

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

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THIRD AMENDMENT TO AGREEMENT NO. 35268

35268

THIS THIRD AMENDMENT TO AGREEMENT NO. 35268 is made and entered, as of April 7, 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 June 18, 2019, by and between FLEET COLLISION SERVICES, INC., a California corporation ("Contractor"), with a place of business at 14833 Lakewood Blvd., Paramount, CA 90723, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City requires specialized services requiring unique skills to be performed in connection with light and medium vehicle body repair ("Project"); and

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 35268 (the "Agreement") whereby Consultant agreed to provide these services as described in Request for Proposals number FS19-042; and

WHEREAS, the Parties entered into a First Amendment to increase the annual contract amount and renew the contract for an additional one-year period and;

WHEREAS, the Parties entered into a Second Amendment to increase the contract amount and renew the contract for an additional one-year period and;

WHEREAS, the Parties desire to enter into a Third Amendment to increase the contract amount by an additional Eight Hundred Thousand Dollars (\$800,000) and extend the contract for one (1) additional one-year term until July 31, 2024;

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:

"SCOPE OF WORK OR SERVICES.

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, not to exceed Five Hundred Fifty

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1 Thousand Dollars (\$550,000) annually, with a 15 percent contingency in the amount
2 of Eighty-Two Thousand Five Hundred Dollars (\$82,500), for a total annual amount
3 not to exceed Six Hundred Thirty-Two Thousand Five Hundred Dollars (\$632,500),
4 for the term July 1, 2029 to June 30, 2021, at the rates or charges shown in Exhibit
5 "B". For the term July 1, 2021 to June 30, 2022, the annual not to exceed amount
6 shall be Six Hundred Thousand Dollars (\$600,000). For the term July 1, 2022 to
7 June 30, 2023, the annual not to exceed amount shall be Eight Hundred Thousand
8 Dollars (\$800,000). For the term July 1, 2023 to June 30, 2024, the annual not to
9 exceed amount shall be Eight Hundred Thousand Dollars (\$800,000)."

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

11 "TERM. The term of this Agreement shall commence at midnight on July 1,
12 2019, and shall terminate at 11:59 p.m. on June 30, 2024, unless sooner terminated as
13 provided herein. The City may terminate this Contract by giving thirty (30) days prior notice
14 of termination to Contractor."

15 3. Except as expressly modified herein, all of the terms and conditions
16 contained in Agreement No. 35268 are ratified and confirmed and shall remain in full force
17 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.

FLEET COLLISION SERVICES, INC., a California corporation

5-16, 2023

By [Signature]
Name Danny Frachette
Title President

5-16, 2023

By [Signature]
Name Danny Frachette
Title URE president

"Consultant"

CITY OF LONG BEACH, a municipal corporation

May 19, 2023

By [Signature]
City Manager

PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"City"

This Third Amendment to Agreement No. 35268 is approved as to form on

May 17, 2023.

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DAWN MCINTOSH, City Attorney

By [Signature]
Deputy

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On 5-16-23 before me, Danny Frechette President
Date Here Insert Name and Title of the Officer

personally appeared Danny Frechette
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer is Representing: _____