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FIRST AMENDMENT TO CONTRACT NO. 35630

35630

THIS FIRST AMENDMENT TO CONTRACT NO. 35630 is made and entered, in duplicate, as of March 25, 2021 for reference purposes only, pursuant to Resolution No. RES-19-0168, adopted by the City Council of the City of Long Beach at its meeting on November 5, 2019, by and between TELESOFT, LLC DBA MDSL, a Delaware limited liability company ("Contractor"), with a place of business at 5343 N. 16th Street, Suite 300, Phoenix, Arizona 85016, and the CITY OF LONG BEACH ("City"), a municipal corporation.

WHEREAS, the City and Contractor (the "Parties") entered into Contract No. 35630 (the "Contract") whereby Contractor agreed to provide subscription, maintenance and support, as well as a one-time upgrade, of the City's desk phone and mobile device inventory and billing management system; and

WHEREAS, the Parties desire to add the annual authorized amount plus five percent increase for a total not to exceed amount of \$62,042.55 and extend the term one (1) additional one-year period;

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

1. Section 2 of the Contract is hereby amended to read as follows:
- "2. City shall pay Contractor in due course of payments, following receipt of an invoice from Contractor and upon acceptance from City, the prices shown in Exhibit "B", for the term ending November 14, 2021, an annual amount of Fifty-Six Thousand Two Hundred Thirty-One Dollars (\$56,231) with an annual contingency of Three Thousand Dollars (\$3,000) for additional services, for a total annual amount not to exceed Fifty-Nine Thousand Two Hundred Thirty-One Dollars (\$59,231); for the term ending November 14, 2022, Fifty-Six Thousand Two Hundred Thirty-One Dollars (\$56,231) with a contingency of Three Thousand Dollars (\$3,000) for additional services, and a five percent (5%) increase of Two Thousand Eight Hundred Eleven Dollars and Fifty-Five Cents (\$2,811.55) for a total

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CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1 annual amount not to exceed Sixty-Two Thousand Forty-Two Dollars and Fifty-Five Cents
2 (\$62,042.55).

3 The Parties have the option to renew the Contract for two (2) additional one-
4 year periods, with an annual increase of up to five percent (5%), at the discretion of the
5 City Manager.

6 During the initial term of the Contract, there will be a one-time upgrade to the
7 System in the amount of Fifteen Thousand Dollars (\$15,000)."

8 2. Section 3 of the Contract is hereby amended to read as follows:

9 "3. The term of this Contract in relation to maintenance shall commence
10 on May 18, 2019, and shall terminate at midnight on May 17, 2022 unless terminated
11 sooner as provided herein. The term of this Contract in relation to licensing shall
12 commence on November 15, 2019, and shall terminate at midnight on November 14, 2022
13 unless sooner terminated as provided herein. City shall have the option to extend the term
14 of this Agreement for two (2) additional one-year periods, at the discretion of the City
15 Manager. The City may terminate this Contract by giving thirty (30) days prior notice of
16 termination to Contractor."

17 3. Except as expressly amended herein, all terms and conditions in
18 Contract No. 35630 are ratified and confirmed and shall remain in full force and effect.

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IN WITNESS WHEREOF, the Parties have signed this document with all the formalities required by law as of the date first stated above.

TELESOFT, LLC DBA MDSL, a Delaware limited liability company

19-Apr-2021, 2021

By Brian Brady *Brian Brady* 4/26/21
Name Brian Brady
Title CFO

20-Apr-2021, 2021

By Scott Gilbert *Scott Gilbert* 4/26/21
Name Scott Gilbert
Title President

"Contractor"

CITY OF LONG BEACH, a municipal corporation

April 28, 2021

By Linda F. Jabum
City Manager

"City"

**EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER**

This First Amendment to Contract No. 35630 is approved as to form on

April 27, 2021.

CHARLES PARKIN, City Attorney

By *Charles Parkin*
Deputy

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