

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

FIFTH AMENDMENT TO AGREEMENT NO. 35531

35531

THIS FIFTH AMENDMENT TO AGREEMENT NO. 35531 is made and entered, as of December 16, 2022, for reference purposes only, pursuant to Resolution No. RES-20-0061, adopted by the City Council of the City of Long Beach at its meeting on December 6, 2022, by and between ANSER ADVISORY, LLC, dba SIMPLUS MANAGEMENT LLC, a Delaware limited liability company ("Consultant"), with a place of business at 2677 N. Main Street, Suite 400, Santa Ana, California 92705, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 35531 (the "Agreement") whereby Consultant agreed to provide construction management services for the Phase II Terminal Area improvements at the Long Beach Airport; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to update the fee schedule; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to add \$3,538,000 for a total not to exceed amount of \$7,485,343 and attach an updated fee schedule; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to update the fee schedule; and

WHEREAS, the Parties entered into a Fourth Amendment to the Agreement to update the fee schedule; and

WHEREAS, the Parties desire to add \$3,900,000 to the Agreement for a total not to exceed amount of \$11,385,343, and 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 1.A of the Agreement is hereby amended to read as follows:

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1 “A. Consultant shall furnish specialized services more particularly
2 described in Exhibit “A”, attached to the Agreement and incorporated by this
3 reference, in accordance with the standards of the profession, and City shall pay for
4 these services in the manner described below, in an amount not to exceed Eleven
5 Million Three Hundred Eighty-Five Thousand Three Hundred Forty-Three Dollars
6 (\$11,385,343), at the rates or charges shown in Exhibit “B-4”.”

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

8 “2. TERM. The term of this Agreement shall commence at midnight on
9 May 13, 2020, and shall terminate at 11:59 p.m. on May 12, 2024, unless sooner
10 terminated as provided in this Agreement, or unless the services or the Project is
11 completed sooner. The term may be extended for one (1) additional one-year period at
12 the discretion of the City Manager.”

13 3. Except as expressly modified herein, all of the terms and conditions
14 contained in Agreement No. 35531 are ratified and confirmed and shall remain in full force
15 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.

ANSER ADVISORY, LLC, dba SIMPLUS
MANAGEMENT LLC, a Delaware limited
liability company

January 25, 2023

By Paul J Buckley
Name Paul J Buckley
Title Vice President

January 25, 2023

By Craig Halvorson
Name Craig Halvorson
Title Secretary

"Consultant"

CITY OF LONG BEACH, a municipal
corporation

_____, 2023

By _____
City Manager

"City"

This Fifth Amendment to Agreement No. 35531 is approved as to form on

_____, 2023.

DAWN MCINTOSH, City Attorney

By _____
Deputy

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ANSER ADVISORY, LLC, dba SIMPLUS MANAGEMENT LLC, a Delaware limited liability company

January 25, 2023

By Paul J Buckley
Name Paul J Buckley
Title Vice President

January 25, 2023

By Craig Halvorson
Name Craig Halvorson
Title Secretary

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"Consultant"
CITY OF LONG BEACH, a municipal corporation

February 17, 2023

By Sinda F. Jabum
City Manager

"City"

This Fifth Amendment to Agreement No. 35531 is approved as to form on

January 30, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy

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