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

## SECOND AMENDMENT TO AGREEMENT NO. 33203

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THIS SECOND AMENDMENT TO AGREEMENT NO. 33203 is made and entered, in duplicate, as of June 28, 2016, 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 16, 2013, by and between KPMG LLP, a Delaware limited liability partnership ("Consultant"), with a place of business at 20 Pacifica, Suite 700, Irvine, CA 92618-3391, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City requires specialized services requiring unique skills to be performed in connection with its annual financial audits, including the audit of the Comprehensive Annual Financial Report ("CAFR"); and

WHEREAS, City and Consultant entered Agreement No. 33203 (the "Agreement") whereby Consultant agreed to provide such services; and

WHEREAS, City and Consultant entered the First Amendment to the Agreement to amend the payment of various programs and extend the term; and

WHEREAS, the parties desire to amend various terms and exercise their second and final option to extend the term;

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

- 1. Section 1.B is added to the Agreement to read as follows:
- "B. Contract Deliverables. In order to endure the timeliness of deliverables, prior to September 30, 2016, the parties shall establish a communication process that involves both written and verbal status updates. At a minimum, Consultant shall inform City monthly of projected deadlines, delivery dates and any other significant information which may affect the delivery of work and services under this Agreement."
  - 2. Section 2 of the Agreement is hereby amended to read as follows:
- "2. <u>PAYMENT.</u> City shall pay Consultant a sum not to exceed Eight Hundred Eighteen Thousand Two Hundred Forty Dollars (\$818,240) for CAFR, Harbor

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Department, Water Department, Airport Passenger Facility Charges, and Single Audit services defined in Section 1 of the Agreement pertaining to fiscal year 2016, based on the annual adjustment computed using the Consumer Price Index as shown in Section 2.C of the Agreement. The total costs are based on the A-133 audit covering six (6) Programs. Each additional Program will be charged at Twenty-Six Thousand Six Hundred Fifty-Five Dollars (\$26,655). The City shall have the option to elect additional work, no later than August 31, 2016 unless mutually agreed upon to a later date, for the Aquarium of the Pacific services defined in Section 1 of the Agreement pertaining to fiscal year 2016, based on annual adjustment computed using the Consumer Price Index as shown is Section 2.C of the Agreement, for a sum not to exceed Fifty-Five Thousand Six Hundred Sixty Dollars (\$55,660). The total contract shall not exceed Eight Hundred Seventy Three Thousand Nine Hundred Dollars (\$873,900)."

- 3. Section 3 of the Agreement is hereby amended to read as follows:
- "3. <u>TERM.</u> The term of this Agreement shall commence at midnight on July 1, 2013, and shall terminate at 11:59 p.m. on June 30, 2017, unless sooner terminated as provided in this Agreement, or unless the services or the Project is completed sooner."
- 3. Except as expressly amended in this Second Amendment, all terms and conditions in Agreement No. 33203 are ratified and confirmed and shall remain in full force and effect.

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	IN WITNESS WHEREOF, ti	ne parties have caused this document to be duly
	executed with all formalities required by la	aw as of the date first stated above.
		KPMG LLP, a Delaware limited liability partnership
	July 18 , 2016	By A. Brock Ron AND Title Partner
	, 2016	By Name Title
		"Consultant"
		CITY OF LONG BEACH, a municipal corporation
	Jy 25, 2016	City Ividina PE CITY CHARIET
		"City" Assistant City Manager
This Second Amendment to Agreement No. 33203 is approve		o Agreement No. 33203 is approved as to form
	on, 2016.	
		By Deputy