

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 company, ("Consultant") (collectively, the "Parties") is hereby entered into as of November 2, 2021 ("Effective Date").

RECITALS

A. On July 1, 2021, the City and Consultant entered into an agreement for professional services for the Consultant to provide environmental consulting services pertaining to the implementation of the municipal separate storm sewer system permit and total maximum daily load implementation under the requirements of the Federal Clean Water Act ("Agreement");

B. 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 state that the Maximum Compensation to be paid to the Consultant by the City shall not exceed \$78,551.00.

Section 2. Exhibit A "Scope of Services" 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.

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

[SIGNATURE PAGE FOLLOWS]

City:

City of Manhattan Beach,
a California municipal corporation

Consultant:

McGowan Consulting, LLC,
a California limited liability company

By: _____

Name: Bruce Moe
Title: City Manager

By: _____

DocuSigned by:
Kathleen McGowan 10/4/2021
E6CF8516A96741A...
Name: Kathleen McGowan
Title: Principal

ATTEST:

By: _____ 10/6/2021

Name: Liza Tamura
Title: City Clerk

APPROVED AS TO FORM:

By: _____ 10/12/2021
DocuSigned by:
Quinn Barrow
96FA866DAA974E9

Name: Quinn M. Barrow
Title: City Attorney

APPROVED AS TO FISCAL IMPACT:

By: _____ 10/8/2021
DocuSigned by:
Steve S. Charelian
E6C7B3D6337748F...

Name: Steve S. Charelian
Title: Finance Director

APPROVED AS TO CONTENT:

By: _____ 10/6/2021
DocuSigned by:
Erick Lee
F9F4AFF3A992452...

Name: Erick Lee
Title: Director of Public Works

EXHIBIT A SCOPE OF WORK & FEE SCHEDULE

Amendment to Scope of Services for MS4 Permit Consulting FY2021-22

The following tasks are to be added to the scope of services as described below.

Subtask 5.2 – Stormwater Code Revision

Subtask 5.3 – Grant Application As-Needed

Subtask 5.2 Stormwater Code Revision

Minor revisions are needed to align the City's municipal code with new permit provisions in accordance with the recent issuance of the Regional MS4 Permit¹. This task includes time for McGowan Consulting to prepare minor redline changes to Chapter 5.84 Stormwater and Urban Runoff Pollution Control of the City's municipal code for adoption by the City Council. One revision based on consolidated comments received from City staff and City Attorney is assumed. This task also allocates time for preparing a draft staff report summarizing the revisions for consideration by City Council. Because McGowan Consulting will also be preparing similar code revisions for our other municipal clients this year, part of our effort for this task can be cost-shared with other clients and as-such a reduced allocation of effort has been reflected in the budget table below.

It is assumed that the City Attorney's office will prepare and format the formal ordinance for City Council consideration in accordance with the City's legal format for ordinance adoption.

Subtask 5.2 Deliverables:

- Draft and final redline changes to the Chapter 5.84 of the Manhattan Beach Municipal Code
- Draft staff report for ordinance consideration by City Council

Subtask 5.3 Grant or Funding Applications As-Needed

As part of its commitments in the Beach Cities EWMP (revised June 2021), the City must pursue funding for regional and distributed capital projects that are proposed for construction within its jurisdiction to meet water quality objectives. In addition, the City is seeking funding to support the installation of certified full capture systems for trash in compliance with the Santa Monica Bay Debris TMDL and has recently issued a request for proposals for engineering services to prepare design documents for up to twelve (12) potential high flow capacity trash capture devices. Grants or other outside funding sources will allow the City to leverage its municipal resources for the construction of these capital projects. McGowan Consulting will assist City staff in preparing up to two (2) grant or other external funding applications for capital projects chosen in consultation with City staff based on the City's priorities for a targeted grant solicitation. One such grant solicitation that McGowan Consulting is tracking is the CalTrans Clean California Local Grant Program anticipated to be released in December 2021 for local beautification and litter abatement projects. In addition, it is anticipated that the final solicitation

¹ 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

package for the California Department of Water Resources Proposition 1 Integrated Regional Water Management Implementation Grant program will be released in late calendar year 2021.

The allocation of effort in this subtask includes time for McGowan Consulting to complete up to two grant applications, including compiling the necessary attachments, and submitting the applications on the City's behalf. Time is also allocated in this subtask to track and evaluate grant solicitations and other funding opportunities as they arise.

It is assumed that City staff will provide McGowan Consulting with detailed project descriptions, preliminary designs or feasibility studies, and detailed project budget estimates to support the funding applications. City staff will also obtain any necessary City Council resolutions approving the grant applications, and will provide supporting maps and schematic drawings as requested by the funding solicitations.

Subtask 5.3 Deliverables:

- Two (2) draft and final grant or funding applications

Cost Estimate

McGowan Consulting will conduct the additional work effort described in the foregoing Amendment to the Scope of Services for an amount not to exceed **\$28,780** as detailed in the following Additional Subtasks Budget Table utilizing McGowan Consulting Labor Rates for Contract Year 2021-22. In order to provide a measure of flexibility to best meet the needs of the City and given the nature of scope uncertainty, it is understood that reallocation of level of effort between subtasks may occur so long as the total contract amount is not exceeded.

Additional Subtasks Budget Table MS4 Permit Consulting Services FY2021-22			
Task	Description	Labor Hours	Estimated Cost
5.3	Stormwater Code Revision	30	\$ 4,620
5.4	Grant or Funding Applications As-Needed	160	\$ 24,160
Total Estimated Additional Costs for Scope Amendment			\$ 28,780