

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF MANHATTAN BEACH AND MCGOWAN CONSULTING, LLC.

This First Amendment (“Amendment No. 1”) to that certain agreement by and between the City of Manhattan Beach, a California municipal corporation (“City”) and McGowan Consulting LLC, a California Limited Liability Corporation (“Consultant”) (collectively, the “Parties”) is hereby entered into as of May 16, 2023 (“Effective Date”).

RECITALS

On December 15, 2020, the City and Consultant entered into an agreement for professional services for the Consultant to provide coordination and implementation of watershed activities for Beach Cities Watershed Management Group (“Agreement”);

The Parties now desire to amend the Agreement to further extend the term, increase the maximum compensation, and modify the scope of services and fee schedule.

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 2 of the Agreement is hereby amended to extend the term of the Agreement through June 30, 2024, unless sooner terminated as provided in Section 12 of the Agreement.

Section 2. Section 3.A of the Agreement is hereby amended to increase the Maximum Compensation amount by \$105,700, for a new Maximum Compensation of \$401,580.

Section 3. Exhibits A and B of the Agreement are hereby amended to add additional Scope of Services and amend the Fee Schedule for Fiscal Year 2023-24, as shown on Exhibits A and B attached to this Amendment No. 1.

Section 4. Except as specifically amended by this Amendment No. 1, all other provisions of the Agreement shall remain in full force and effect.

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 1 on the day and year first shown above.

[SIGNATURE PAGE FOLLOWS]

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

City:

City of Manhattan Beach,
a California municipal corporation

Consultant:

McGowan Consulting, LLC.
a California Limited Liability Corporation

By: _____

Name: Bruce Moe
Title: City Manager

By:  4/26/2023

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Name: Kathleen McGowan
Title: Principal

ATTEST:

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:  _____
3804E6D7B4124E0...

Name: Steve S. Charelian
Title: Finance Director

APPROVED AS TO CONTENT:

By:  4/27/2023

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Name: Erick Lee
Title: Public Works Director

EXHIBIT A SCOPE OF SERVICES

McGOWAN CONSULTING, LLC
412 Olive Avenue, #189, Huntington Beach, CA 92648
310-213-4979 Kathleen@McGowan.Consulting

March 21, 2023

Erick Lee, Director
Lourdes Vargas, Utilities Division Manager

City of Manhattan Beach
Department of Public Works
3621 Bell Avenue
Manhattan Beach, CA 90266

RE: SCOPE OF SERVICES FOR BEACH CITIES WMG COORDINATION SERVICES

Dear Mr. Lee and Ms. Vargas:

McGowan Consulting, LLC, is pleased to propose this Scope of Services to provide continuing CIMP Coordination (Task 7) for the Beach Cities Watershed Management Group (WMG) consistent with Amendment No. 1 of the Beach Cities Coordinated Integrated Monitoring Program (CIMP) MOU effective July 1, 2020. The scope and cost of services in this proposal have been developed to support the Beach Cities WMG during Fiscal Year 2023-2024 consistent with the Regional Stormwater Permit¹ and related regulatory drivers.

Scope of Services

This Scope of Services provides for McGowan Consulting to serve as the CIMP Coordination Consultant for the Beach Cities WMG for fiscal year 2023-2024. The scope of services and assumptions for Tasks 7.1 through 7.9 are outlined below.

Task 7.1 Meeting Planning, Agendas and Minutes

Plan, revise and distribute the Beach Cities WMG agendas and minutes for twelve (12) monthly meetings. Arrange for guest speakers as needed. A level of effort of four (4) hours per month is assumed based on previous experience.

Task 7.2 Meeting Preparation, Attendance, Coordination

¹ Regional Phase I MS4 NPDES Permit – Order No. R4-2021-0105 – NPDES Permit No. CAS004004 Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles and Ventura Counties

Prepare materials for information, discussion and decision-making at the Beach Cities WMG meetings. Attend and coordinate online meetings, take notes during meetings for documentation in the minutes, and follow up on action items from each meeting. A level of effort of six (6) hours per month is assumed based on two staff people hosting the online meeting, with one staff person running the meeting and the second staff person taking notes.

Task 7.3 WMG Coordination Activities

Project management, planning and scheduling of group activities. As needed communication via email, telephone and video calls supplemental to or as action items arising from WMG direction at monthly meetings. As directed by the Beach Cities WMG, provide support to the group in coordinating and carrying out required activities, including tracking of WMG implementation activities, milestones and deadlines, and other as-needed assistance. A level of effort similar to that experienced in FY2022-2023 is assumed including development of a second amendment of the CIMP MOU among the Beach Cities WMG following approval of the updated CIMP by the LA Water Board.

Task 7.4 Support for Adaptive Management

Support the Beach Cities WMG in responding to comments from Regional Board staff on the revised Watershed Management Program (WMP). This effort also includes support for adaptive management of the Beach Cities WMP, which may be necessitated by changes in WMP regional project concepts and scopes, implementation timelines, and/or locations, that may arise as projects are developed through project feasibility studies, preliminary engineering, environmental analysis, and design. Additionally, negotiation with Regional Board staff on proposed adaptive management changes in the WMP could be needed and may be included in this task.

Task 7.5 CIMP Review & Support

Provide technical and regulatory review of data and review and comment on reports prepared by the CIMP Implementation Consultant, including semi-annual data reports, periodic memos, and the Annual Monitoring Report. As needed assistance to the CIMP Implementation Consultant in evaluating and responding to Regional Board staff comments on the updated CIMP submitted to the Regional Board on March 10, 2023.

Task 7.6 Develop & Manage Joint Outreach

Develop joint public outreach materials utilizing contract services for graphic layout and illustration and manage ongoing website content and hosting via contracted services with the Environmental Services Center staff of the South Bay Cities Council of Governments (COG). This task is anticipated to include updating the Small Site Construction Brochure to apply to all construction sites and to align with additional BMP requirements included in the Regional Stormwater Permit and updating references in the brochure. The effort in this task also includes tracking of joint outreach activities using relevant metrics as required by the Regional Stormwater Permit for annual reporting. Other outreach materials may be developed as time and budget allows by customizing or adapting materials developed by others.

Subcontracted work to be performed by staff of the South Bay Cities COG will include continued website hosting, preparation of website analytics for annual reporting, and promoting the webpages as directed by the Beach Cities WMG and McGowan Consulting. Subcontracted graphic design work is assumed to be performed by Christine Barnicki/Desktop Design who prepared the original Small Site Construction Brochure and will include revision of the brochure based on direction from McGowan Consulting. Other graphic design/layout assistance may be needed for short narrative pieces as time and budget allows.

As in previous years, it is assumed that McGowan Consulting's level of effort and supporting subcontracted services for joint outreach will be offset by 50% through combined work for the Peninsula WMG.

Task 7.7 Permit/Region-wide Coordination

Participate in Los Angeles region-wide WMG Coordination and Regional Board meetings and workshops on behalf of the Beach Cities WMG. During FY2023-2024 this task includes an allocation of time to represent the WMG at two (2) Regional Board meetings and workshops. Additional time is also included for meeting preparation and/or preparation of brief statements of testimony. This task also includes an allocation of time for tracking of region-wide regulatory actions and studies, such as the Regional Zinc Recalculation Study applicable to Dominguez Channel, State/Regional Water Board revisions to 303(d) list of impaired water bodies, or development of new TMDLs by the Regional Water Board.

Task 7.8 Regional Project Funding Assistance

Assist in aligning joint regional projects for funding opportunities as they arise and as directed by the Beach Cities WMG. This task could include activities such as: tracking and summarizing grant funding opportunities, presentations for the Safe Clean Water (SCW) South Bay Watershed Area Steering Committee (WASC) or submittal of a joint project into the SCW online project module, and coordination between the Beach Cities WMG and other entities on joint regional projects. Note that the allocation of effort in this task is not sufficient to prepare a full grant proposal.

Task 7.9 Watershed Annual Report

Prepare two (2) semi-annual Beach Cities WMG Watershed Progress Reports due June 15 and December 15, along with semi-annual posting of Section 1.1 of the reports in English and Spanish on the WRAMPS public portal for the Beach Cities WMG, as required by the Regional MS4 Permit. This task includes development and semi-annual updating of a Beach Cities WMP Progress Reporting webpage utilizing the WRAMPS public dashboard tool.

Cost of Services

McGowan Consulting will conduct the work effort outlined in the foregoing Scope of Services during the period from July 2023 through June 2024 for an amount not to exceed **\$105,700** based on time and materials as estimated in the attached Budget Table and Rate Schedule. An allocation for other direct costs is included as a separate line item in the Budget Table. Other direct costs chargeable to

the project may include: subcontracted graphic design, illustration, website design and hosting services; translation services; report reproduction and binding; courier services; and other direct project costs not specifically included in labor rates. McGowan Consulting labor rates for FY2023-2024 are shown in the attached Rate Schedule and include automobile mileage, parking fees, and routine printing and copying. Labor rates shown in the attached rate schedule have been adjusted based on an assumed 6% April 2022 to April 2023 increase in the Consumer Price Index for the Los Angeles area as calculated by the U.S. Department of Labor – Bureau of Labor Statistics (CPI); however if the actual April 2022 to April 2023 CPI increase is less than 6%, the lesser increase will be honored in McGowan Consulting actual billing rates for FY2023-2024.

McGowan Consulting will adhere to the Scope of Services and Budget Table and will inform City staff and Beach Cities WMG representatives of changing requirements and emerging issues as part of regular communication. In order to provide a measure of flexibility to best meet the needs of the Beach Cities WMG, it is understood that reallocation of level-of-effort and cost between tasks may occur so long as the total contract amount is not exceeded. It is the nature of regulatory and monitoring-driven programs to be subject to uncertainty such as unforeseen technical issues, new regulatory requirements, or regulatory enforcement action. If necessary to provide additional consulting services to meet the needs of the WMG, and if requested by the Beach Cities WMG and directed by City of Manhattan Beach staff, McGowan Consulting will submit an authorization request for a change to the Scope and Cost of Services.

Please do not hesitate to contact me if you have any questions or require additional information or clarification regarding this Scope of Services. Thank you for the opportunity and privilege of continuing to provide CIMP Coordination Services for the City of Manhattan Beach and the Beach Cities Watershed Management Group.

Sincerely,



Kathleen C. McGowan, P.E., ENV SP

Principal/Owner

McGowan Consulting, LLC

Attachments:

Budget Table

Rate Schedule

**EXHIBIT B
FEE SCHEDULE**

Budget Table for Beach Cities WMG Coordination Services			
		FY23-24	
Task	Description	Labor Hours	Estimated Cost
7.1	WMG Meeting Agendas and Minutes	48	\$ 7,890
7.2	WMG Meeting Preparation and Attendance/Chairing	72	\$ 12,210
7.3	WMG Coordination Activities	84	\$ 14,250
7.4	Adaptive Management	70	\$ 11,870
7.5	CIMP Review & Support	40	\$ 6,780
7.6	Develop & Manage Joint Outreach*	60	\$ 9,500
7.7	Permit/Region-wide Coordination*	40	\$ 6,780
7.8	Regional Project Funding Assistance	44	\$ 7,460
7.9	Watershed Annual Reporting	130	\$ 21,360
Other Direct Costs			
<i>Includes subcontracted website hosting by SBCCOG and graphic design and layout for outreach materials*</i>			\$ 7,600
Total All Tasks + Other Direct Costs		588	\$ 105,700

*Indicates tasks that incorporate cost/labor savings due to work performed in common for two watershed groups

Rate Schedule
McGowan Consulting, LLC
Fiscal Year 2023-2024²

Professional/Staff Labor Rates

Principal	\$185.5 per hour
Sr. Scientist	\$153.7 per hour
Staff Scientist	\$66.8 per hour

Labor rates include: automobile mileage within greater Los Angeles and Orange County area, parking, routine printing and copying

Expenses

Other direct costs chargeable to the project include: graphic layout and illustration; webpage design, hosting and maintenance; translation services; report reproduction and binding; project-specific publications; courier services; and any other direct project costs not included in the labor rates.

² Labor rates to be adjusted annually based on increases in the Consumer Price Index for the Los Angeles area as calculated by the U.S. Department of Labor Bureau of Labor Statistics