

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

1 FIFTH AMENDMENT TO AGREEMENT NO. 34486

2 **34486**

3 THIS FIFTH AMENDMENT TO AGREEMENT 34486 is made and entered,
4 as of October 14, 2022, for reference purposes only, pursuant to a minute order adopted
5 by the City Council of the City of Long Beach at its meeting on October 11, 2022, by and
6 between NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCES
7 CONSULTANTS, a California corporation ("Consultant"), with a place of business at 475
8 Goddard, Suite 200, Irvine, California 92618, and the CITY OF LONG BEACH, a municipal
9 corporation ("City").

10 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
11 34486 (the "Agreement") whereby Consultant agreed to provide as-needed construction
12 materials testing and inspection services in an amount not to exceed One Million Dollars
13 (\$1,000,000) for a period of three (3) years, with the option to renew for two (2) additional
14 one-year periods, at the discretion of the City Manager; and

15 WHEREAS, the Parties entered into a First Amendment to the Agreement to
16 add One Million Dollars (\$1,000,000) for a total not to exceed amount of Two Million Dollars
17 (\$2,000,000), and extend the term to December 31, 2020; and

18 WHEREAS, the Parties entered into a Second Amendment to the Agreement
19 to extend the term to December 31, 2021; and

20 WHEREAS, the Parties entered into a Third Amendment to the Agreement
21 to attach an updated rate sheet; and

22 WHEREAS, on August 3, 2021, City Council approved extending the
23 Agreement one (1) additional one-year period; and

24 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
25 extend the term to December 31, 2022; and

26 WHEREAS, on October 11, 2022, City Council approved extending the
27 Agreement one (1) additional one-year period; and

28 WHEREAS, the Parties desire to extend the term one (1) additional one-year

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1 period, and attach an updated rate sheet;

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

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

5 "2. TERM. The term of this Agreement shall commence at midnight on
6 January 1, 2017, and shall terminate at 11:59 p.m. on December 31, 2023, unless sooner
7 terminated as provided in this Agreement, or unless the services or the Project is
8 completed sooner."

9 2. The Rates in Exhibit "B-1" to the Third Amendment to the Agreement
10 are hereby amended in accordance with Exhibit "B-2", attached hereto and incorporated
11 by this reference.

12 3. Except as expressly amended herein, all terms and conditions in
13 Agreement No. 34486 are ratified and confirmed and shall remain in full force and effect.

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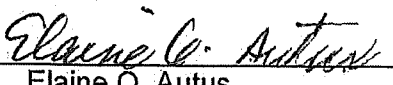
IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCES CONSULTANTS, a California corporation

October 27, 2022, 2022

By 
Name Avram Ninyo
Title President

October 27, 2022, 2022

By 
Name Elaine O. Autus
Title Assistant Secretary

"Consultant"

CITY OF LONG BEACH, a municipal corporation

November 10, 2022

By 
City Manager


"City"

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER

This Fifth Amendment to Agreement No. 34486 is approved as to form on

NOVEMBER 3, 2022.

CHARLES PARKIN, City Attorney

By 
Deputy

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Exhibit B-2 - Updated Rates

Schedule of Fees As-Needed Material Testing & Inspection 1/1/2023 to 12/31/2023

Hourly Charges for Personnel

Professional Staff

Principal Engineer/Geologist/Environmental Scientist/Certified Industrial Hygienist.....	\$ 193
Senior Engineer/Geologist/Environmental Scientist.....	\$ 183
Senior Project Engineer/Geologist/Environmental Scientist.....	\$ 178
Project Engineer/Geologist/Environmental Scientist.....	\$ 170
Senior Staff Engineer/Geologist/Environmental Scientist.....	\$ 154
Staff Engineer/Geologist/Environmental Scientist.....	\$ 138
GIS Analyst.....	\$ 126
Technical Illustrator/CAD Operator.....	\$ 101

Field Staff

Certified Asbestos/Lead Technician.....	\$ 185
Field Operations Manager.....	\$ 122
Nondestructive Examination Technician (UT, MT, LP).....	\$ 105
Supervisory Technician.....	\$ 100
Special Inspector (Concrete, Masonry, Structural Steel, Welding, and Fireproofing).....	\$ 105
Senior Technician.....	\$ 105
Technician.....	\$ 105

Administrative Staff

Information Specialist.....	\$ 85
Geotechnical/Environmental/Laboratory Assistant.....	\$ 83
Data Processor.....	\$ 74

Other Charges

Concrete Coring Equipment (includes technician).....	\$ 165/hr
Anchor Load Test Equipment (includes technician).....	\$ 106/hr
GPR Equipment.....	\$ 180/hr
Inclinometer.....	\$ 46/hr
Hand Auger Equipment.....	\$ 71/day
Rebar Locator (Pachometer).....	\$ 36/hr
Vapor Emission Kit.....	\$ 46/kit
Nuclear Density Gauge.....	\$ 10/hr
X-Ray Fluorescence.....	\$ 70/hr
PID/FID.....	\$ 155/day
Air Sampling Pump.....	\$ 10/hr
Field Vehicle.....	\$ 0/hr
Expert Witness Testimony.....	\$ 410/hr
Direct Expenses.....	.At Cost

Special equipment charges will be provided upon request.

Notes

For field and laboratory technicians and special inspectors, overtime rates at 1.5 times the regular rates will be charged for work performed in excess of 8 hours in one day Monday through Friday and all day on Saturday. Rates at twice the regular rates will be charged for all work in excess of 12 hours in one day, all day Sunday and on holidays.

Field technician and special inspection hours are charged at a 4-hour minimum, and 8-hour minimum for hours exceeding 4 hours.

Invoices are payable upon receipt.

Our rates will be adjusted in conjunction with the increase in the Prevailing Wage Determination during the life of the project, as applicable.

The terms and conditions are included in Ninyo & Moore's Work Authorization and Agreement form.

Schedule of Fees for Laboratory Testing

Laboratory Test, Test Designation, and Price Per Test

SOILS

Atterberg Limits, D 4318, CT 204	\$ 170
California Bearing Ratio (CBR), D 1883	\$ 550
Chloride and Sulfate Content, CT 417 & CT 422	\$ 175
Consolidation, D 2435, CT 219	\$ 300
Consolidation, Hydro-Collapse only, D 2435	\$ 150
Consolidation – Time Rate, D 2435, CT 219	\$ 75
Direct Shear – Remolded, D 3080	\$ 350
Direct Shear – Undisturbed, D 3080	\$ 300
Durability Index, CT 229	\$ 175
Expansion Index, D 4829, IBC 18-3	\$ 190
Expansion Potential (Method A), D 4546	\$ 170
Geofabric Tensile and Elongation Test, D 4632	\$ 200
Hydraulic Conductivity, D 5084	\$ 350
Hydrometer Analysis, D 422, CT 203	\$ 220
Moisture, Ash, & Organic Matter of Peat/Organic Soils	\$ 120
Moisture Only, D 2216, CT 226	\$ 35
Moisture and Density, D 2937	\$ 45
Permeability, CH, D 2434, CT 220	\$ 300
pH and Resistivity, CT 643	\$ 175
Proctor Density D1557, D 698, CT 216, AASHTO T-180	\$ 220
Proctor Density with Rock Correction D 1557	\$ 340
R-value, D 2844, CT 301	\$ 325
Sand Equivalent, D 2419, CT 217	\$ 125
Sieve Analysis, D 422, CT 202	\$ 145
Sieve Analysis, 200 Wash, D 1140, CT 202	\$ 100
Specific Gravity, D 854	\$ 125
Thermal Resistivity (ASTM 5334, IEEE 442)	\$ 925
Triaxial Shear, C.D., D 4767, T 297	\$ 450
Triaxial Shear, C.U., w/pore pressure, D 4767, T 2297 per pt.	\$ 400
Triaxial Shear, C.U., w/o pore pressure, D 4767, T 2297 per pt.	\$ 250
Triaxial Shear, U.U., D 2850	\$ 180
Unconfined Compression, D 2166, T 208	\$ 130

MASONRY

Brick Absorption, 24-hour submersion, 5-hr boiling, 7-day, C 67	\$ 70
Brick Compression Test, C 67	\$ 55
Brick Efflorescence, C 67	\$ 55
Brick Modulus of Rupture, C 67	\$ 50
Brick Moisture as received, C 67	\$ 45
Brick Saturation Coefficient, C 67	\$ 60
Concrete Block Compression Test, 8x8x16, C 140	\$ 70
Concrete Block Conformance Package, C 90	\$ 500
Concrete Block Linear Shrinkage, C 426	\$ 200
Concrete Block Unit Weight and Absorption, C 140	\$ 70
Cores, Compression or Shear Bond, CA Code	\$ 70
Masonry Grout, 3x3x6 prism compression, C 39	\$ 45
Masonry Mortar, 2x4 cylinder compression, C 109	\$ 35
Masonry Prism, half size, compression, C 1019	\$ 120
Masonry Prism, Full size, compression, C 1019	\$ 200

REINFORCING AND STRUCTURAL STEEL

Chemical Analysis, A 36, A 615	\$ 135
Fireproofing Density Test, UBC 7-6	\$ 60
Hardness Test, Rockwell, A 370	\$ 70
High Strength Bolt, Nut & Washer Conformance, per assembly, A 325	\$ 150
Mechanically Spliced Reinforcing Tensile Test, ACI	\$ 175
Pre-Stress Strand (7 wire), A 416	\$ 170
Reinforcing Tensile or Bend up to No. 11, A 615 & A 706	\$ 60
Structural Steel Tensile Test: Up to 200,000 lbs. (machining extra), A 370	\$ 80
Welded Reinforcing Tensile Test up to No. 11 bars, ACI	\$ 65

CONCRETE

Compression Tests, 6x12 Cylinder, C 39	\$ 30
Concrete Mix Design Review, Job Spec	\$ 180
Concrete Mix Design, per Trial Batch, 6 cylinder, ACI	\$ 850
Concrete Cores, Compression (excludes sampling), C 42	\$ 60
Drying Shrinkage, C 157	\$ 400
Flexural Test, C 78	\$ 75
Flexural Test, C 293	\$ 75
Flexural Test, CT 523	\$ 85
Gunite/Shotcrete, Panels, 3 cut cores per panel and test, ACI	\$ 275
Jobsite Testing Laboratory	Quote
Lightweight Concrete Fill, Compression, C 495	\$ 50
Petrographic Analysis, C 856	\$ 2,000
Restrained Expansion of Shrinkage Compensation	\$ 450
Splitting Tensile Strength, C 496	\$ 100
3x6 Grout, (CLSM), C 39	\$ 45
2x2x2 Non-Shrink Grout, C 109	\$ 45

ASPHALT CONCRETE

Air Voids, T 269	\$ 75
Asphalt Mix Design, Caltrans (incl. Aggregate Quality)	\$ 4,500
Asphalt Mix Design Review, Job Spec	\$ 180
Dust Proportioning, CT LP-4	\$ 75
Extraction, % Asphalt, including Gradation, D 2172, CT 382	\$ 250
Extraction, % Asphalt without Gradation, D 2172, CT 382	\$ 150
Film Stripping, CT 302	\$ 120
Hveem Stability and Unit Weight D 1560, T 246, CT 366	\$ 225
Marshall Stability, Flow and Unit Weight, T 245	\$ 240
Maximum Theoretical Unit Weight, D 2041, CT 309	\$ 150
Moisture Content, CT 370	\$ 85
Moisture Susceptibility and Tensile Stress Ratio, T 238, CT 371	\$ 1,000
Slurry Wet Track Abrasion, D 3910	\$ 150
Superpave, Asphalt Mix Verification (incl. Aggregate Quality)	\$ 4,900
Superpave, Gyration Unit Wt, T 312	\$ 100
Superpave, Hamburg Wheel, 20,000 passes, T 324	\$ 1,000
Unit Weight sample or core, D 2726, CT 308	\$ 100
Voids in Mineral Aggregate, (VMA) CT LP-2	\$ 75
Voids filled with Asphalt, (VFA) CT LP-3	\$ 75
Wax Density, D 1188	\$ 100

AGGREGATES

Clay Lumps and Friable Particles, C 142	\$ 180
Cleaness Value, CT 227	\$ 180
Crushed Particles, CT 205	\$ 175
Durability, Coarse or Fine, CT 229	\$ 205
Fine Aggregate Angularity, ASTM C 1252, T 304, CT 234	\$ 180
Flat and Elongated Particle, D 4791	\$ 220
Lightweight Particles, C 123	\$ 180
Los Angeles Abrasion, C 131 or C 535	\$ 200
Material Finer than No. 200 Sieve by Washing, C 117	\$ 90
Organic Impurities, C 40	\$ 90
Potential Alkali Reactivity, Mortar Bar Method, Coarse, C 1260	\$ 1,250
Potential Alkali Reactivity, Mortar Bar Method, Fine, C 1260	\$ 950
Potential Reactivity of Aggregate (Chemical Method), C 289	\$ 475
Sand Equivalent, T 176, CT 217	\$ 125
Sieve Analysis, Coarse Aggregate, T 27, C 136	\$ 120
Sieve Analysis, Fine Aggregate (including wash), T 27, C 136	\$ 145
Sodium Sulfate Soundness, C 88	\$ 450
Specific Gravity and Absorption, Coarse, C 127, CT 206	\$ 115
Specific Gravity and Absorption, Fine, C 128, CT 207	\$ 175

ROOFING

Roofing Tile Absorption, (set of 5), C 67	\$ 250
Roofing Tile Strength Test, (set of 5), C 67	\$ 250

Special preparation of standard test specimens will be charged at the technician's hourly rate.
Ninyo & Moore is accredited to perform the AASHTO equivalent of many ASTM test procedures.