## FOURTH AMENDMENT TO AGREEMENT NO. 34194 34194

THIS FOURTH AMENDMENT TO AGREEMENT NO. 34194 is made and 4 entered, in duplicate, as of March 6, 2020 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on January 7, 2020, 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"). 8

9 WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 10 34194 (the "Agreement") whereby Consultant agreed to provide as-needed graphic 11 design and creative services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement 12 to add \$25,000 for a total not to exceed amount of \$77,000; and 13

14 WHEREAS, the Parties entered into a Second Amendment to the 15 Agreement to extend the term until November 30, 2018 and add \$30,000 for a total not to 16 exceed amount of \$107,000; and

17 WHEREAS, the Parties entered into a Third Amendment to the Agreement 18 to extend the term to November 30, 2019 and add \$50,000 for a total not to exceed 19 amount of \$157,000; and

20 WHEREAS, the Parties desire to extend the term to July 31, 2020 and add \$10,000 for a total not to exceed amount of \$167,000; 21

22 NOW, THEREFORE, in consideration of the mutual terms, covenants, and 23 conditions herein contained, the Parties agree as follows:

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

"A. 25 Consultant shall furnish specialized services more particularly 26 described in Exhibit "A", attached to this Agreement and incorporated by this 27 reference, in accordance with the standards of the profession, and City shall pay 28 for these services in the manner described below, not to exceed One Hundred

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Sixty-Seven Thousand Dollars (\$167,000), at the rates or charges shown in Exhibit "B"."

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

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

4 "2. <u>TERM</u>. The term of this Agreement shall commence at midnight on
5 December 1, 2015, and shall terminate at 11:59 p.m. on July 31, 2020, unless sooner
6 terminated as provided in this Agreement, or unless the services or the Project is
7 completed sooner."

8 3. Except as expressly modified herein, all of the terms and conditions
9 contained in Agreement No. 34194 are ratified and confirmed and shall remain in full
10 force and effect.

11 IN WITNESS WHEREOF, the Parties have caused this document to be 12 duly executed with all formalities required by law as of the date first stated above.

CUTTER & COMPANY. sole а proprietorship 14 MARCH 2020 15 Name THOMAS R. 16 Title **OWNER** 17 "Consultant" 18 CITY OF LONG BEACH, a municipal corporation 19 2020 20 Bγ EXECUTEDIPURSUANT 21 TO SECTION 301 OF "City" THE CITY CHARTER 22 This Fourth Amendment to Agreement No. 34194 is approved as to form on 23 2020. 24 25 CHARLES PARKIN, City Attorney 26 Deputy 27 28 2 EWM:bg A16-00003 01126589.DOC