	1	SECOND AMENDMENT TO AGREEMENT NO. 35566
	2	35566
	3	THIS SECOND AMENDMENT TO AGREEMENT NO. 35566 is made and
	4	entered, in duplicate, as of December 1, 2020, for reference purposes only, pursuant to
	5	Resolution No. RES-20-0095 adopted by the City Council of the City of Long Beach at its
	6	meeting on August 4, 2020, by and between FULGENT THERAPEUTICS LLC, a
	7	California limited liability company ("Contractor"), with a place of business located at 4978
	8	Santa Anita Ave, Suite 205, Temple City, CA 91780, and the CITY OF LONG BEACH, a
	9	municipal corporation ("City").
	10	WHEREAS, City requires specialized services to provide COVID-19
	11	diagnostic testing to physicians, hospitals and other laboratories; and
	12	WHEREAS, City and Contractor (the "Parties") entered into Agreement No.
1	13	35566 ("Agreement") on July 6, 2020 pursuant to Chapters 2.69 and 2.85 of the Long
5	14	Beach Municipal Code whereby Contractor agreed to provide these services; and
	15	WHEREAS, on August 4, 2020, the City Council authorized additional
2	16	funding for Contractor to provide COVID-19 appointment scheduling, testing, and
-	17	insurance billing services on the same terms and conditions afforded to St. Charles
	18	County, of Missouri; and
	19	WHEREAS, the Parties entered into a First Amendment to the Agreement
	20	to revise the annual not to exceed amount and amend the Agreement to add terms
	21	regarding medical billing; and
	22	WHEREAS, the Parties desire to add \$9,000,000 to the annual contract
	23	amount;
	24	NOW, THEREFORE, in consideration of the mutual terms, covenants, and
	25	conditions herein contained, the Parties agree as follows:
	26	1. Section 1.B of the Agreement is hereby amended to read as follows:
	27	"B. Contractor shall sell, furnish and deliver to the City COVID-19
	28	testing services of substantially the same type and kind purchased under the St.
		TMA:db A20-03905 01215718.DOC

OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach, CA 90802-4511 Charles County Agreement, except as modified by Exhibit "B" attached hereto and incorporated by this reference, in an annual amount not to exceed Seventeen Million One Hundred Six Thousand Dollars (\$17,106,000), including tax and fees. To the extent that the St. Charles County Agreement and this Agreement are inconsistent, the following priority shall govern: (1) this Agreement and (2) the St. Charles County Agreement."

2. Except as expressly modified herein, all the terms and conditions contained in Agreement No. 35566 are ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this document to be 10 duly executed with all formalities required by law as of the date first stated above.

2  3		FULGENT THERAPEUTICS LLC, a California limited liability company
14	<u>DECEMBER 12</u> , 2020	By Name_TAMES_XIE
15		TITLE CHIEF OPERATING OFFICER
16	, 2020	By
17		Name Title
18		"Contractor"
19		
20		CITY OF LONG BEACH, a municipal corporation
21	Accember 21_, 2020	By Sinda J. Jakim
22		City Manager EXECUTED PURSUANT
23		"City" TO SECTION 301 OF THE CITY CHARTER
24	This Second Amendment to	Agreement No. 35566 is approved as to form
25	on, 2020.	
26		
27		CHARLES PARKIN, City Attorney
28		By Deputy
		2
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411 West Ocean Boulevard, 9th Floor Long Beach, CA 90802-4511 OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney

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Charles County Agreement, except as modified by Exhibit "B" attached hereto and incorporated by this reference, in an annual amount not to exceed Seventeen Million One Hundred Six Thousand Dollars (\$17,106,000), including tax and fees. To the extent that the St. Charles County Agreement and this Agreement are inconsistent, the following priority shall govern: (1) this Agreement and (2) the St. Charles County Agreement."

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OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attomey 411 West Ocean Boulevard. 9th Floor Long Beach, CA 90502-4511 7 2. Except as expressly modified herein, all the terms and conditions
8 contained in Agreement No. 35566 are ratified and confirmed and shall remain in full
9 force and effect.

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

12		FULGENT THERAPEUTICS LLC, a California limited liability company
13		
14	DECEMBER. 12, 2020	ByNESXIE
15		Title CHIEF OPERATING OFFICER
16	, 2020	By Name
17		Name Title
18		"Contractor"
19		CITY OF LONG BEACH, a municipal
20		corporation
21	, 2020	Ву
22		City Manager
23		"City"
24	This Second Amendment to	Agreement No. 35566 is approved as to form
	on <u>ecember</u> . 18, 2020.	
25		
26		CHARLES ARKIN, City Attorney
27		
28		By Deputy
		2
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