

AMENDMENT NO. 1 TO AGREEMENT NO. 47805
BETWEEN
THE CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER
AND
KLEINFELDER WEST, INC.

THIS AMENDMENT NO. 1 to Agreement No. 47805 with Kleinfelder West, Inc. for Van Norman Complex Projects Geotechnical Services is made and entered into by and between the AUTHORIZED REPRESENTATIVES of the City of Los Angeles acting by and through its Department of Water and Power, a municipal corporation, (hereinafter "LADWP") and Kleinfelder West Inc. (hereinafter the "Consultant" or "Contractor") in accordance with **Article IX, Section 901, Amendments**, of this Agreement. Individually, the Department and Consultant are referred to under this proposed Amendment as a "Party" and collectively as the "Parties."

WITNESSETH

WHEREAS, Kleinfelder West, Inc. was awarded Agreement No. 47805 by the Los Angeles Department of Water and Power (LADWP) Board of Commissioners on May 28, 2009, for a term of three years and not-to-exceed amount of \$27 million, to provide geotechnical services, dam and reservoir safety, staff development, and related services on an as-needed basis for LADWP projects included in the Water System's Capital Improvement Program and the Operations and Maintenance Program; and

WHEREAS, Agreement No. 47805 included four extension options, exercisable in three-year increments for a maximum term of 15 years, as approved by the Board of Water and Power Commissioners on March 17, 2009, and as approved by the Los Angeles City Council on May 19, 2009, pursuant to City Charter Section 373, and all four extension options have been exercised; and

WHEREAS, on May 27, 2024, the 15-year maximum term of the current Agreement will end; and

WHEREAS, the geotechnical services, dam and reservoir safety, and related services continue to be required by LADWP to support critical Water System projects and programs, such as meeting federal and state regulations, including mandates by the California Department of Water Resources, Division of Safety of Dams and the Federal Energy Regulatory Commission; and

WHEREAS, extending the term of the Agreement by one year and increasing the not-to-exceed amount by \$500,000 will enable the LADWP to continue receiving critical technical services related to dam safety on an as-needed basis; and

WHEREAS, LADWP recommends approval of Amendment No. 1 to Agreement No. 47805, to extend the Agreement by up to one year until May 27, 2025, for a total not-to-exceed maximum term of 16 years; and not-to-exceed amount of \$27.5 million.

NOW, THEREFORE, the Parties hereby agree to amend Agreement No. 47805 as follows:

AMENDMENT NO. 1

1. **Article II, Section 201.1 Extension Options** is replaced in its entirety with the following:

At the Department's option with approval by the Board, the term of this Agreement may be extended for up to five additional periods, the first four exercisable in three-year increments, and the final extension exercisable in one-year increment, or any portion thereof up to one year, unless terminated earlier by LADWP in accordance with Article VIII of this Agreement. If all five options are exercised, the total contract duration will be up to sixteen (16) years.

2. **Article III, Section 301.1 Not-to-Exceed Amount** is replaced in its entirety with the following:

The total compensation that may be paid to the Consultant by the Department for complete and satisfactory performance of services under this Agreement shall not exceed twenty-seven million, five-hundred thousand dollars (\$27,500,000).

Except as amended herein, all other terms and conditions of Agreement No. 47805 shall remain in full force and effect.

This Amendment No. 1 may be executed in one or more counterparts, and by the Parties in separate counterparts, each of which, when executed, shall be deemed to be an original but all of which taken together shall constitute one and the same amendment. The Parties further agree that facsimile signatures or signatures scanned into .pdf (or signatures in another electronic format designated by LADWP and sent by e-mail shall be deemed original signatures. This Amendment No. 1 consists of 4 pages.

[Signature pages follow]

SIGNATURE PAGE

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their duly Authorized Representatives.

**DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS**

By signing below, the signatories attest that they have no personal, financial, beneficial, or familial interest in this contract.

By: _____
JANISSE QUIÑONES
Chief Executive Officer and Chief Engineer

Date: _____

And: _____
CHANTE L. MITCHELL
Board Secretary

APPROVED AS TO FORM AND LEGALITY

HYDEE FELDSTEIN SOTO, City Attorney

By

Bethany A. Burgess,
BETHANY A. BURGESS

Deputy City Attorney

Date: June 14, 2024

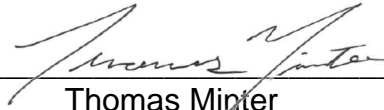
SIGNATURE PAGE

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their duly Authorized Representatives.

KLEINFELDER WEST, INC.

Date: April 22, 2024

By: _____

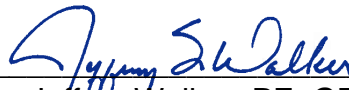


Thomas Minter
Vice President

And

Date: April 22, 2024

By: _____



Jeffrey Walker, PE, GE
Client Account Manager