

AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MANHATTAN BEACH AND MOFFATT & NICHOL

This Second Amendment ("Amendment No. 2") to that certain agreement by and between the City of Manhattan Beach, a California municipal corporation ("City") and Moffatt & Nichol, a California corporation ("Consultant") (collectively, the "Parties") is hereby entered into as of February 1, 2022 ("Effective Date").

RECITALS

A. On March 19, 2019, the City and Consultant entered into an agreement for professional services for the Consultant to provide design services for the Pier Railing Replacement Project ("Original Agreement");

B. On June 23, 2021, City and Consultant entered into Amendment No. 1 to increase the Maximum Compensation, extend the term and modify the Scope of Services. The Original Agreement, as amended by Amendment No. 1, is referred to herein as the "Agreement";

C. The Parties now desire to amend the Agreement to increase the Maximum Compensation and modify the Scope of Services.

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 \$32,004.00 for a new Maximum Compensation of \$215,427.00.

Section 2. Exhibit A (Scope of Services) of the Agreement is hereby amended to include the services set forth in the attached Exhibit A (Scope of Services).

Section 3. Exhibit B (Approved Fee Schedule) of the Agreement is hereby amended to include the services set forth in the attached Exhibit B (Approved Fee Schedule).

Section 4. Except as specifically amended by this Amendment No. 2, all other provisions of the Agreement shall remain in full force and effect.

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 2 on the day and year first shown above.

[SIGNATURE PAGE FOLLOWS]

City:

City of Manhattan Beach,
a California municipal corporation

Consultant:

Moffatt & Nichol,
a California corporation

By: _____

Name: Bruce Moe
Title: City Manager

By: _____

Name: Michael McCarthy
Title: Vice President

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: _____

Name: Steve S. Charelian
Title: Finance Director

APPROVED AS TO CONTENT:

By: _____

Name: Erick Lee
Title: Public Works Director

EXHIBIT A SCOPE OF SERVICES

Task 8E – Stairway Design Support and Coordination

The goal of this task is to provide additional engineering services to design replacement staircases for those shown in Figure 1. The new staircases will be designed in accordance with California Building Code, 2019 edition (CBC, 2019). The staircases could be constructed from several materials including timber, fiberglass, or others depending on the City's preference. Additionally, based on the changes in the building code, it is anticipated that the new staircase will have a landing location that differs from that of the existing. Consequently, construction of new concrete footings on the beach will be required. These footings will be designed in accordance with the values provided by geotechnical subconsultant which are expected to mirror the general design values in the CBC, 2019.

Task 8E.1 – Stairway Design

M&N will provide additional engineering and design services related to this effort. These additional services include:

- **Prepare Plans (*Final*).** The design drawing package will modify or add the following sheets as an addendum to the final drawing's submittal:
 1. Stair Demolition Details (add 1 sheet)
 2. Replacement Stair Plan (add 1 sheet)
 3. Replacement Stair Section (add 1 sheet)
 4. Replacement Stair Details (add 1 sheet)
- Submit construction documents to building department for plan check approval / permit. Assumes all permit fees shall be paid by City. Assumes up to one round of response to comments from the building department.
- PS&E design packages for this additional work will be developed as part of the overall railing replacement project documents, and a separate set of documents will not be prepared.
- **Prepare Calculations.** The calculation package will accompany the construction documents as part of the building permit package. It will include structural calculations for the proposed replacement staircase.
 - It is assumed that the replacement staircase can be designed as a minor modification to the existing pier and will not require an analysis of the pier itself for the current building and seismic codes. No upgrades to the pier structure are assumed in this proposal.
 - It is assumed that the replacement staircase will be designed as an "in kind" replacement, and as such, design is limited to for service loads only. Design for seismic loads as defined in CBC, 2019 is excluded.
- **Complete Supplementary Technical Specifications (*Final*).** The design specification package will include:
 - Preparation of technical specifications for the staircase system.
- **Complete Estimate of Probable Construction Costs (100% and *Final*).** The probable cost estimates will include:
 - Update cost estimate and bid schedule for the revised scope of work.
- **Provide Geotechnical Recommendations for New Stairway Foundation System:**
 - M&N's team will provide geotechnical services necessary to provide recommendations for the new concrete footing to support the proposed staircases. Geotechnical evaluations and recommendations will be performed by a geotechnical sub-consultant (Earth Mechanics, Inc.).
 - Prepare a design memorandum with recommendations relevant to the design of the proposed footings.

Task 8E.2 – Meetings and Project Management

- M&N will attend meetings to clarify deliverables and discuss recommendations, including:
 - One (1) tele-conference meeting with the City to discuss comments from the City Building Department.
 - Two (2) tele-conference progress meetings with City staff.

Deliverables

- Addendum to Final PS&E Design Package.
- Geotechnical memorandum for staircase footing recommendations.

Exclusions/Assumptions

- It is assumed additional site-specific geotechnical field investigations will not be required to confirm soil strength properties. This includes, but is not limited to soil borings, on-site soil testing, and laboratory testing of soil samples. Recommendations will be based on existing available data from previous nearby projects. It is assumed that existing subsurface soil data from adjacent projects is available and is acceptable and sufficient for the City building department for design. If additional site investigations are required, M&N's team will coordinate with City staff to provide a fee proposal for these additional services.
- It is assumed additional support is not required for obtaining regulatory permit approval through any jurisdiction including coordinating with the California Coastal Commission, US Army Corps of Engineers, Regional Water Quality Control Board, State Lands Commission, and California Department of Fish and Wildlife.

Task 8F – Additional Construction Support Services

M&N was originally contracted by the City to provide construction support services for the railing replacement. With the addition of the staircases to the project scope, it is anticipated that the required level of support will increase. This proposal considers the additional work needed to provide these services.

Task 8F.1 – Additional Construction Support Services

Provide support during construction for improvements related to the replacement staircase system. Services proposed in this section include:

- Respond to Contractor's Request for Information (RFIs). Assumes response to up to five (5) RFIs at approximately two (2) hours per RFI.
- Review Contractor submittals for materials (Submittals). Assumes response to up to ten (10) Submittals at approximately four (4) hours per Submittal.
- Prepare Record Drawings based on the bid documents and markups from the Contractor As-Built submittals.

Deliverables

- Response to RFI's and review comments on contractor submittals
- Final Record Drawings package (Incorporated into overall project)

Exclusions/Assumptions

- Final Record Drawings packages will be developed as part of the overall railing replacement project documents and a separate set of documents will not be prepared.
- It is assumed support to City in bidding of the project is included in the original proposal, and that additional services will not be required.

- It is assumed support to City in performing site visits to ensure that the design intent is followed is included in the original proposal, and that additional services will not be required.
- It is assumed that attendance of (1) construction kickoff meeting with City and the Contractor is included in the original proposal, and that additional services will not be required.

Project Team

M&N proposes the following team members for this project:

Table 1. Proposed Project Team

Member	Company	Role
Omar Jaradat, PhD, PE	M&N	Principal in Charge
Jerry Holcomb, PE	M&N	Project Manager
Kim Garvey	M&N	Regulatory Permitting Lead

EXHIBIT B APPROVED FEE SCHEDULE

Fee

Based upon the above proposed scope of work, M&N proposes to assist the City on a “Time-and-Materials” basis in accordance with our fee proposal shown in Table 2 below. This amount will not be exceeded without prior written approval. Attached to this proposal is a fee breakdown for these additional tasks as well as the entire scope of work for our current professional services agreement.

Table 2. Proposed Fee Breakdown

Task No.	Description	Fee
8E	Stairway Design and Coordination ¹	\$25,565
8F	Additional Construction Support	\$6,439
TOTAL		\$32,004

¹ Includes Other Direct Cost's from material procurement, shipping, and Subconsultant markup.

Project Schedule

To accomplish these tasks, M&N proposes the schedule shown in Table 3, once given the notice to proceed (NTP).

Table 3. Proposed Project Schedule

Task or Milestone	WEEKS										Construction
	1	2	3	4	5	6	7	8	9	10	
Manhattan Beach Pier Railing Replacement - Additional Services:											
NTP	⊗										
Task 8E - Stairway Design and Coordination ¹											
→ Stairway Design											
→ Meetings and Project Management											
Bid Support											
Begin Construction											⊗
Task 8F - Additional Construction Support											
→ Additional Construction Support											
→ Meetings and Project Management											