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

# THIRD AMENDMENT TO AGREEMENT NO. 35424

35424

THIS THIRD AMENDMENT TO AGREEMENT NO. 35424 is made and entered, in duplicate, as of November 1, 2022 for reference purposes only, pursuant to Resolution No. RES-19-0172, adopted by the City Council of the City of Long Beach at its meeting held on November 12, 2019, by and between BRÜEL & KJAER EMS INC., a Delaware corporation ("Supplier"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Supplier (the "Parties") entered into Agreement No. 35424 (the "Agreement") to provide maintenance, upgrade and support of the Long Beach Airport Noise and Operations Monitoring System (ANOMS) dated December 1, 2019; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to extend the term to December 30, 2021 and add $297,851 for a total not to exceed amount of $936,127; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to add $341,395 for a total not to exceed amount of $1,277,522 and extend the term to November 30, 2022; and

WHEREAS, the Parties desire to extend the term one additional one-year period and add $358,879 for a total not to exceed amount of $1,636,401;

NOW, THEREFORE, in consideration of the terms and conditions contained herein, City and Supplier agree as follows:

1. This Amendment shall be effective as of the date on which this Amendment is executed by both parties (the "Effective Date").

2. The term of the Agreement shall be extended commencing at 12:01 a.m. on December 1, 2022, and shall terminate at midnight on November 30, 2023, unless sooner terminated as provided in this Agreement, or unless the services to be performed or the Project is completed sooner. The term may be extended for one (1) additional one-year period.

3. City shall pay to Supplier for the services described in the Agreement a total amount not to exceed amount One Million Six Hundred Thirty-Six Thousand Four Hundred One Dollars ($1,636,401).

4. Except as expressly amended in this Third Amendment, all terms and conditions in Agreement No. 35424 are ratified and confirmed and shall remain in full force and effect.

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.

BRÜEL & KJAER EMS INC., a Delaware corporation

December 22, 2022, 2022

By _____
Name James Clinnin
Title Dierector - Aviation - Americas

December 22, 2022

By _____
Name Gregory Bucci
Title Vice President

"Supplier"

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

CITY OF LONG BEACH, a municipal corporation

February 17, ~~2022~~ 2023

By Linda F. Tatum
City Manager

"City"

This Third Amendment to Agreement No. 35424 is approved as to form on February 1, 2023.

DAWN McINTOSH
~~CHARLES PARKIN~~, City Attorney

By _____
Deputy

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