

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES
AGREEMENT BETWEEN
THE CITY OF MANHATTAN BEACH AND BUTIER ENGINEERING, INC.

This First Amendment ("Amendment No. 1") to that certain agreement by and between the City of Manhattan Beach, a California municipal corporation ("City") and Butier Engineering, Inc., a California corporation, ("Consultant") (collectively, the "Parties") is hereby made effective as of the date of the last authorized representative signature below ("Effective Date").

RECITALS

A. On August 18, 2020, the City and Consultant entered into an agreement for professional services for the Consultant to provide construction management and inspection services for the 8MG Peck Reservoir Replacement Project (the "Agreement").

B. The Parties now desire to amend the Agreement to increase the maximum compensation to be paid to Consultant (the "Maximum Compensation") and modify the fee schedule to account for additional construction management and inspection services during the extended duration of the project.

NOW, THEREFORE, in consideration of the Parties' performance of the promises, covenants, and conditions stated herein, the Parties hereby agree as follows:

Section 1. Section 3.A of the Agreement is hereby revised to increase the Maximum Compensation amount by \$321,301 for a new Maximum Compensation of \$2,876,530.

Section 2. Exhibit B (Approved Fee Schedule) of the Agreement is hereby amended to include the attached Exhibit A of this Amendment No. 1.

Section 3. Except as specifically amended by this Amendment No. 1, all other provisions of the Agreement shall remain in full force and effect.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 1 on the day and year of the last authorized representative signature shown below.

The Parties, through their duly authorized representatives are signing this Amendment No. 1 on the date stated in the introductory clause.

City:

Consultant:

City of Manhattan Beach,
a California municipal corporation

Butier Engineering, Inc.
a California corporation

By: _____
Name: Bruce Moe
Title: City Manager

By: _____
Name: Mark M. Butier Jr.
Title: President/ CFO

ATTEST:

By: _____
Name: Corinne Butier
Title: Vice President/ Secretary

By: _____
Name: Liza Tamura
Title: City Clerk

APPROVED AS TO FORM:

By: _____
Name: Quinn M. Barrow
Title: City Attorney

APPROVED AS TO FISCAL IMPACT:

By: _____
Name: Steve S. Charelian
Title: Finance Director

APPROVED AS TO CONTENT:

By: _____
Name: Erick Lee
Title: Public Works Director

Exhibit A

July 14, 2022
City of Manhattan Beach
Department of Public Works
Office of the City Engineer
3621 Bell Avenue
Manhattan Beach, CA 90266

Attn: Gilbert Gamboa, P.E., City Project Manager

Subject: Amendment No. 1 — CM&I, Materials and Geotechnical,
Additional Specialty Consulting Services for the 8 MG Peck Reservoir
Replacement Project

Dear Mr. Gamboa:

Butier Engineering, Inc. (Butier) is respectfully requesting an additional **\$321,300.70** to complete our contract scope of work through project completion. The additional costs are attributable to varied project delays and City of Manhattan Beach directives for additional consulting services.

The original budget presented in June 2020 was developed based on a contract duration of 18 months. The City of Manhattan Beach is fully aware of the major issues that have extended the project completion date. The key issues are the following: procurement interruptions, SCE approval delays, interruption of critical path material deliveries (concrete) and owner requested changes. Butier has made every effort to mitigate the impact to the Construction Management budget as a consequence of the schedule challenges. The additional costs are as follows:

CM&I Services Butier Engineering, Inc.

Butier's June 2020 budget was developed based on a contract duration of 18 months represented in the original RFP. Butier staff indicated that 18-month schedule was "aggressive" from the outset of the project. Additionally, City staff is fully aware of the issues that have extended the project final completion date. Butier has made every effort to mitigate the impact to the Construction Management budget as a consequence of the schedule challenges. Project staffing will be reduced as we reach substantial completion. Based on the most recent baseline schedule update, we foresee the need additional hours to provide Start-Up and Testing Coordination and Project Close-Out activities.

Senior Construction Manager:	80 Hrs. @ \$220.00	17,600.00
Senior QA/QC:	40 Hrs. @ \$155.00	12,400.00
Field Engineer:	40 Hrs. @ \$160.00	6,400.00

Butier Engineering

\$36,400.00

Additional Services per City of Manhattan Beach:

The City has directed Butier to add **Sandy Pringle Associates and MTGL** to the Butier team. SPA will be utilized to meet the demands for Inspection on the MS Field Lighting project. SPA services will satisfy the Department of the State Architect requirements for the Manhattan Beach Unified School District. In addition, MTGL will be engaged on the BEGG Sports Field Lighting Improvements to perform Materials Testing and Specialty Inspection. (Please see attached scope)

Sandy Pringle Associates, Inc.	\$17,460.00
MTGL:	\$24,098.72
with 5% Mark-Up	<u>\$43,636.65</u>

Current Subconsultants

Ninyo and Moore: Specialty Inspection, Materials and Geotechnical

N&M work scope and budgeted hours were impacted due to the extended period of performance, changes in project sequencing on the primary reservoir and the offsite pipeline and additional materials testing demands. We are projecting an additional \$231,000 thorough project completion. (Please attached scope)

Ninyo & Moore:	<u>\$231,000.00</u>
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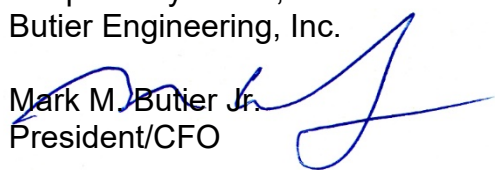
Geovision: Vibration Monitoring

Geovision's additional costs are due to the extended period of performance.

Geovision:	\$ 9,775.00
with 5% Mark-Up	<u>\$ 10,263.75</u>

We appreciate the opportunity to continue meet the City's project challenges. If you have any questions regarding our proposal, please contact me for clarification at (714) 832-7222 or jrbutier@butier.com.

Respectfully Yours,
Butier Engineering, Inc.


Mark M. Butier Jr.
President/CFO