

1 FIFTH AMENDMENT TO AGREEMENT NO. 33392

2 **33392**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 33392 is made and  
4 entered, in duplicate, as of July 28, 2016, 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 November 3,  
6 2015, by and between THE RYTE PROFESSIONALS, a corporation, located at 4141 Ball  
7 Road, #517, Cypress, California 90630 ("Consultant"), and the CITY OF LONG BEACH, a  
8 municipal corporation ("City").

9 WHEREAS, the City requires specialized services requiring unique skills to  
10 be performed on an as-needed basis in connection with professional and technical services  
11 for information technology projects and systems; and

12 WHEREAS, City and Consultant entered into Agreement No. 33392 (the  
13 "Agreement") whereby Consultant agreed to provide these services; and

14 WHEREAS, City and Consultant entered into the First Amendment to the  
15 Agreement to increase the not to exceed amount to \$100,000; and

16 WHEREAS, City and Consultant entered into the Second Amendment to the  
17 Agreement to increase the not to exceed amount to \$200,000; and

18 WHEREAS, City and Consultant entered into the Third Amendment to the  
19 Agreement to increase the not to exceed amount to \$400,000 and extend the term to  
20 January 22, 2017; and

21 WHEREAS, City and Consultant entered into the Fourth Amendment to the  
22 Agreement to increase the not to exceed amount to \$600,000; and

23 WHEREAS, the parties desire to increase the total not to exceed amount;

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

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

27 "A. Consultant shall furnish specialized services more particularly  
28 described in Exhibit "A", attached to the Agreement and incorporated by this

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 reference, in accordance with the standards of the profession, and City shall pay  
2 for these services in the manner described below, a total not to exceed contract  
3 amount of Nine Hundred Thousand Dollars (\$900,000), at the rates or charges  
4 shown in Exhibit "A".

5 2. Except as expressly modified herein, all of the terms and conditions  
6 contained in Agreement No. 33392 are ratified and confirmed and shall remain in full force  
7 and effect.

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

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

10  
11  
12 Aug 5, 2016

THE RYTE PROFESSIONALS, a corporation

13 By [Signature]  
14 Name Steve Spitzer  
15 Title Sr. Partner

16 Aug 5, 2016

17 By [Signature]  
18 Name Vukle Miroshnik  
19 Title Sr. Partner

"Consultant"

20 8/11/16, 2016

CITY OF LONG BEACH, a municipal corporation

21 By [Signature]  
22 City Manager  
23 Assistant City Manager

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"City"

24 This Fifth Amendment Agreement No. 33392 is approved as to form on  
25 Aug. 8, 2016.

26 CHARLES PARKIN, City Attorney  
27 By [Signature]  
28 Deputy