

THIRD AMENDMENT TO AGREEMENT NO. 34194

34194

THIS THIRD AMENDMENT TO AGREEMENT NO. 34194 is made and entered, in duplicate, as of October 8, 2018 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on October 20, 2015, by and between CUTTER & COMPANY, a sole proprietorship ("Consultant"), with a place of business at 10439 La Despensa Avenue, Fountain Valley, California 92708 , and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the City requires specialized services requiring unique skills to be performed in connection with as-needed graphic design and creative services; and

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 34194 (the "Agreement") whereby Consultant agreed to provide these services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to add \$25,000 for a total not to exceed amount of \$77,000; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the term until November 30, 2018 and add \$30,000 for a total not to exceed amount of \$107,000; and

WHEREAS, the Parties desire to extend the term one (1) additional one-year period and add \$50,000 for a total not to exceed amount of \$157,000;

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

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

"A. Consultant shall furnish specialized services more particularly described in Exhibit "A", attached to this Agreement and incorporated by this reference, in accordance with the standards of the profession, and City shall pay for these services in the manner described below, not to exceed One Hundred Fifty-Seven Thousand Dollars (\$157,000), at the rates or charges shown in Exhibit "B"."

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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

"2. TERM. The term of this Agreement shall commence at midnight on December 1, 2015, and shall terminate at 11:59 p.m. on November 30, 2019, unless sooner terminated as provided in this Agreement, or unless the services or the Project is completed sooner."

3. Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 34194 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.

OCTOBER 23, 2018

Tom Modica
Assistant City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

Nov. 6, 2018

CUTTER & COMPANY, a sole proprietorship

By [Signature]
Name THOMAS R CUTTER
Title OWNER

"Consultant"

CITY OF LONG BEACH, a municipal corporation

By [Signature]
City Manager

"City"

This Third Amendment to Agreement No. 34194 is approved as to form on

11/1, 2018.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy