

AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MANHATTAN BEACH AND BUTIER ENGINEERING,
INC.

This Second Amendment ("Amendment No. 2") 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 "Original Agreement").

B. On August 29, 2022, the City and Consultant entered into Amendment No. 1 to increase the maximum compensation to be paid to Consultant (the "Maximum Compensation") and modify the Scope of Services and Approved Fee Schedule. 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 and Approved 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 3.A of the Agreement is hereby revised to increase the Maximum Compensation amount by \$435,537.00, for a new Maximum Compensation of \$ 3,312,067.00.

Section 2. Exhibit A ("Scope of Services") of the Agreement is hereby amended to add the attached Exhibit A of this Amendment No. 2.

Section 3. Exhibit B ("Approved Fee Schedule") of the Agreement is hereby amended to add the attached Exhibit A of this Amendment No. 2.

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

[SIGNATURE PAGE FOLLOWS]

Approved for use 2/15/20

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 2 on the day and year of the last authorized representative signature shown below.

City:

City of Manhattan Beach,
a California municipal corporation

Consultant:

Butier Engineering, Inc.,
a California corporation

By: _____
Name: Bruce Moe
Title: City Manager

DocuSigned by:
By: Mark M. Butier, Jr., President
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Name: Mark M. Butier, Jr. 1/4/2023
Title: President/CFO

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

December 16, 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. 2 – CM&I, Materials and Geotechnical, Additional Specialty Consulting Services for the 8 MG Peck Reservoir Replacement Project

Dear Mr. Gamboa:

Butier Engineering, Inc. (Butier) respectfully requests an additional \$363,345.00 to complete our construction management, inspection, and materials testing scope services (CM&I). In addition, we are requesting \$72,192.00 to address City's requested additional Start-Up and Operational Support services. The additional costs are attributable to various project delays and City of Manhattan Beach directives for additional post-construction consulting services.

The original budget presented in June 2020 was developed based on a contract duration of 18 months. Butier Amendment No. 1 budgeted additional consulting, geotechnical and material testing services including Division of State Architect required inspections for new lighting improvements at the school district Begg Sports Field per Project Contract Change Order No. 1.

CM&I Services by Butier Engineering, Inc.

Butier's original budget was developed based on a contract duration of 18 months represented in the original RFP. Butier staff indicated that the 18-month schedule was "aggressive" from the project's outset. Additionally, City staff is fully aware of the issues that have extended the project's final completion date an additional 6 months to mid-April 2023. Project staffing will be reduced as we reach final completion. Based on the most recent baseline schedule update, the following additional fee schedule is required to continue to provide field construction management, inspection, and associated project start-up and close-out activities:

Senior Construction Manager:	320 Hrs. @ \$220.00	70,400.00
Resident Engineer:	720 Hrs. @ \$210.00	151,200.00
Electrical Support:	90 Hrs. @ \$210.00	18,900.00
Field Engineer:	240 Hrs. @ \$160.00	38,400.00
Scheduler:	50 Hrs. @ \$210.00	10,500.00

Butier Engineering, Inc.:		<u>\$289,400.00</u>
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Additional Services per City of Manhattan Beach:

The City has requested Butier to add Start-Up and Operational Support Services. Butier will provide a Start-up Support Engineer working directly with designated City operations staff, the general contractor (Pacific Hydrotech Corp.), and the design engineer of record (Stantec/Hazen and Sawyer). The Start-up Support Engineer will begin on our about mid-February 2023 and will support City operations staff two days per week through July of 2023. The City may wish to secure these services under a separate Purchase Order given the proposed support budget will be post-construction and during the early warranty period. These services were not included in the original CM budget.

Start-up and Operations Engineering Support: 384 Hrs. @ \$188.00 \$72,192.00

Current Subconsultants:

Specialty Inspection, Geotechnical and Materials Testing by Ninyo & Moore

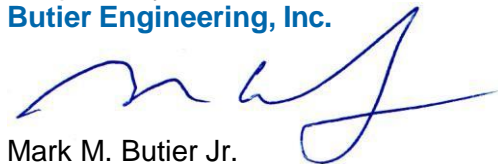
Ninyo & Moore scope of work and budgeted hours were impacted due to the extended period of performance, changes in project sequencing on the primary reservoir and the offsite pipeline work, and additional materials testing demands. We are projecting an additional \$73,945.00 through project completion. Scope of work items to complete include:

- 1) Sitework on civil plans, entire scope of concrete pavement, curb and gutter, street asphalt paving.
- 2) Remaining welding, manganese removal system, structural.
- 3) Onsite piping and trenching, duct banks on the west side of the tank, remaining onsite chemical lines, approximately 500 feet.
- 4) Equipment anchorage, electrical, main switchboard, PLC cabinets.

Ninyo & Moore: \$73,945 .00

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