

1 SIXTH AMENDMENT TO AGREEMENT NO. 34977

2 **34977**

3 THIS SIXTH AMENDMENT TO AGREEMENT NO. 34977 is made and
4 entered, in duplicate, as of July 7, 2022 for reference purposes only, pursuant to Resolution
5 No. RES-18-0090 adopted by the City Council of the City of Long Beach at its meeting on
6 June 19, 2018, by and between EMC CORPORATION, a Massachusetts corporation
7 ("Contractor"), whose address is 176 South Street, Hopkinton, Massachusetts 01748, and
8 the CITY OF LONG BEACH ("City"), a municipal corporation.

9 WHEREAS, City and Contractor (the "Parties") entered into Agreement No.
10 34977 (the "Agreement") whereby Contractor agreed to provide data center systems
11 equipment; and

12 WHEREAS, the Parties entered into a First Amendment to the Agreement to
13 extend the term to March 30, 2020; and

14 WHEREAS, the Parties entered into a Second Amendment to the Agreement
15 to extend the term to March 30, 2021 and add the authorized annual amount of \$2,087,000
16 for a total not to exceed Agreement amount of \$12,779,600; and

17 WHEREAS, the Parties entered into a Third Amendment to the Agreement
18 to extend the term to July 31, 2021; and

19 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
20 to add the authorized annual amount of \$2,087,000 for a total not to exceed amount of
21 \$14,866,600 and extend the term to July 31, 2022; and

22 WHEREAS, the Parties entered into a Fifth Amendment to extend the
23 Agreement through February 28, 2023; and

24 WHEREAS, NASPO Contract No. MNWNC-109 has been extended through
25 July 31, 2023; and

26 WHEREAS, the Parties desire to extend the term through the NASPO
27 extension;

28 NOW, THEREFORE, in consideration of the mutual terms, covenants, and

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

1 conditions herein contained, the Parties agree as follows:

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

3 "D. The term of this Agreement shall commence at midnight on June 19,
4 2018, and shall terminate at 11:59 p.m. on July 31, 2023."

5 2. Except as expressly amended herein, all terms and conditions in
6 Agreement No. 34977 are ratified and confirmed and shall remain in full force and effect.

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

9 EMC CORPORATION, a Massachusetts
10 corporation

11 3/1/2023, 2023

By [Signature]
12 Name SCOTT ELLIOT
13 Title MANAGING DIRECTOR LEGAL

14 MARCH 1, 2023

By [Signature]
15 Name Stacey Rearick
16 Title ADVISORY PARTNER

17 "Contractor"

18 EXECUTED PURSUANT
19 TO SECTION 301 OF
20 THE CITY CHARTER.

21 CITY OF LONG BEACH, a municipal
22 corporation

23 March 21, 2023

By [Signature]
24 City Manager

25 "City"

26 This Sixth Amendment to Agreement No. 34977 is approved as to form on
27 March 16, 2023.

28 DAWN MCINTOSH, City Attorney

By [Signature]
Deputy