

1 FIRST AMENDMENT TO AMENDED AND RESTATED AGREEMENT NO. 35566
2 **35566**

3 THIS FIRST AMENDMENT TO AMENDED AND RESTATED
4 AGREEMENT NO. 35566 is made and entered, as of December 16, 2022, for reference
5 purposes only, pursuant to Resolution No. RES-20-0095 adopted by the City Council of
6 the City of Long Beach at its meeting on August 4, 2020, by and between FULGENT
7 THERAPEUTICS LLC, a California corporation ("Contractor"), with a place of business
8 located at 4978 Santa Anita Ave, Suite 205, Temple City, CA 91780, and the CITY OF
9 LONG BEACH, a municipal corporation ("City").

10 WHEREAS, City requires specialized services to provide COVID-19
11 diagnostic testing to physicians, hospitals and other laboratories; and

12 WHEREAS, City and Contractor (the "Parties") entered into Agreement No.
13 35566 ("Agreement") on July 6, 2020 pursuant to Chapters 2.69 and 2.85 of the Long
14 Beach Municipal Code whereby Contractor agreed to provide these services; and

15 WHEREAS, City and Contractor (the "Parties") entered into an Amended
16 and Restated Agreement No. 35566 ("Agreement") on September 14, 2021 pursuant to
17 Chapters 2.69 and 2.85 of the Long Beach Municipal Code whereby Contractor agreed to
18 provide these services; and

19 WHEREAS, the Parties desire to extend the term of the Amended and
20 Restated Agreement for an additional one-year period;

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

23 1. Section 1.D of the Amended and Restated Agreement is hereby
24 amended to read as follows:

25 "D. The term of this Agreement shall commence at midnight on
26 July 6, 2020 and shall terminate at 11:59 p.m. on June 24, 2023."

27 2. Except as expressly modified herein, all the terms and conditions
28 contained in Amended and Restated Agreement No. 35566 are ratified and confirmed

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4511

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1 and shall remain in full force and effect.

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

4
5
6 January 11, 2023

FULGENT THERAPEUTICS LLC, a
California corporation

By [Signature]
Name Jian (James) Xie
Title President & COO

7
8 _____, 202

By _____
Name _____
Title _____

"Contractor"

CITY OF LONG BEACH, a municipal
corporation

9
10
11
12
13 January 20, 2023

By Linda F. Jabum
City Manager

"City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

14
15
16 This First Amendment to Amended and Restated Agreement No. 35566 is
17 approved as to form on January 17, 2023

18 DAWN MCINTOSH, City Attorney

19 By [Signature]
20 Deputy
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