

1 FOURTH AMENDMENT TO AGREEMENT NO. 34857

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3 THIS FOURTH AMENDMENT TO AGREEMENT NO. 34857 is made and
4 entered, in duplicate, as of December 7, 2021, 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 July
6 11, 2017, by and between KUBRA AMERICA WEST, INC., a California corporation
7 (“Consultant”), with a place of business at 14105 S. Normandie Avenue, Gardena,
8 California 90249, and the CITY OF LONG BEACH, a municipal corporation (“City”).

9 WHEREAS, City and Consultant (the “Parties”) entered into Agreement No.
10 34857 (the “Agreement”) whereby Consultant agreed to provided payment processing
11 services; and

12 WHEREAS, the Parties entered into a First Amendment to the Agreement to
13 provide for revised pricing for the Services; and

14 WHEREAS, the Parties entered into a Second Amendment to the Agreement
15 to provide for revised pricing for the Services; and

16 WHEREAS, the Parties entered into a Third Amendment to the Agreement
17 to extend the term to December 3, 2021; and

18 WHEREAS, the Parties desire to extend the term of the Agreement one (1)
19 additional one-year period and provide for revised pricing;

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

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

23 “2. TERM. The term of this Agreement shall commence at midnight on
24 December 4, 2017, and shall terminate at 11:59 p.m. on December 3, 2022, unless sooner
25 terminated as provided in this Agreement, or unless the services or the Project is
26 completed sooner.”

27 2. The pricing contained in the Statement of Work is hereby amended to
28 include the following terms:

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A. The City and KUBRA will share equally in KUBRA's shortfall on credit card processing fees (CPT) for Infor, RescueNet, and Tyler Munis payments, based on actual receipts, for the period of December 1, 2020 through November 30, 2021 in the amount of Twenty-Nine Thousand Two Hundred Five Dollars and Seven Cents (\$29,205.07) to each party.

B. The City and KUBRA will share equally in KUBRA's shortfall on credit card processing fees (CPT) for Infor, RescueNet, and Tyler Munis payments, based on actual receipts reported on a monthly basis, for the period of December 1, 2021 through November 30, 2022.

C. Any changes in convenience fee pricing must be provided in writing to the City by March 1st of each year unless such changes are required due to special circumstances.

D. KUBRA will provide ninety (90) days advance notice prior to executing any large-scale platform changes including but not limited to version upgrades requiring testing by the City. For greater clarity, the parties agree that this notice requirement is intended for material platform changes and will not be required for other changes such as security updates, new features etc.

E. Examples of material platform changes include:

- i. EZPay major version upgrade (i.e., 4.0 -> 5.1);
- ii. POS upgrades;
- iii. Major application changes (i.e., payment in/out); and
- iv. Major infrastructure changes.

3. Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 34857 are ratified and confirmed and shall remain in full force and effect.

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OFFICE OF THE CITY ATTORNEY
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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.

KUBRA AMERICA WEST, INC., a California corporation

December 13th, 2021

By [Signature]
Name Rick Watkins
Title President & CEO

December 13th, 2021

By [Signature]
Name Lida Sadraezadi
Title CFO

"Consultant"

CITY OF LONG BEACH, a municipal corporation

1/5/2022, 2021

By [Signature]
City Manager

"City"

DEPUTY CITY MANAGER
CITY OF LONG BEACH
CITY CHARTER

This Fourth Amendment to Agreement No. 34857 is approved as to form on

1-4, 2021.
2022

CHARLES PARKIN, City Attorney

By [Signature]
Deputy