

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECOND AMENDMENT TO AGREEMENT NO. 35590

35590

THIS SECOND AMENDMENT TO AGREEMENT NO. 35590 is made and entered, in duplicate, as of April 10, 2023, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on March 17, 2020, by and between EVOLUTIONARY COMMERCIAL SYSTEMS INC., a California corporation ("Contractor"), with a place of business at 15121 Graham Street, Suite 101, Huntington Beach, California 92649, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Contractor (the "Parties") entered into Agreement No. 35590 (the "Agreement") whereby Contractor agreed to provide Supervisory Control and Data Acquisition (SCADA) Telemetry System Maintenance and Repair Services; and

WHEREAS, the Agreement term commenced at midnight on April 15, 2020, and shall terminate at 11:59 p.m. on April 14, 2022, unless sooner terminated as provided in the Agreement, or unless the services or the Project is completed sooner. The term may be extended for three (3) additional one-year periods, at the discretion of the City Manager;

and

WHEREAS, the Parties entered into a First Amendment to extend the Agreement term to April 14, 2023 using the first one-year extension option; and

WHEREAS, the Parties desire to extend the Agreement term for one (1) additional one-year period using the second one-year extension option;

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

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

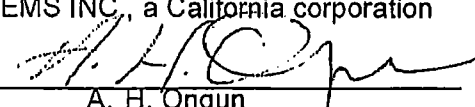
"2. TERM. The term of this Agreement shall commence at midnight on April 15, 2020, and shall terminate at 11:59 p.m. on April 14, 2024, unless sooner terminated as provided in this Agreement, or unless the services or the Project is

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

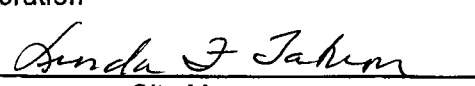
1 completed sooner. The term may be extended for one (1) additional one-year period, at
the discretion of the City Manager."

2 2. Except as expressly modified herein, all of the terms and conditions
3 contained in Contract No. 35590 are ratified and confirmed and shall remain in full force
4 and effect.

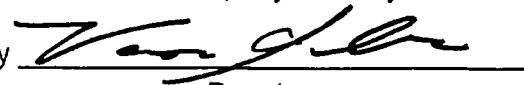
5 IN WITNESS WHEREOF, the Parties have caused this document to be duly
6 executed with all formalities required by law as of the date first stated above.

7
8 EVOLUTIONARY COMMERCIAL
SYSTEMS INC., a California corporation
9 _____, 2023 By 
Name A. H. Ongun
10 Title General Manager

11 _____, 2023 By _____
12 Name _____
13 Title _____

14 EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER. "Contractor"
15 CITY OF LONG BEACH, a municipal corporation
16 _____, 2023 By 
17 Title City Manager

18 "City"
19 This Second Amendment to Agreement No. 35590 is approved as to form on
20 June 8, 2023.

21
22 DAWN MCINTOSH, City Attorney
23 By 
24 Deputy