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

FIRST AMENDMENT TO AGREEMENT NO. 36184

THIS FIRST AMENDMENT TO AGREEMENT NO. 36184 is made and entered, in duplicate, as of February 7, 2022, 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 9, 2020, by and between COMMERCIAL PROGRAMMING SYSTEMS, INC., a California corporation ("Consultant"), with a place of business at 4400 Coldwater Canyon Avenue, Suite 105, Studio City, California 91604, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 36184 (the "Agreement") whereby Consultant agreed to provide as-needed professional and technical services for system analysis, development, implementation, project management, and technical support; and

WHEREAS, the Parties desire to amend the Agreement to allow for Consultant to sub-contract certain projects that the City commissioned them for, more specifically relating to the mainframe operation;

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

1. Section 32 is hereby added to the Agreement to read as follows:

"32. <u>SUBCONTRACTORS</u>.

- A. Consultant shall not subcontract any portion of the work identified in the Agreement without express written authorization.
- B. Consultant shall be fully responsible for all work performed by the subcontractor.
- C. Consultant shall bind every subcontractor to the terms of this Agreement. Nothing herein shall create any obligation on the part of City to pay any subcontractor except in accordance with a court order.
 - D. Failure of Consultant to comply with this Section shall be

deemed a material breach of this Agreement.

- E. A list of subcontractor(s) submitted by Consultant is attached hereto as Exhibit "F" and incorporated herein by this reference."
- 2. Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 31684 are ratified and confirmed and shall remain in full force and effect.

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.

$\frac{2/18}{2/15/}$, 2022	COMMERCIAL PROGRAMMING SYSTEMS, INC., a California corporation By Name Philip Sawyer Title President/CEO By Name Donna Preston Title Vice President
	"Consultant" CITY OF LONG BEACH, a municipal corporation
, 2022	By Sinder J. Jahren City Manager EXECUTED PURSUANT "City" TO SECTION 301 OF THE CITY CHARTER.
This First Amendment to Ag	reement No. 36184 is approved as to form on
<u>March</u> 2, 2022.	
	CHARLES PARKIN, City Attorney

Deputy

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EXHIBIT "F"

Synertech, Inc.