

1 FIRST AMENDMENT TO AGREEMENT NO. 33849

2 **33849**

3 THIS FIRST AMENDMENT TO AGREEMENT NO. 33849 is made and
4 entered, in duplicate, as of November 3, 2016, for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting on
6 October 18, 2016, by and between UTILITY PARTNERS OF AMERICA, LLC, a Delaware
7 limited liability company ("Contractor"), with a place of business at 7600 Pelham Road,
8 Suite B, Greenville, SC 29615, and the CITY OF LONG BEACH, a municipal corporation
9 ("City").

10 WHEREAS, City and Contractor entered into Agreement No. 33849 (the
11 "Agreement") whereby Contractor agreed to retrofit and/or replace existing Long Beach
12 Gas and Oil ("LBGO") gas meters to support the Advanced Metering Infrastructures ("AMI")
13 project; and

14 WHEREAS, LBGO and Contractor have encountered field conditions
15 requiring meter infrastructure enhancements beyond the AMI installation contract scope of
16 work; and

17 WHEREAS, City and Contractor desire to increase the not to exceed amount;
18 NOW, THEREFORE, in consideration of the mutual terms, covenants, and
19 conditions herein contained, the parties agree as follows:

20 1. SCOPE OF WORK OR SERVICES.

21 A. Contractor shall furnish specialized services more particularly
22 described in Exhibit "A", attached to this Agreement and incorporated by this
23 reference, in accordance with the standards of the profession, and City shall pay for
24 these services in the manner described below, not to exceed Eight Million Two
25 Hundred Ninety-Two Thousand Seven Hundred Forty-Nine Dollars (\$8,292,749), at
26 the rates or charges shown in Exhibit "B".


27 2. Except as expressly modified herein, all of the terms and conditions
28 contained in Agreement No. 33849 are ratified and confirmed and shall remain in full force

1 and effect.


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

4 UTILITY PARTNERS OF AMERICA, LLC, a
5 Delaware limited liability company

6 2/28, 201¹⁷₆

By 
Name LEE SCHWARTZ
Title CEO

8 2/28, 201¹⁷₆

By 
Name TODD STONE
Title PRESIDENT UPA

9 "Contractor"

10 CITY OF LONG BEACH, a municipal
11 corporation

12 3/29, 201¹⁷₆

By 
City Manager
Assistant City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

15 "City"

16 This First Amendment to Agreement No. 33849 is approved as to form on

17 March 13, 201¹⁷₆

18 CHARLES PARKIN, City Attorney

By 
Deputy

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Long Beach, CA 90802-4664