

**AMENDMENT NO. 1 TO AGREEMENT NO. 47723E
BETWEEN
THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER
AND
POWER ENGINEERS, INC.**

THIS AMENDMENT NO. 1 to Agreement No. 47723E (Agreement) is made and entered into by the City of Los Angeles acting by and through the Los Angeles Department of Water and Power (LADWP), a municipal corporation, and POWER Engineers, Inc. (Contractor) who is referred to under this Amendment as “Consultant”, (collectively, the “Parties”).

WITNESSETH

WHEREAS, on July 12, 2022, the Board of Water and Power Commissioners (Board) approved Agreement Nos. 47723A, 47723B, 47723C, 47723D, 47723E, 47723F, 47723G, and 47723H (Agreements) with Aspen Environmental Group, Stantec Consulting Services, Inc., Environmental Science Associates, Inc., AECOM Technical Services, Inc., POWER Engineers, Inc., Dudek, SWCA, Inc., and Michael Baker International, Inc. (Contractors), respectively, for Environmental Assessment and Air Quality Services; and

WHEREAS, the Agreements were awarded for a term of five years, and for a cumulative amount not-to-exceed \$40,000,000; and

WHEREAS, the 2022-2023 and 2023-2024 winter seasons brought unprecedented rainfall in Southern California and above-average snowfall in the Eastern Sierra as a result of multiple atmospheric rivers coming from the Pacific Ocean and making landfall in California, causing damages to the Los Angeles Department of Water and Power (LADWP) facilities across the Mojave Desert and Owens Valley, which resulted in unanticipated expenses due to emergency conditions; and

WHEREAS, LADWP has determined that due to large scale projects currently undergoing construction with components not originally contemplated or budgeted under the Agreements at the time of award, including the Barren Ridge-Haskell Transmission Line 1 Project (BAR-HSK L1) and the North Haiwee Dam No. 2 Project totaling approximately \$15 million and accounting for nearly 40 percent of the original aggregate amount of the Agreements; and

WHEREAS, the additional funds will allow to continue to provide professional services for environmental impact studies, biological, cultural, archaeological, paleontological, tribal, and mitigation monitoring required by the California Environmental Quality Act, National Environmental Policy Act, and various wildlife or permitting agencies; and

WHEREAS, the proposed Amendment No. 1 (Amendment) to the Agreements will increase the not-to-exceed amount by \$20,000,000, for a total not-to-exceed cumulative amount of \$60,000,000 (budgeted).

NOW, THEREFORE, the parties hereby agree to amend the Agreement as follows:

1. Article IV, Compensation and Payment, Section 4.1.1, Not-to-Exceed Amount, currently reads:

The total cumulative compensation that may be paid to the Consultant by LADWP pursuant to this Agreement along with other Agreements numbered consecutively 47723A through 47723H for complete and satisfactory performance of services shall not exceed forty million dollars (\$40,000,000).

is amended to read as follows:

The total cumulative compensation that may be paid to the Consultant by LADWP pursuant to this Agreement along with other Agreements numbered consecutively 47723A through 47723H for complete and satisfactory performance of services shall not exceed sixty million dollars (\$60,000,000).

Except as herein amended above, all other terms and conditions of the Agreement shall remain in full force and effect.

This Amendment No. 1 may be executed in 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 email shall be deemed original signatures. This Amendment No. 1 consists of three (3) pages.

[Signature Page follows.]

SIGNATURE PAGE

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 1 to Agreement No. 47723E to be executed by their authorized representatives on the date written below.

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

By signing below, the signatories for the Department of Water and Power 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: August 30, 2024

POWER ENGINEERS, INC.

By: _____
STEVE WALKER
Contract Manager



Jay Keeling, PE
VP, PM Division Manager
jay.keeling@powereng.com
2024.07.24 08:15:40-06'00'

Date: JK on behalf of SW, July 24, 2024