

1 FIFTH AMENDMENT TO AGREEMENT NO. 28336

2 **28336**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 28336 is made and
4 entered, in duplicate, as of December 10, 2008 for reference purposes only, pursuant to
5 a minute order adopted by the City Council of the City of Long Beach at its meeting on
6 April 4, 2006, by and between THE GORDIAN GROUP, INC. doing business in California
7 as THE MELLON GROUP, a Georgia corporation ("Consultant"), with a place of business
8 at 140 Bridges Road, Suite E, Mauldin, South Carolina 29662, and the CITY OF LONG
9 BEACH, a municipal corporation ("City").

10 WHEREAS, the parties entered Agreement No. 28336 whereby Consultant
11 agreed to provide specialized services requiring unique skills to be performed in
12 connection with the development and design of a program for Job Order Contracting
13 ("JOC"); and

14 WHEREAS, the parties desire to extend the term of the Agreement;

15 NOW, THEREFORE, in consideration of the mutual terms and conditions in
16 Agreement No. 28336 and herein, the parties agree as follows:

17 1. Section 2 of Agreement No. 28336 is hereby amended to read as
18 follows:

19 "2. TERM. The initial term of this Agreement shall commence at
20 midnight on February 1, 2003, and shall terminate at 11:59 p.m. on January 31, 2005.
21 The first extended term of this Agreement shall commence at midnight on February 1,
22 2005, and shall terminate at 11:59 p.m. on January 31, 2006. The second extended term
23 of this Agreement shall commence at midnight on February 1, 2006, and shall terminate
24 at 11:59 p.m. on January 31, 2007. The third extended term of this Agreement shall
25 commence at midnight on February 1, 2007, and shall terminate at 11:59 p.m. on
26 January 31, 2008. The fourth extended term of this Agreement shall commence at
27 midnight on February 1, 2008, and shall terminate at 11:59 p.m. on January 31, 2009.
28 The fifth extended term of this Agreement shall commence at midnight on February 1,

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 2009 and, unless sooner terminated as provided herein, shall terminate at 11:59 p.m. on
2 January 31, 2010."

3 2. Except as expressly amended herein, all terms and conditions in
4 Agreement No. 28336 are ratified and confirmed and shall remain in full force and effect.

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

7 THE GORDIAN GROUP, INC., doing
8 business in California as THE MELLON
9 GROUP, a Georgia corporation

10 12/23, 2008

By Robert D. Coffey
Robert D. Coffey
Type or Print Name

12 12/23, 2008

By David L. Mahler
David L. Mahler
Type or Print Name

15 "Consultant"

16 CITY OF LONG BEACH, a municipal
17 corporation

18 1/20/09, 2009

By [Signature] Assistant City Manager
City Manager

19 "City"

20 REVISIONS PURSUANT
TO SECTION 201 OF
THE CITY CHARTER.

21 This Fifth Amendment to Agreement No. 28336 is approved as to form on

22 January 5, 2009

23 ROBERT E. SHANNON, City Attorney

24 By [Signature]
Deputy