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

THIRD AMENDMENT TO AGREEMENT NO. 34177

THIS THIRD AMENDMENT TO AGREEMENT NO. 34177 is made and entered, in duplicate, as of October 9, 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 October 7, 2020, by and between NABIH YOUSSEF & ASSOCIATES, a California corporation ("Consultant"), with a place of business at 550 South Hope Street, Suite 1700, Los Angeles, California 90071, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 34177 (the "Agreement") whereby Consultant agreed to provide as-needed professional engineering services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to extend the term to December 31, 2019; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the term to December 31, 2020; and

WHEREAS, the Parties desire to decrease the Agreement amount by \$1,000,000 for a total not to exceed amount of \$2,000,000 and extend the term 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 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 Two Million Dollars (\$2,000,000), at the rates or charges shown in Exhibit "B"."
 - 2. Section 2 of the Agreement is hereby amended to read as follows:

	1	"2. <u>TERM</u> . The term of this Agreement shall commence at midnigh	t on	
	2			
	3			
	4	completed sooner."		
	5		s in	
	6			
	7			
	8	executed with all formalities required by law as of the date first stated above.		
	9			
	10	NADIT TOUSSER & ASSOCIATES,	а	
	11	October 22, 2020 By November		
	12	Name Nation Yousself Title President	_	
0802	13			
ond Beach. CA 90802	14	Name	_	
Beach	15	litle		
Lona	16	"Consultant"		
	17	CITY OF LONG BEACH, a municipe corporation	oal	
	18	· ·		
	19	City Manager EXECUTED PURSUANT		
	20	"City" TO SECTION 301 OF		
	21	THE CITY CHARTER This Third Amendment to Agreement No. 34177 is approved as to form on		
	22	OCtober 28, 2020.		
	23			
	24	CHARLES PARKIN, City Attorney		
	25	By Deputy		
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UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS OF NABIH YOUSSEF & ASSOCIATES (A CALIFORNIA CORPORATION)

December 31st, 2010

The undersigned, constituting the sole duly elected and acting member of the Board of Directors (the "Board") of Nabih Youssef & Associates, a California corporation (the "Corporation"), acting pursuant to Section 307(b) of the General Corporation Law of the State of California and the Corporation's Bylaws, does hereby subscribe his written consent to the adoption of the following resolutions and the taking of the actions contemplated thereby:

Authorization To Enter Into Agreements

WHEREAS, the Corporation must enter into certain agreements in order to carry out its business;

NOW, THEREFORE, BE IT RESOLVED, that the Corporation hereby authorizes and directs the officers of the Corporation, acting alone, to take such actions and to enter into such agreements as they, in their sole discretion, deem appropriate to conduct the business of the Corporation, thereby binding the Corporation to such terms, conditions, agreements and actions.

General

RESOLVED, that the officers of the Corporation and other persons appointed to act on its behalf pursuant to the foregoing resolutions, and each of them, are hereby authorized, for and on behalf of the Corporation, to execute, deliver and/or file any and all documents, certificates, instruments, agreements and notices, and to perform or cause to be performed any and all acts as may, in their judgment, be necessary or desirable to accomplish the purposes of the foregoing resolutions and the transactions contemplated thereby and the actions therein approved, that taking of any such actions and/or the execution, delivery or filing of any such documents or instruments shall be conclusive evidence that the individual taking such action and/or executing, delivering or filing such document or instrument has deemed the same to be necessary or advisable; and

FINALLY RESOLVED, that all acts and things heretofore done by any of the officers and directors of the Corporation in connection with the matters contemplated by the foregoing resolutions be, and they hereby are, ratified, adopted and approved as acts by and on behalf of the Corporation.

* * *

The Secretary of the Corporation is directed to file the original executed copy of this Written Consent of the Board of Directors with the minutes of proceedings of the Board. This document may be executed in counterparts, each of which shall be deemed an original, but all of

which taken together shall constitute one and the same instrument. The execution of a facsimile copy of these resolutions shall be deemed an original.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned has executed this Unanimous Written Consent as of the date first above written.

DIRECTOR:

Nabih Youssef