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

FIFTH AMENDMENT TO AGREEMENT NO. 34316

THIS FIFTH AMENDMENT TO AGREEMENT NO. 34316 is made and entered, in duplicate, as of April 12, 2019, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on December 18, 2018, by and between MACIAS GINI & O'CONNELL LLP, a California limited liability partnership fka INTELLIBRIDGE PARTNERS LLC, a California limited liability company ("Consultant"), with a place of business at 3000 S Street, Suite 300, Sacramento, California 95816, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City requires specialized services requiring unique skills to be performed in connection with as-needed professional and technical services; and

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 34316 (the "Agreement") whereby Consultant agreed to provide these services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to extend the term and increase the total amount not to exceed to Four Hundred Thousand Dollars (\$400,000); and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to increase the total amount not to exceed to \$800,000; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to increase the total amount not to exceed to \$1,200,000; and

WHEREAS, the Parties entered into a Fourth Amendment to increase the total not to exceed amount to \$1,600,000; and

WHEREAS, the Parties desire to add \$400,000 for a total not to exceed the amount of \$2,000,000 and extend the term to May 22, 2019;

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

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

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- "A. Consultant shall furnish specialized services more particularly described in Exhibit "A", attached to this Agreement and incorporated by this reference, in accordance with the standards of the profession, and City shall pay for these services in the manner described below, not to exceed Two Million Dollars (\$2,000,000), at the rates or charges shown in Exhibit "B"."
 - 2. Section 2 of the Agreement is hereby amended to read as follows:
- "2. <u>TERM.</u> The term of this Agreement shall commence at midnight on January 1, 2016, and shall terminate at 11:59 p.m. on May 22, 2019, unless sooner terminated as provided in this Agreement, or unless the services or the Project is completed sooner."
- Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 34316 are ratified and confirmed and shall remain in full force and effect.

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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 MACIAS GINI & O'CONNELL LLP, a California limited liability partnership fka 4 INTELLIBRIDGE **PARTNERS** California limited liability company 5 6 Name 7 Title 8 2019 Name 9 **Tom Modica** Title 10 **Assistant City Manager** "Consultant" EXECUTED PURSUANT 11 TO SECTION 301 OF OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor CITY OF LONG BEACH, a municipal 12 THE CITY CHARTER corporation 13 14 City Manager 15 "City" 16 This Fifth Amendment to Agreement No. 34316 is approved as to form on 17 _, 2019. 18 CHARLES PARKIN, City Attorney 19 20 Deputy 21 22 23 24 25 26 27 28