

FIRST AMENDMENT TO AGREEMENT NO. 2681
BETWEEN THE CITY OF LOS ANGELES AND
HDR ENGINEERING, INC.

THIS FIRST AMENDMENT to Agreement No. 2681 is made and entered into by and between the CITY OF LOS ANGELES, a municipal corporation ("City"), acting by and through its Board of Harbor Commissioners ("Board"), and HDR ENGINEERING, INC. ("Consultant") as follows:

WHEREAS, City entered into Agreement No. 2681 with Consultant effective on July 8, 2008 to provide professional engineering services for the C Street/I-110 Access Ramp Improvements Project ("Project"); and

WHEREAS, City continues to require professional engineering services for the Project in order to maintain continuity of the Engineer of Record until the end of the Project construction contract, which will be one year after construction has ended; and

WHEREAS, Consultant has successfully provided the services requested by City to date and is capable and well-qualified to continue to provide the services required by the City;

NOW, THEREFORE, in consideration of the forgoing recitals, the parties agree as follows:

1. Article II, Section C, Consultant's Project Manager, is amended to name Steve Leathers as the new Project Manager for Work to be performed under the Agreement.
2. Article V, Section E.4, Duration, is amended to read:

"Eight (8) years have elapsed from the effective date of the Agreement; or"
3. Article VI, Section A, Board to Pay Consultant, is amended to increase the not-to-exceed amount by \$764,200, consisting of \$500,000 for Task 10 and \$264,200 in change orders issued to date, to read:

"For the satisfactory performance of Work, City agrees to pay Consultant and Consultant agrees to accept in lawful money of the United States a sum not to exceed \$3,992,200 to be paid as specified in Exhibit "D-1" as full compensation for Work performed by Consultant and Subconsultants in accordance with this Agreement. This sum does not include changes in compensation for performance of extra Work pursuant to Section C of Article VI."
4. Article VI, Section B, Compensation to Include, third sentence, is amended to read:

"Consultant shall not add any fee onto fees billed for Subconsultants unless Exhibit "D" expressly specifies a rate."

5. Article VI, Section C.2, Compensation for Extra Work, is amended to read:

"Each change in compensation of One Hundred Fifty Thousand Dollars (\$150,000) or less shall require approval of the Director. Each change in compensation of more than One Hundred Fifty Thousand Dollars (\$150,000) shall require approval of Board, provided, however, that if the cumulative change orders result in increasing the authorized compensation by more than fifteen percent (15%), Board approval shall be required for all such change orders."

6. The Work performed that resulted in the issuance of change order 1 through change order 7 under Agreement No. 2681 in the total sum of \$264,200 as included in the amounts shown on Exhibit "D-1" is hereinafter deemed included in Tasks 2, 3, 4, 5, and 6. Compensation paid to Consultant pursuant to change order 1 through change order 7 is no longer considered a change or changes in compensation for purposes of Article VI, Section C, subsection 2.

7. Exhibit "D" Compensation is replaced by revised Exhibit "D-1" Compensation which is attached hereto and made a part hereof. All references throughout the Agreement to "Exhibit D" shall now be considered "Exhibit D-1".

8. Exhibit "E" Schedule of Work is replaced by revised Exhibit "E-1" Schedule of Work which is attached hereto and made a part hereof. All references throughout the Agreement to "Exhibit E" shall now be considered "Exhibit E-1".

This First Amendment shall be effective upon the date of its execution by the Executive Director after it is approved by the City Council in accordance with Section 373 of the City Charter.

Except as amended herein, all remaining terms and conditions of Agreement No. 2681 shall remain in full force and effect.

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IN WITNESS THEREOF, the parties hereto have executed this First Amendment to Agreement No. 2681 on the date to the left of their signatures.

THE CITY OF LOS ANGELES, by its Board of Harbor Commissioners

Dated: _____

By _____
Executive Director

Attest: _____
Secretary

HDR ENGINEERING, INC.

Dated: _____

By [Signature]

Thomas T. Kim, Sr. Vice President
(Print/type name and title)

Attest [Signature]

William Bennett, Senior Vice President
(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY

5/26, 2011
CARMEN A. TRUTANICH, City Attorney

By [Signature]
HEATHER M. McCLOSKEY, Deputy

Account #	<u>54220</u>	W.O. #	<u>24852</u>
Ctr/Div #	<u>1172</u>	Job Fac. #	<u>203-21</u>
Proj/Prog #	<u>000</u>		

Budget FY: Amount:

<u>10/11</u>	<u>0</u>
<u>11/12</u>	<u>50,000</u>
<u>12/13</u>	<u>125,000</u>
<u>13/14</u>	<u>125,000</u>
<u>14/15</u>	<u>125,000</u>
<u>15/16</u>	<u>125,000</u>
TOTAL	<u>500,000</u>

For Acct/Budget Dept Use Only

Verified by: _____

Verified Funds Available: _____

Date Approved: _____