

34363

FIFTH AMENDMENT TO AGREEMENT NO. 34363

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THIS FIFTH AMENDMENT TO AGREEMENT NO. 34363 is made and entered, as of July 6, 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 6, 2023, by and between TOTUM CORP, a California corporation ("Consultant"), with a place of business at 15130 Ventura Boulevard, Unit A, Sherman Oaks, California 91403, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 34363 (the "Agreement") under Specification No. RFQ PW16-115, whereby Consultant agreed to provide as-needed public works construction management and inspection services in a not to exceed amount of One Million Dollars (\$1,000,000) for a period of three (3) years with the option to extend for two (2) additional one-year periods, at the discretion of the City Manager; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to extend the term to August 31, 2020; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the term to August 31, 2021; and

WHEREAS, on August 3, 2021, the City Council authorized increasing the aggregate not to exceed amount and extended the term to August 31, 2022, for as-needed construction management and inspection services for all public works projects created under Specification No. RFQ PW16-115; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to extend the term to August 31, 2022; and

WHEREAS, on July 19, 2022, the City Council authorized increasing the aggregate not to exceed amount and extended the term to August 31, 2023, for as-needed construction management and inspection services for all public works projects created under Specification No. RFQ PW16-115; and

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DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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1 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
2 to extend the term to August 31, 2023, and update the City Representative; and

3 WHEREAS, on June 6, 2023, the City Council authorized extending the term
4 of the Agreement to August 31, 2024, for as-needed construction management and
5 inspection services for all public works projects created under Specification No. RFQ
6 PW16-115; and

7 WHEREAS, the Parties desire to extend the term of the Agreement by one
8 (1) additional one-year term;

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

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

12 "2. TERM. The term of this Agreement shall commence at midnight on
13 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2024, unless sooner
14 terminated as provided in this Agreement, or unless the services or the Project is
15 completed sooner."

16 2. Except as expressly modified herein, all of the terms and conditions
17 contained in Agreement No. 34363 are ratified and confirmed and shall remain in full force
18 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.

TOTUM CORP, a California corporation

7/14, 2023

By 
Name DANNY KATE
Title PRESIDENT

7/14, 2023

By 
Name GIULIO ZAVOLTA
Title SECRETARY

"Consultant"

CITY OF LONG BEACH, a municipal corporation

August 9, 2023

By Linda J. Jakem
City Manager

"City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

This Fifth Amendment to Agreement No. 34363 is approved as to form on AUGUST 3, 2023.

OFFICE OF THE CITY ATTORNEY
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DAWN MCINTOSH, City Attorney

By 
Deputy