

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

1 FIFTH AMENDMENT TO AGREEMENT NO. 34388

2 **34388**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34388 is made and
4 entered, as of July 25, 2022, 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 July 19, 2022, by
6 and between S2 ENGINEERING, INCORPORATED, a California corporation
7 ("Consultant"), with a place of business at 8608 Utica Avenue, Suite 100, Rancho
8 Cucamonga, California 91730, and the CITY OF LONG BEACH, a municipal corporation
9 ("City").

10 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
11 34388 (the "Agreement") whereby Consultant agreed to provide as-needed public works
12 construction management and inspection services in an amount not to exceed One Million
13 Dollars (\$1,000,000) for a period of three (3) years with the option to extend for two (2)
14 additional one-year periods, at the discretion of the City Manager; and

15 WHEREAS, the Parties entered into a First Amendment to the Agreement to
16 add Five Hundred Thousand Dollars (\$500,000) for a total not to exceed amount of One
17 Million Five Hundred Thousand Dollars (\$1,500,000); and

18 WHEREAS, the Parties entered into a Second Amendment to the Agreement
19 to add Five Hundred Thousand Dollars (\$500,000) for a total not to exceed amount of Two
20 Million Dollars (\$2,000,000) and extend the term to August 31, 2020; and

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

23 WHEREAS, on August 3, 2021, the City Council authorized increasing the
24 aggregate not to exceed amount by Ten Million Dollars (\$10,000,000) for a revised
25 aggregate amount not to exceed Forty-Nine Million Dollars (\$49,000,000) and extended
26 the term to August 31, 2022, for as-needed construction management and inspection
27 services for all public works projects; and

28 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement

1 to add Three Hundred Thousand Dollars (\$300,000) to the Agreement for a total not to
2 exceed amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) and extend
3 the term to August 31, 2022; and

4 WHEREAS, on July 19, 2022, the City Council authorized increasing the
5 aggregate not to exceed amount by Six Million Dollars (\$6,000,000) for a revised aggregate
6 amount not to exceed Fifty-Five Million Dollars (\$55,000,000) and extended the term to
7 August 31, 2023, for as-needed construction management and inspection services for all
8 public works projects; and

9 WHEREAS, the Parties desire to add One Million Dollars (\$1,000,000) to the
10 Agreement for a total not to exceed amount of Three Million Three Hundred Thousand
11 Dollars (\$3,300,000), extend the term one (1) additional one-year period and update the
12 City Representative;

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

15 1. Section 1.A. of the Agreement is hereby amended to read as follows:
16 "A. Consultant shall furnish specialized services more particularly
17 described in Exhibit "A", attached to this Agreement and incorporated by this
18 reference, in accordance with the standards of the profession, and City shall pay for
19 these services in the manner described below, not to exceed Three Million Three
20 Hundred Thousand Dollars (\$3,300,000), at the rates or charges shown in Exhibit
21 "B".

22 2. Section 2 of the Agreement is hereby amended to read as follows:
23 "2. TERM. The term of this Agreement shall commence at midnight on
24 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2023, unless sooner
25 terminated as provided in this Agreement, or unless the services or the Project is
26 completed sooner."

27 3. The City Representative in Exhibit "C" to the Agreement is hereby
28 amended in accordance with Exhibit "C-1", attached hereto and incorporated by this

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1 reference.

2 4. Except as expressly modified herein, all of the terms and conditions
3 contained in Agreement No. 34388 are ratified and confirmed and shall remain in full force
4 and effect.

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

S2 ENGINEERING, INCORPORATED, a
California corporation

7
8
9 8/8/2022, 2022

By [Signature]
Name SAGAR PANDEY
Title Principal Engineer / CEO

10
11 8/8/2022, 2022

By [Signature]
Name SHASHI PANDEY
Title SECRETARY

"Consultant"

CITY OF LONG BEACH, a municipal
corporation

12
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15
16 September 20, 2022

By [Signature]
City Manager

"City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

This Fifth Amendment to Agreement No. 34388 is approved as to form on

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20 September 1, 2022.

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22 CHARLES PARKIN, City Attorney

By [Signature]
Deputy

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