

1 FIFTH AMENDMENT TO AGREEMENT NO. 34376

2 **34376**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34376 is made and  
4 entered, in duplicate, as of April 30, 2019, for reference purposes only, pursuant to a minute  
5 order adopted by the City Council of the City of Long Beach at its meeting on July 5, 2016,  
6 by and between ANDERSONPENNA PARTNERS, INC., a California corporation  
7 ("Consultant"), with a place of business at 3737 Birch Street, Newport Beach, California  
8 92660, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.  
10 34376 (the "Agreement") whereby Consultant agreed to provide as-needed public works  
11 construction management and inspection services; and

12 WHEREAS, the Parties entered into a First Amendment to the Agreement to  
13 add \$1,000,000 for a total not to exceed amount of \$2,000,000; and

14 WHEREAS, the Parties entered into a Second Amendment to the Agreement  
15 to add \$1,000,000 for a total not to exceed amount of \$3,000,000; and

16 WHEREAS, the Parties entered into a Third Amendment to the Agreement  
17 to increase the rates to align with prevailing wages; and

18 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement  
19 to add \$500,000 for a total not to exceed amount of \$3,500,000 and extend the term one  
20 to August 31, 2020; and

21 WHEREAS, the Parties desire to add \$500,000 to the Agreement and extend  
22 the term one (1) additional one-year period;

23 NOW, THEREFORE, in consideration of the mutual terms, covenants, and  
24 conditions herein contained, the Parties agree as follows:

25 1. Section 1.A. of the Agreement is hereby amended to read as follows:

26 A. Consultant shall furnish specialized services more particularly  
27 described in Exhibit "A", attached to this Agreement and incorporated by this reference, in  
28 accordance with the standards of the profession, and City shall pay for these services in

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

1 the manner described below, not to exceed Four Million Dollars (\$4,000,000), at the rates  
2 or charges shown in Exhibit "B".

3 2. Section 2 of the Agreement is hereby amended to read as follows:

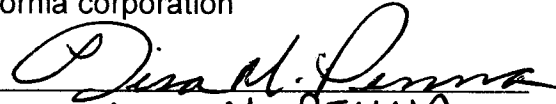
4 "2. TERM. The term of this Agreement shall commence at midnight on  
5 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2021, unless sooner  
6 terminated as provided in this Agreement, or unless the services or the Project is  
7 completed sooner."

8 3. Except as expressly amended herein, all terms and conditions in  
9 Agreement No. 34376 are ratified and confirmed and shall remain in full force and effect.

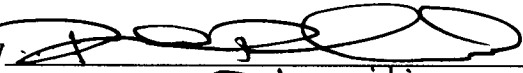
10 IN WITNESS WHEREOF, the Parties have caused this document to be duly  
11 executed with all formalities required by law as of the date first stated above.

12 ANDERSONPENNA PARTNERS, INC., a  
13 California corporation

14 July 29th, 2020

14 By   
15 Name LISA M. PENNA  
16 Title VICE PRESIDENT PRINCIPAL


17 July 30, 2020

17 By   
18 Name Dino D'Emilia  
19 Title VICE PRESIDENT

"Consultant"

20 CITY OF LONG BEACH, a municipal  
21 corporation

22 August 19, 2020

22 By   
23 EXECUTED PURSUANT  
24 TO SECTION 301 OF  
25 THE CITY CHARTER  
26 "City"

27 This Fifth Amendment to Agreement No. 34376 is approved as to form on

28 August 7, 2020.

CHARLES PARKIN, City Attorney

By   
Deputy