

THIRD AMENDMENT TO AGREEMENT NO. 35528

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THIS THIRD AMENDMENT TO AGREEMENT NO. 35528 is made and entered, in duplicate, as of February 28, 2023, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on April 14, 2020, by and between A & A TOWING, INC., a California corporation ("Contractor"), with a place of business at 3204 Cherry Ave., Long Beach, CA 90807, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Contractor (the "Parties") entered into Agreement no. 35528 (the "Agreement") whereby Contractor agreed to provide as-needed vehicle towing ("Project"); and

WHEREAS, the parties entered into a First Amendment to revise the annual amount of the Agreement; and

WHEREAS, the parties entered into a Second Amendment to revise the annual amount of the Agreement and extend the term for an additional one-year period; and

WHEREAS, the parties currently desire to enter into a Third Amendment to revise the annual contract amount and extend the term for an additional one-year period;

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

1. Section 1.A. of Agreement No. 35528 is hereby amended to read as follows:

"A. Contractor 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 at the rates or charges shown in Exhibit "B". Contractor is not entitled to any money under this Agreement unless the City, in its sole discretion, requests Contractor to provide services pursuant to

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

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Long Beach, CA 90802-4664

1 this Agreement. For the term May 1, 2020 to April 30, 2021, the annual not to  
2 exceed amount shall be \$82,000 with an annual ten percent (10%) contingency.  
3 For the term May 1, 2021 to April 30, 2022, the annual not to exceed amount shall  
4 be \$82,000 with an annual ten percent (10%) contingency. For the term May 1,  
5 2022 to April 30, 2023, the annual not to exceed amount shall be \$87,225 with an  
6 annual ten percent 10% contingency. For the term May 1, 2023 to April 30, 2024,  
7 the annual amount shall be \$87,225 with an annual ten percent (10%)  
8 contingency."

9 2. Section 2. of Agreement No. 35528 is hereby amended to read as  
10 follows:

11 "2. TERM. The term of this Agreement shall commence at midnight on  
12 May 1, 2020, and shall terminate at 11:59 p.m. on April 30, 2024, unless sooner  
13 terminated as provided in this Agreement, or unless the services or the Project is  
14 completed sooner. City shall have the option to extend the term of this Agreement for one  
15 (1) additional one-year period, at the discretion of the City Manager."

16 3. Except as expressly modified herein, all of the terms and conditions  
17 contained in Agreement No. 35528 are ratified and confirmed and shall remain in full  
18 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.

4/5, 2023

A & A TOWING, INC., a California corporation  
By [Signature]  
Name Rubin Fitzer  
Title President

4/5, 2023

By [Signature]  
Name Rubon Fitzer  
Title Secretary

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"Consultant"  
CITY OF LONG BEACH, a municipal corporation  
By Linda F. Tatum  
City Manager

April 11, 2023

"City"

This Third Amendment to Agreement No. 35528 is approved as to form on

April 6th, 2023.

DAWN MCINTOSH, City Attorney  
By [Signature]  
Deputy

OFFICE OF THE CITY ATTORNEY  
DAWN MCINTOSH, City Attorney  
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