

34359

FIFTH AMENDMENT TO AGREEMENT NO. 34359

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3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34359 is made and
4 entered, as of July 5, 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 BERG & ASSOCIATES, INC., a California corporation ("Consultant"), with a
7 place of business at 302 West 5th Street, Suite 210, San Pedro, California 90731, and the
8 CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
10 34359 (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 an amount not to exceed Five Hundred Thousand Dollars (\$500,000) for a
13 period of three (3) years with the option to extend for two (2) additional one-year periods,
14 at the discretion of the City Manager; and

15 WHEREAS, the Parties entered into a First Amendment to the Agreement to
16 extend the term to August 31, 2020; and

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

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

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

25 WHEREAS, on July 19, 2022, the City Council authorized increasing the
26 aggregate not to exceed amount and extended the term to August 31, 2023, for as-needed
27 construction management and inspection services for all public works projects created
28 under Specification No. RFQ PW16-115; and

1 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
2 to extend the term to August 31, 2023, attach an updated rate sheet and update the City
3 Representative;

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 this 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 amended herein, all terms and conditions in
18 Agreement No. 34359 are ratified and confirmed and shall remain in full force and effect.

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

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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.

BERG & ASSOCIATES, INC., a California corporation

7/24, 2023

By Deborah Berg
Name Deborah Berg
Title President

7/24, 2023

By Wendy Crawford
Name Wendy Crawford
Title CFO

"Consultant"

CITY OF LONG BEACH, a municipal corporation

August 9, 2023

By Linda J. Jabum
City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

This Fifth Amendment to Agreement No. 34359 is approved as to form on

AUGUST 3, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy