

AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE CITY OF MANHATTAN BEACH AND KITCHELL/CEM, INC.

This Third Amendment (“Amendment No. 3”) to that certain agreement by and between the City of Manhattan Beach, a California municipal corporation (“City”) and Kitchell/CEM, Inc., California corporation, limited partnership, limited liability company] (“Consultant”) (collectively, the “Parties”) is hereby entered into as of April 6, 2021 (“Effective Date”).

RECITALS

A. On February 1, 2019, the City and Consultant entered into an agreement for professional services for the Consultant to provide design services for the City Hall HVAC Improvement Project (“Original Agreement”). On October 1, 2019, the Parties entered into Amendment No. 1 to modify the Scope of Services by adding additional services and to increase the Maximum Compensation as compensation for the additional services. On June 30, 2020, the Parties entered into Amendment No. 2 to extend the term of the Agreement. The Original Agreement, as modified by Amendment No. 1 and Amendment No. 2, is referred to herein as the “Agreement”.

B. The Parties now desire to amend the Agreement to add additional services and to increase the Maximum Compensation.

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 \$19,540.00 for a new Maximum Compensation of \$ 252,224.00.

Section 2. Exhibit A (Scope of Services) of the Agreement is hereby amended to include additional services by adding the services set forth on the attached Exhibit A (Scope of Services) attached to this Amendment No 3.

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

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 3 on the day and year first shown above.

[SIGNATURE PAGE FOLLOWS]

The Parties, through their duly authorized representatives are signing this Agreement on the date stated in the introductory clause.

City:

City of Manhattan Beach,  
a California municipal corporation

Consultant:

Kitchell/CEM, Inc,  
a California corporation

By: \_\_\_\_\_  
Name: Bruce Moe  
Title: City Manager

By: \_\_\_\_\_  
Name: Wendy Cohen  
Title: 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: Carrie Tai  
Title: Acting Public Works Director

## **EXHIBIT A SCOPE OF SERVICES**

### DESCRIPTION OF ADDITIONAL SERVICES

The additional services will include to the following items and are enhancements to the hours provided under Amendment No.1 - Task 6.

- **Attend Pre-Construction Meeting:** Increased pre-construction meeting attendance from 4 hours to 8 hours to include project manager and mechanical engineer participation.  
Cost of additional services: \$700.00
- **Attend weekly contractor meeting:** Extended from 4 month participation to 12 month participation. Increased meeting attendance from 24 hours to 46 hours.  
Cost of additional services: \$3,630.00
- **Review Submittals:** Increased submittal review from 40 hours to 100 hours.  
Cost of additional services: \$9,150.00
- **Review RFIs:** Increased RFI Responses from 62 hours to 96 hours.  
Cost of additional services: \$6,060.00

Key personnel for the additional services described above include:

- Sergio Rodriguez, Engineering & Architecture Operations Manager  
Telephone: 916-832-3003  
Email: srodriguez@kitchell.com

The not-to-exceed fee for the scope of work above is **Nineteen Thousand Five Hundred and Forty Dollars (\$19,540)**.