

FOURTH AMENDMENT TO AGREEMENT NO. 34363
34363

THIS FOURTH AMENDMENT TO AGREEMENT NO. 34363 is made and entered, as of July 25, 2022, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on July 19, 2022, by and between TOTUM CORP, a California corporation ("Consultant"), with a place of business at 333 W. Broadway, Suite 206, Long Beach, California 90802, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 34363 (the "Agreement") whereby Consultant agreed to provide as-needed public works construction management and inspection services in a not to exceed amount of One Million Dollars (\$1,000,000) for a period of three (3) years with the option to extend for two (2) additional one-year periods, at the discretion of the City Manager; and

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

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

WHEREAS, on August 3, 2021, the City Council authorized increasing the aggregate not to exceed amount and extended the term to August 31, 2022, for as-needed construction management and inspection services for all public works projects; and

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

WHEREAS, on July 19, 2022, the City Council authorized increasing the aggregate not to exceed amount and extended the term to August 31, 2023, for as-needed construction management and inspection services for all public works projects; and

WHEREAS, the Parties desire to extend the term one (1) additional one-year period and update the City Representative;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 conditions herein contained, the Parties agree as follows:

2 1. 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 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2023, unless sooner
5 terminated as provided in this Agreement, or unless the services or the Project is
6 completed sooner."

7 2. The City Representative in Exhibit "C" to the Agreement is hereby
8 amended in accordance with Exhibit "C-1", attached hereto and incorporated by this
9 reference.

10 3. Except as expressly modified herein, all of the terms and conditions
11 contained in Agreement No. 34363 are ratified and confirmed and shall remain in full force
12 and effect.

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

3 TOTUM CORP, a California corporation

4 _____, 2022

5 By [Signature]
6 Name [Signature]
7 Title PRESIDENT

8 _____, 2022

9 By [Signature]
10 Name CRISTINA ZAVALLA
11 Title CEO/SECRETARY

12 "Consultant"

13 CITY OF LONG BEACH, a municipal
14 corporation

15 September 20, 2022

16 By [Signature]
17 City Manager

18 "City"

19 This Fourth Amendment to Agreement No. 24566 is approved as to form on
20 September 1, 2022.

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

21 CHARLES PARKIN, City Attorney

22 By [Signature]
23 Deputy

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit C-1

City's Representative:

Keith Hoey

Assistant City Engineer

Keith.Hoey@LongBeach.Gov

562/570-6586