

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

SECOND AMENDMENT TO AGREEMENT NO. 35552

35552

THIS SECOND AMENDMENT TO AGREEMENT NO. 35552 is made and entered as of April 4, 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 May 5, 2020, by and between IMS INFRASTRUCTURE MANAGEMENT SERVICES, <sup>LP, a Delaware limited partnership</sup> ~~LLC, an Arizona limited liability~~ company ("Consultant"), with a place of business at 8380 South Kyrene Road, Suite 101, Tempe, Arizona 85284, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 35552 (the "Agreement") whereby Consultant agreed to provide engineering consulting services for updating the City of Long Beach Pavement Management Program in an amount not to exceed Five Hundred and Seventy-Four Thousand Eight Hundred and Seventy-Nine Dollars (\$574,879); and

WHEREAS, the Agreement term commenced at midnight on May 30, 2020, and shall terminate at 11:59 p.m. on May 29, 2022, unless sooner terminated as provided in the Agreement, or unless the services or the Project is completed sooner. The term may be extended for three (3) additional one-year periods, at the discretion of the City Manager; and

WHEREAS, the Parties entered into a First Amendment to extend the term of the Agreement to May 29, 2023 using the first one-year period extension; and

WHEREAS, the Parties desire apply the second term extension option to extend the Agreement term for one (1) additional one-year period;

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

1. Section 2 of the Agreement is hereby amended to read as follows:
- "2. TERM. The term of this Agreement shall commence at midnight on May 30, 2020, and shall terminate at 11:59 p.m. on May 29, 2024, unless sooner terminated as provided in this Agreement, or unless the services or the Project is

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1 completed sooner. The Parties have the option to extend the term for one (1) additional  
2 one-year period."

3 2. Except as expressly modified herein, all of the terms and conditions  
4 contained in Agreement No. 35552 are ratified and confirmed and shall remain in full force  
5 and effect.

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

8 IMS INFRASTRUCTURE MANAGEMENT  
9 SERVICES, LLC, an Arizona limited liability  
10 company LP, a Delaware limited partnership

11 April 17, 2023

By [Signature]  
Name Mikael Nieminen  
Title CEO

12 April 17, 2023

By [Signature]  
Name John Till  
Title Controller

"Consultant"

16 CITY OF LONG BEACH, a municipal  
17 corporation

18 April 27, 2023

By [Signature]  
City Manager

"City"

20 This Second Amendment to Agreement No. 35552 is approved as to form on  
21 April 20, 2023.

23 EXECUTED PURSUANT  
24 TO SECTION 301 OF  
25 THE CITY CHARTER.

DAWN MCINTOSH, City Attorney  
By [Signature]  
Deputy