

FIRST AMENDMENT TO AGREEMENT NO. 35546

35546

THIS FIRST AMENDMENT TO AGREEMENT NO. 35546 is made and entered, as of July 7, 2020 for reference purposes only, pursuant to Chapters 2.69 and 2.85 of the Long Beach Municipal Code, by and between CURATIVE, INC., formerly SNAP GENOMICS, INC., a Delaware corporation ("Contractor"), with a place of business at 430 S. Cataract Ave., San Dimas, CA 91773, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Contractor (the "Parties") entered into Agreement No. 35546 ("Agreement") whereby Consultant agreed to provide the specialized services as described in Request for Proposals Number HE20-057 for COVID-19 Test Kits & Lab Services; and

WHEREAS, as a result of the need to proactively slow the spread of, and combat, COVID-19 in the City, the City Public Health Officer issued a Declaration of Local Health Emergency and the Acting City Manager issued a Proclamation of Local Emergency on March 4, 2020; and

WHEREAS, on March 10, 2020, the City Council of the City of Long Beach recognized that an emergency did exist and unanimously passed a Resolution ratifying the City Manager's Proclamation of a Local Emergency and the Public Health Officer's Declaration of Local Health Emergency; and

WHEREAS, the scope and magnitude of the response necessary to proactively slow the spread of, and combat, COVID-19 in the City is beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, during the week of June 29, 2020, the City of Long Beach has averaged over 130 cases per day and seen a 25.9% increase in cases. This is compared to 40 cases per day in mid-May. The 7-day average of the daily positivity rate has increased in the last week 8.5% to 10.8%; and

WHEREAS, due to the recent sharp increase in new COVID-19 cases, it is

1 necessary for the City to triple its testing capacity immediately; and

2 WHEREAS, pursuant to Chapter 2.85 of the Long Beach Municipal Code, the
3 City Manager and Purchasing Agent have the authority to approve purchases, rentals, or
4 leases of goods or services related to a proclaimed emergency; and

5 WHEREAS, pursuant to Long Beach Municipal Code Section 2.85.030.C, the
6 City Manager has the authority to approve Purchases up to One Million Dollars
7 (\$1,000,000.00), following the procedures in Long Beach Municipal Code Section
8 2.85.040; and

9 WHEREAS, the Parties desire to add \$690,000 to the Agreement for
10 additional test kits;

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

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

14 "A. Contractor shall furnish specialized services more particularly
15 described in Request for Proposals Number HE20-057 ("RFP"), incorporated by this
16 reference as if fully set forth herein, in accordance with the standards of the
17 profession, and City shall pay for these services in the manner described below, in
18 an amount not to exceed Three Million Thirty Two Thousand Eight Hundred Thirteen
19 Dollars (\$3,032,813), at the rates or charges shown in Exhibit "A".

20 2. Except as expressly modified herein, all of the terms and conditions
21 contained in Agreement No. 35546 are ratified and confirmed and shall remain in full force
22 and effect.

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

3 CURATIVE, INC., formerly SNAP
4 GENOMICS, INC., a Delaware corporation

5 July 13, 2020

By [Signature]
6 Name Tamara D. Williams
7 Title CEO

8 _____, 2020

By _____
9 Name _____
10 Title _____

11 "Consultant"

12 CITY OF LONG BEACH, a municipal
13 corporation

14 July 15, 2020

By [Signature]
15 City Manager

16 "City"

17 This First Amendment to Agreement No. 35546 is approved as to form on
18 July 15, 2020.

19 CHARLES PARKIN, City Attorney

By [Signature]
20 Deputy