

FIRST AMENDMENT TO MASTER PURCHASE AGREEMENT NO. 33862

33862

THIS FIRST AMENDMENT TO MASTER PURCHASE AGREEMENT NO. 33862 is made and entered, in duplicate, as of July 17, 2019, for reference purposes only, pursuant to Resolution No. RES-15-0029 adopted by the City Council of the City of Long Beach at its meetings held on March 17, 2015 and July 16, 2019, by and between ORACLE AMERICA, INC., a Delaware corporation, whose address is 500 Oracle Parkway, Redwood City, California 94065 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the City desires to purchase computer software and related services; and

WHEREAS, the County of Los Angeles has an existing contract for the purchase of such items from Contractor which has been designated as County of Los Angeles Software License Agreement No. MA-IS-1540029-1 (the "County Agreement"); and

WHEREAS, City and Contractor (the "Parties") entered into Master Purchase Agreement No. 33862 (the "Agreement"), as authorized by Resolution No. RES-15-0029, to purchase these items from Contractor by virtue of the County Agreement; and

WHEREAS, the Parties desire to increase the annual not to exceed amount and extend the term;

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

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

"B. Contractor shall sell, furnish and deliver to the City the computer software and related services as and when ordered by the City, in accordance with Exhibit "A", not to exceed the following: for the period ending prior to July 27, 2019, a total not to exceed amount of Two Million Dollars (\$2,000,000.00), including tax and fees; for the period beginning July 28, 2019 and

1 ending July 27, 2020, a total amount of One Million Two Hundred Thousand Dollars
2 (\$1,200,000); and for any annual period thereafter (with each such annual period
3 running from July 28 to July 27), a total amount of Six Hundred Fifty Thousand
4 (\$650,000), including taxes and fees, for as long as the County Agreement is in
5 effect, or until the City gives a 30-day notice of termination. To the extent that this
6 Agreement and the County Agreement are inconsistent, the following priority shall
7 govern: (1) this Agreement, and (2) the County Agreement."

8 2. Section 3 of the Agreement is hereby amended to read as follows:

9 "3. Any notices required under this Agreement shall be in writing and
10 personally delivered or deposited in the U.S. Postal Service, return receipt, addressed to
11 the Contractor at the address stated herein, and to the City at 411 West Ocean Boulevard,
12 Long Beach, California 90802 Attn: City Manager."

13 3. Section 5 of the Agreement is hereby amended to read as follows:

14 "5. The term of this Agreement shall begin on March 17, 2015, and shall
15 end at midnight on July 27, 2020, or when the warranty on the computer software and
16 related services expires, whichever is later. If the County Contract is extended, then the
17 City shall have an option to extend the term of this Agreement to coincide with the extension
18 of the County Contract. The parties shall sign amendments memorializing each extension."

19 4. Except as expressly amended herein, all terms and conditions in
20 Master Purchase Agreement No. 33862 are ratified and confirmed and shall remain in full
21 force and effect.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

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

ORACLE AMERICA, Inc., a Delaware
corporation

02 - August, 2019

By [Signature]
Name Mike Comariglio
Title Contracted Workload Manager

02 August, 2019

By [Signature]
Name Michael Estrada
Title NAMER License Mgr

Tom Modica
Assistant City Manager

**EXECUTED PURSUANT TO SECTION 301 OF
THE CITY CHARTER**

"Contractor"

CITY OF LONG BEACH, a municipal
corporation

8/9/, 2019

By [Signature]
City Manager

"City"

This First Amendment to Master Purchase Agreement No. 33862 is hereby
approved as to form on August 5, 2019.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy