

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

1 FIFTH AMENDMENT TO AGREEMENT NO. 34977

2 **34977**

3 THIS FIFTH 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, NASPO Contract No. MNWNC-109 has been extend through  
23 February 28, 2023; and

24 WHEREAS, the Parties desire to extend the term through the NASPO  
25 extension;

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

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

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1 "D. The term of this Agreement shall commence at midnight on June 19,  
2 2018, and shall terminate at 11:59 p.m. on February 28, 2023."

3 2. Except as expressly amended herein, all terms and conditions in  
4 Agreement No. 34977 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 EMC CORPORATION, a Massachusetts  
8 corporation  
9 July 12, 2022 By Alyssa Savies  
10 Name Alyssa Savies  
11 Title Contract Administrator

12 July 12, 2022 By Chayne Greenup  
13 Name Chayne Greenup  
14 Title Contract Administrator

"Contractor"

15 CITY OF LONG BEACH, a municipal  
16 corporation  
17 July 21, 2022 By [Signature]  
18 City Manager

"City"

19 This Fifth Amendment to Agreement No. 34977 is approved as to form on  
20 July 19, 2022.

21  
22 CHARLES PARKIN, City Attorney  
23 By [Signature]  
24 Deputy

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