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SECOND AMENDMENT TO AGREEMENT NO. 33391

33391

THIS SECOND AMENDMENT TO AGREEMENT NO. 33391 is made and entered, in duplicate, as of January 23, 2017, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on February 4, 2014, by and between SIMPLUS MANAGEMENT CORPORATION, a California corporation ("Consultant"), with a place of business at 4431 Corporate Center Drive, Suite 111, Los Alamitos, California 90720, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City requires specialized services requiring unique skills to be performed in connection with as-needed project management services; and

WHEREAS, City and Consultant entered into Agreement No. 33391 (the "Agreement") whereby Consultant agreed to provide these services; and

WHEREAS, City and Consultant entered into a First Amendment to the Agreement to extend the term to February 4, 2017; and

WHEREAS, City and Consultant desire to increase the not to exceed amount to \$1,400,000 and extend the term an additional one (1) year period;

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

1. Section 1.A. of the Agreement is hereby amended to read as follows:
"A. Consultant shall furnish specialized services more particularly described in Exhibit "A", attached to this Agreement and incorporated by this reference, in accordance with the standards of the profession, and City shall pay for these services in the manner described below, not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000), at the rates or charges shown in Exhibit "B". Consultant shall not mark-up or otherwise up-charge to City any direct charges, including but not limited to charges for subconsultant services. Any changes to the rates, charges or staff classifications shall be made only with the prior approval of

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

1 City."

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

3 "2. TERM. The term of this Agreement shall commence at midnight on
4 February 5, 2014, and shall terminate at 11:59 p.m. on February 4, 2018, unless sooner
5 terminated as provided in this Agreement, or unless the services or the Project is
6 completed sooner."

7 3. Except as expressly modified herein, all of the terms and conditions
8 contained in Agreement No. 33391 are ratified and confirmed and shall remain in full force
9 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 SIMPLUS MANAGEMENT
13 CORPORATION, a California corporation

14 2/21, 2017

14 By Paul J Buckley
15 Name PAUL J BUCKLEY
16 Title PRESIDENT

16 2/2, 2017

17 By Tracy Buckley
18 Name TRACY BUCKLEY
19 Title SECRETARY

"Consultant"

20 CITY OF LONG BEACH, a municipal
21 corporation

21 Feb. 9, 2017

22 By T. Bull EXECUTED PURSUANT
23 City Manager TO SECTION 301 OF
24 Assistant City Manager THE CITY CHARTER.
25 "City"

26 This Second Amendment to Agreement No. 33391 is approved as to form on

27 2/7, 2017.

28 CHARLES PARKIN, City Attorney

By [Signature]
Deputy