

1 THIRD AMENDMENT TO AGREEMENT NO. 34977

2 **34977**

3 THIS THIRD AMENDMENT TO AGREEMENT NO. 34977 is made and
4 entered, in duplicate, as of March 3, 2021 for reference purposes only, pursuant to
5 Resolution No. RES-18-0090 adopted by the City Council of the City of Long Beach at its
6 meeting on June 19, 2018, by and between EMC CORPORATION, a Massachusetts
7 corporation ("Contractor"), whose address is 176 South Street, Hopkinton, Massachusetts
8 01748, and the CITY OF LONG BEACH ("City"), a municipal corporation.

 WHEREAS, City and Contractor (the "Parties") entered into Agreement No.
9 34977 (the "Agreement") whereby Contractor agreed to provide data center systems
10 equipment; and

 WHEREAS, the Parties entered into a First Amendment to the Agreement to
11 extend the term to March 30, 2020; and

 WHEREAS, the Parties entered into a Second Amendment to the Agreement
12 to extend the term to March 30, 2021 and add the authorized annual amount of \$2,087,000
13 for a total not to exceed Agreement amount of \$12,779,600; and

 WHEREAS, the Parties desire to extend the term to July 31, 2021;

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

1. Section 1.D. of the Agreement is hereby amended to read as follows:

 "D. The term of this Agreement shall commence at midnight on June 19,
15 2018, and shall terminate at 11:59 p.m. on July 31, 2021."

2. Except as expressly amended herein, all terms and conditions in
16 Agreement No. 34977 are ratified and confirmed and shall remain in full force and effect.

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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.

FMC CORPORATION, a Massachusetts corporation

March 22, 2021

By Alyssa Saffel
Name Alyssa Saffel
Title Contract Administrator

March 22, 2021

By Cheryle Greenup
Name Cheryle Greenup
Title Contract Administrator

"Contractor"

CITY OF LONG BEACH, a municipal corporation

March 23, 2021

By Linda F. Johnson

City Manager
EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

"City"

This Third Amendment to Agreement No. 34977 is approved as to form on

March 23, 2021.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Lona 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.

EMC CORPORATION, a Massachusetts corporation

March 22, 2021

By Alyssa Scahill
Name Alyssa Scahill
Title Contract Administrator

March 22, 2021

By Charlyne Greenup
Name Charlyne Greenup
Title Contract Administrator

"Contractor"

CITY OF LONG BEACH, a municipal corporation

_____, 2021

By _____
City Manager

"City"

This Third Amendment to Agreement No. 34977 is approved as to form on

_____, 2021.

CHARLES PARKIN, City Attorney

By _____
Deputy