

34385

TENTH AMENDMENT TO AGREEMENT NO. 34385

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THIS TENTH AMENDMENT TO AGREEMENT NO. 34385 is made and entered, as of July 6, 2023, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on June 6, 2023, by and between PSOMAS, a California corporation (“Consultant”), with a place of business at 555 South Flower Street, Suite 4300, Los Angeles, California 90071, and the CITY OF LONG BEACH, a municipal corporation (“City”).

WHEREAS, City and Consultant (the “Parties”) entered into Agreement No. 34385 (the “Agreement”) under Specification No. RFQ PW16-115, whereby Consultant agreed to provide as-needed public works construction management and inspection services; in an amount not to exceed One Million Dollars (\$1,000,000) for a period of three (3) years with the option to extend for two (2) additional one-year periods, at the discretion of the City Manager and

WHEREAS, the Parties entered into a First Amendment to the Agreement to add increase the authority amount for a total not to exceed Two Million Dollars (\$2,000,000); and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to increase the authority amount for a total not to exceed Three Million Dollars (\$3,000,000); and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to increase the authority amount for a total not to exceed Three Million Seven Hundred Thousand Dollars (\$3,700,000); and

WHEREAS, the Parties entered into a Fourth Amendment to the Agreement to increase the authority amount for a total not to exceed Four Million Seven Hundred Thousand Dollars (\$4,700,000); and

WHEREAS, the Parties entered into a Fifth Amendment to the Agreement to increase the authority amount for a total not to exceed Eight Million Seven Hundred

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DAWN MCINTOSH, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

1 Thousand Dollars (\$8,700,000); and

2 WHEREAS, the Parties entered into a Sixth Amendment to the Agreement  
3 to increase the authority amount for a total not to exceed Nine Million Seven Hundred  
4 Thousand Dollars (\$9,700,000), and extend the term to August 31, 2020; and

5 WHEREAS, the Parties entered into a Seventh Amendment to the  
6 Agreement to extend the term to August 31, 2021; and

7 WHEREAS, on August 3, 2021, the City Council authorized increasing the  
8 aggregate not to exceed amount by Ten Million Dollars (\$10,000,000) for a revised  
9 aggregate amount not to exceed Forty-Nine Million Dollars (\$49,000,000) and extended  
10 the term to August 31, 2022, for as-needed construction management and inspection  
11 services for all public works projects created under Specification No. RFQ PW16-115; and

12 WHEREAS, the Parties entered into an Eighth Amendment to the Agreement  
13 to increase the authority amount for a total not to exceed Eleven Million Seven Hundred  
14 Thousand Dollars (\$11,700,000), and extend the term to August 31, 2022; and

15 WHEREAS, on July 19, 2022, the City Council authorized increasing the  
16 aggregate not to exceed amount by Six Million Dollars (\$6,000,000) for a revised aggregate  
17 amount not to exceed Fifty-Five Million Dollars (\$55,000,000) and extended the term to  
18 August 31, 2023, for as-needed construction management and inspection services for all  
19 public works projects created under Specification No. RFQ PW16-115; and

20 WHEREAS, the Parties entered into a Ninth Amendment to the Agreement  
21 to increase the authority amount for a total not to exceed Twelve Million Seven Hundred  
22 Thousand Dollars (\$12,700,000), extend the term to August 31, 2023, attach an updated  
23 rate sheet, and update the City Representative; and

24 WHEREAS, on June 6, 2023, the City Council authorized extending the term  
25 of the Agreement to August 31, 2024, for as-needed construction management and  
26 inspection services for all public works projects created under Specification No. RFQ  
27 PW16-115; and

28 WHEREAS, the Parties desire to extend the term of the Agreement by one

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1 (1) additional one-year 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 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2024, unless sooner  
7 terminated as provided in this Agreement, or unless the services or the Project is  
8 completed sooner."

9 2. The Rates attached as Exhibit "B-1" in the Ninth Amendment the  
10 Agreement are hereby amended and replaced by Exhibit "B-2", attached hereto and  
11 incorporated herein.

12 3. Except as expressly modified herein, all of the terms and conditions  
13 contained in Agreement No. 34385 are ratified and confirmed and shall remain in full force  
14 and effect.

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

3 PSOMAS, a California corporation

4 7/14, 2023

By [Signature]  
Name Remben Tolentino  
Title Principal

6 7/14, 2023

By Monika Bowden  
Name Monika Bowden  
Title Principal

8 "Consultant"

9 CITY OF LONG BEACH, a municipal  
10 corporation

11 August 9, 2023

By Linda J. Tabor  
City Manager

13 "City" EXECUTED PURSUANT  
14 TO SECTION 301 OF  
15 THE CITY CHARTER.

16 This Tenth Amendment to Agreement No. 34385 is approved as to form on  
August 3, 2023.

17 DAWN MCINTOSH, City Attorney

18 By [Signature]  
19 Deputy

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21 DAWN MCINTOSH, City Attorney  
22 411 West Ocean Boulevard, 9th Floor  
23 Long Beach, CA 90802-4664

Exhibit "B-2"

Rate Update

# 2023-2024 RATE SHEET

City of Long Beach

Effective September 1, 2023 to August 31, 2024

**As-Needed Construction Management and Inspection Services**

*Rates\* will remain in effect for the duration of the contract term.*

<u>Classification</u>	<u>Rate (\$)</u>
<b>Project Management and Construction Management</b>	
Principal-in-Charge	\$285
Senior Project Manager	\$250
Project Manager	\$228
Senior Resident Engineer	\$216
Resident Engineer 2	\$195
Resident Engineer 1	\$175
Senior Structures Representative	\$216
Structures Representative 2	\$196
Structures Representative 1	\$175
Senior Construction Manager	\$210
Construction Manager 2	\$190
Construction Manager 1	\$170
Scheduler	\$160
Office Engineer	\$150
Senior Inspector	\$195
Inspector	\$180
Labor Compliance	\$113
Administrative Support	\$87

Hourly rates include direct labor, overhead, fringe benefits and fee.

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.

A shift which commences after 2:00 pm or before 4:00 am, during any 24-hour period, commencing at 12:01 am is subject to a 12.5% differential.

- \* *The above schedule is for straight time. Overtime will be charged at 135 percent of the standard hourly rates. Sundays and holidays will be charged at 170 percent of the standard hourly rates. Minimum of four (4) hours will be charged per field crew deployment. Prevailing wage will be paid on all projects where field staff are providing services. The services of outside consultants will be charged at cost plus five percent.*