

FOURTH AMENDMENT TO AGREEMENT NO. 34178

34178

THIS FOURTH AMENDMENT TO AGREEMENT NO. 34178 is made and entered, in duplicate, as of October 9, 2020 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on October 6, 2020, by and between MOFFATT & NICHOL, a California corporation ("Consultant"), with a place of business at 4225 E. Conant Street, Long Beach, California 90808, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 34178 (the "Agreement") whereby Consultant agreed to provide as-needed professional engineering services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to add \$2,000,000 for a total not to exceed amount of \$5,000,000; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to add \$1,000,000 for a total not to exceed amount of \$6,000,000 and extend the term to December 31, 2019; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to add \$200,000 for a total not to exceed amount of \$6,200,000 and extend the term to December 31, 2020; and

WHEREAS, the Parties desire to extend the term one (1) additional one-year period;

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

1. Section 2 of the Agreement is hereby amended to read as follows:
- "2. TERM. The term of this Agreement shall commence at midnight on January 1, 2016, and shall terminate at 11:59 p.m. on December 31, 2021, unless sooner terminated as provided in this Agreement, or unless the services or the Project is completed sooner."

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

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2. Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 34178 are ratified and confirmed and shall remain in full force and effect.

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.

MOFFATT & NICHOL, a California corporation

October 19, 2020

By Michael J. McCarthy
Name NICHOLAS J. MCCARTHY
Title VICE PRESIDENT

10/16, 2020

By Sarah M. Sabunas
Name SARAH M. SABUNAS
Title ASSISTANT SECRETARY

"Consultant"

CITY OF LONG BEACH, a municipal corporation

November 11, 2020

By Linda J. Jatum
City Manager

"City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

This Fourth Amendment to Agreement No. 34178 is approved as to form on

October 28, 2020.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy