,210
12.17 Install Pile Jackets		NIC		1	\$54,210	\$54,210
12.18 Handrail Removal		NIC		1	\$10,842	\$10,842
12.19 Handrail Core Drilling		NIC		1	\$9,758	\$9,758
12.20 Handrail Procurement and Installation		NIC		1	\$284,688	\$284,688
12.21 In Slip Pumpout System		NIC		1	\$206,003	\$206,003
12.22 Scout Dock		NIC		1	\$339,561	\$339,561
			\$8,399,192			\$1,986,042
Long Beach Yacht Club Floats						
13.01 Pile Removal and Disposal	9	\$2,911	\$26,199		NIC	
13.02 Pile Procurement	12	\$2,025	\$24,300		NIC	
13.03 Pile Installation	12	\$3,918	\$47,016		NIC	
13.04 Float Demolition, Disposal and Splash	2500	\$7.41	\$18,525		NIC	
13.05 Float Procurement	6790	\$56.54	\$383,907		NIC	
13.06 Float Installation	6790	\$17.71	\$120,251		NIC	
13.07 Utility Installation	6790	\$25.34	\$172,059		NIC	
13.08 Gangway Installation	2	\$1,679	\$3,358		NIC	
13.09 Upgraded Fence Enclosure		NIC		1	\$52,030	\$52,030
			\$795,614			\$52,030
Temporary Float Installation						
14.01 Install and Remove Temporary Piles	8	\$6,493	\$51,944		NIC	
14.02 Procure Temporary Floats	2000	\$56.54	\$113,080		NIC	
14.03 Install Temporary Floats	2000	\$17.71	\$35,420		NIC	
14.04 Deliver Floats to Owner		NIC			NIC	
			\$200,444			\$0
Boat Hoist						
16.01 Sidewalk Demo		NIC		1	\$5,421	\$5,421
16.02 Concrete Apron Install		NIC		1	\$11,926	\$11,926
16.03 Boat Hoist Installation		NIC		1	\$108,421	\$108,421
16.04 Pile Installation	4	\$3,918	\$15,672		NIC	

16.05 Pile Procurement	4	\$2,025	\$8,100	NIC	\$125,768
<b>Uplands</b>					
17.01 Electrical Utility Upgrades		\$0	1	\$206,000	\$206,000
17.02 Allowance Replacement Transformers		\$0	1	\$20,000	\$20,000
17.03 Waterline Upgrades		\$0	1	\$70,474	\$70,474
17.04 Storm and Sanitary Upgrades		\$0	1	\$7,590	\$7,590
17.05 Paving Demolition and Disposal		\$0	1	\$165,342	\$165,342
17.06 Subgrade Installation		\$0	1	\$243,947	\$243,947
17.07 New Paving Installation		\$0	1	\$555,658	\$555,658
17.08 Striping		\$0	1	\$27,105	\$27,105
17.09 Seawall Concrete Repairs		\$0	1	\$4,337	\$4,337
17.1 Sidewalk Concrete Repairs		\$0	1	\$37,947	\$37,947
17.11 Concrete Ramps		\$0	1	\$0	\$0
17.12 Allowance Additional Landscaping		\$0	1	\$150,000	\$150,000
17.13 Allowance Catch Basin Filters		\$0	1	\$56,000	\$56,000
17.14 Epoxy Crack Repairs		\$0	1	\$0	\$0
		\$0			<b>\$1,544,400</b>
<b>Restroom/Trash Enclosures</b>					
18.01 Construct New Restroom Structural		\$0	1	\$260,211	\$260,211
18.02 Restroom Architectural		\$0	1	\$151,790	\$151,790
18.03 Restroom Mechanical		\$0	1	\$106,253	\$106,253
18.04 Restroom Electrical		\$0	1	\$51,500	\$51,500
18.05 Restroom Utility Other		\$0	1	\$31,442	\$31,442
18.06 Restroom Demolition		\$0	1	\$50,145	\$50,145
18.07 Furnish Temporary Restroom		\$0	1	NIC	
18.08 Allowance Trash Enclosures		\$0	1	NIC	
		\$0			<b>\$651,341</b>
<b>Eelgrass Mitigation</b>					
19.01 Eel Grass Mitigation Construction	NIC		1	\$1,632,934	\$1,632,934
19.02 Eel Grass Biological Services	NIC		1	\$48,724	\$48,724
					<b>\$1,681,658</b>
<b>Total Phase 1A</b>		<b>\$11,800,000</b>		<b>Total Phase 1B</b>	<b>\$6,429,402</b>