

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

1 FIFTH AMENDMENT TO AGREEMENT NO. 34391

2 **34391**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34391 is made and
4 entered, as of July 6, 2023, for reference purposes only, pursuant to a minute order
5 adopted by the City Council of the City of Long Beach at its meeting on June 6, 2023, by
6 and between VANIR CONSTRUCTION MANAGEMENT, INC., a California corporation
7 ("Consultant"), with a place of business at 4540 Duckhorn Drive, Suite 300, Sacramento,
8 California 95834, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
10 34391 (the "Agreement") under Specification No. RFQ PW16-115, whereby Consultant
11 agreed to provide as-needed public works construction management and inspection
12 services in a not to exceed amount of One Million Dollars (\$1,000,000) for a period of three
13 (3) years with the option to extend for two (2) additional one-year periods, at the discretion
14 of the City Manager; and

15 WHEREAS, the Parties entered into a First Amendment to the Agreement to
16 increase the authority amount for a total not to exceed One Million Five Hundred Thousand
17 Dollars (\$1,500,000), and extend the term to August 31, 2020; and

18 WHEREAS, the Parties entered into a Second Amendment to the Agreement
19 to extend the term to August 31, 2021; and

20 WHEREAS, on August 3, 2021, the City Council authorized increasing the
21 aggregate not to exceed amount and extended the term to August 31, 2022, for as-needed
22 construction management and inspection services for all public works projects created
23 under Specification No. RFQ PW16-115; and

24 WHEREAS, the Parties entered into a Third Amendment to the Agreement
25 to extend the term to August 31, 2022; and

26 WHEREAS, on July 19, 2022, the City Council authorized increasing the
27 aggregate not to exceed amount and extended the term to August 31, 2023, for as-needed
28 construction management and inspection services for all public works projects created

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

1 under Specification No. RFQ PW16-115; and

2 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
3 to extend the term to August 31, 2023, and update the City Representative; and

4 WHEREAS, on June 6, 2023, the City Council authorized extending the term
5 of the Agreement to August 31, 2024, for as-needed construction management and
6 inspection services for all public works projects created under Specification No. RFQ
7 PW16-115; and

8 WHEREAS, the Parties desire to extend the term of the Agreement by one
9 (1) additional one-year term;

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

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

13 "2. TERM. The term of this Agreement shall commence at midnight on
14 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2024, unless sooner
15 terminated as provided in this Agreement, or unless the services or the Project is
16 completed sooner."

17 2. Except as expressly modified herein, all of the terms and conditions
18 contained in Agreement No. 34391 are ratified and confirmed and shall remain in full force
19 and effect.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

VANIR CONSTRUCTION MANAGEMENT, INC., a California corporation

July 27, 2023

By [Signature]
Name JAMES E. SMITH
Title President

July 27, 2023

By [Signature]
Name SAM LEE
Title (CFD)

"Consultant"

CITY OF LONG BEACH, a municipal corporation

August 21, 2023

By [Signature]
City Manager

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"City"

This Fifth Amendment to Agreement No. 34391 is approved as to form on

AUGUST 15, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy