

1 FIFTH AMENDMENT TO AGREEMENT NO. 33431

2 **33431**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 33431 is made and  
4 entered, in duplicate, as of May 17, 2019 for reference purposes only, pursuant to a minute  
5 order adopted by the City Council of the City of Long Beach at its meeting on May 14,  
6 2019, by and between ONWARD ENGINEERING, a California corporation, with a place of  
7 business at 300 S. Harbor Blvd., Suite 814, Anaheim, California 92805 ("Consultant"), and  
8 the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City requires specialized services requiring unique skills to be  
10 performed in connection with on-call street design consulting services; and

11 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.  
12 33431 (the "Agreement") whereby Consultant agreed to provide these services; and

13 WHEREAS, the Parties entered into a First Amendment to the Agreement to  
14 update the schedule of rates charged by Consultant; and

15 WHEREAS, the Parties entered into a Second Amendment to the Agreement  
16 to update the City representative and extend the term to April 30, 2018; and

17 WHEREAS, the Parties entered into a Third Amendment to the Agreement  
18 to decrease the Agreement by \$200,000 for a total not to exceed amount of \$800,000; and

19 WHEREAS, the Parties entered into a Fourth Amendment to extend the term  
20 to April 30, 2019; and

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

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

25 1. Section 2 of the Agreement is hereby amended to read as follows:

26 "2. TERM. The term of this Agreement shall commence at midnight on  
27 May 1, 2014, and shall terminate at 11:59 p.m. on April 30, 2020, unless sooner terminated  
28 as provided in this Agreement, or unless the services or the Project is completed sooner."

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

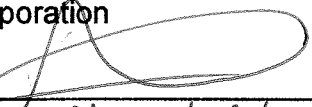
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2. Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 33431 are ratified and confirmed and shall remain in full force and effect.

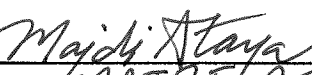
IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

ONWARD ENGINEERING, a California corporation

July 11, 2019

By   
Name Ahmad Ataya  
Title Chief Financial Officer

JULY 11, 2019

By   
Name MAJDI ATAYA  
Title PRESIDENT

Tom Modica  
Assistant City Manager

"Consultant"

EXECUTED PURSUANT  
TO SECTION 301 OF  
THE CITY CHARTER

CITY OF LONG BEACH, a municipal corporation

8/5, 2019

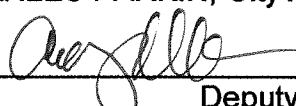
By   
City Manager

"City"

This Fifth Amendment to Agreement No. 33431 is approved as to form on

July 24, 2019.

CHARLES PARKIN, City Attorney

By   
Deputy