

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

1 FIRST AMENDMENT TO AGREEMENT NO. 36428

2 **36428**

3 THIS FIRST AMENDMENT TO AGREEMENT NO. 36428 is made and
4 entered, in duplicate, as of August 30, 2023, for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting on July
6 19, 2022, by and between BLUE NOSE IT SOLUTIONS, INC., a California corporation
7 ("Contractor"), with a place of business at 9242 Lightwave Avenue, Suite 120, San Diego,
8 California 92123, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, pursuant to a "Notice Inviting Bids for Job Order Contract (JOC)
10 in the City of Long Beach, California," bids were received, publicly opened on March 4,
11 2022, and declared on the date specified in said Notice; and

12 WHEREAS, the parties entered into Contract No. 36428 ("Contract") for the
13 work described in the bid documents to furnish all necessary labor, supervision, tools,
14 materials, supplies, appliances, equipment and transportation for the work described in
15 each Work Order, as defined in Specification No. R-7193, said work to be performed
16 according to the Contract Documents; and

17 WHEREAS, in accordance with Long Beach Municipal Code ("LBMC")
18 section 2.84.100 and the terms of Contract No. 36428, the City is required to pay Contractor
19 the amount(s) for each Work Order based on the adjustment factor in Contractor's Bid,
20 provided, however, that the city shall not pay more than Two Million Dollars (\$2,000,000)
21 for the term of the Contract. Furthermore, no individual Work Order project shall exceed
22 Seven Hundred and Fifty Thousand Dollars (\$750,000); and

23 WHEREAS, the Parties desire to extend the term of the Contract by one (1)
24 additional one-year term, and add updated Construction Task Catalog information;

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

27 1. Section 5.A. of the Contract is hereby amended to read as follows.

28 "A. The term of this Contract shall begin on November 1, 2022 and shall

1 and on October 31, 2024 or on City's payment of the not-to exceed dollar amount
2 hereunder to Contractor as specified in section 3, whichever occurs first. The term may be
3 extended for one (1) additional one-year period, at the discretion of the City Manager."


4 2. Exhibit "G" to this Amendment amends Section 79 "PRICE
5 ADJUSTMENTS" of Division H of Specifications R-7193, and is hereby incorporated herein
6 by reference and is attached as Exhibit "G" to the Contract.

7 3. Except as expressly modified herein, all of the terms and conditions
8 contained in Agreement No. 36428 are ratified and confirmed and shall remain in full force
9 and effect.

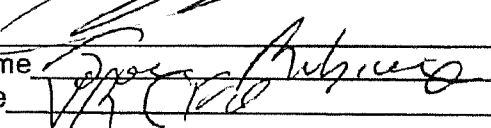
10 IN WITNESS WHEREOF, the parties have caused this document to be duly
11 executed with all formalities required by law as of the date first stated above.

BLUE NOSE IT SOLUTIONS, INC., a
California corporation

12
13
14 10 / 16, 2023

By 
Name Damon Moore
Title CEO/President

15
16 10 / 16, 2023

By 
Name _____
Title _____

17
18 EXECUTED PURSUANT
19 TO SECTION 301 OF
20 THE CITY CHARTER.

"Consultant"

CITY OF LONG BEACH, a municipal
corporation

21 October 24, 2023

By Linda J. Johnson
City Manager

"City"

22
23
24 This First Amendment to Agreement No. 36428 is approved as to form on
25 October 19, 2023.

DAWN MCINTOSH, City Attorney

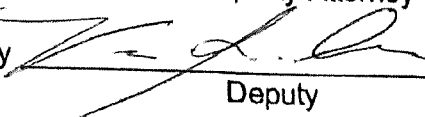
By 
Deputy

EXHIBIT "G"

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The language in this exhibit shall replace Division H Section 79, Price Adjustments of the original specifications, R-7193. This section shall also apply to all subsequent contract amendments, unless indicated otherwise by the City in writing.

1. Adjustment Factors

- 1.1. The Adjustment Factors submitted with the Bid shall be in effect for the full term of the contract including the Base Term and any contract amendments.**

2. Construction Task Catalog®

- 2.1. Upon contract renewal, the City shall provide the Contractor with the new Construction Task Catalog® (CTC) for review and acceptance prior to accepting new work. The CTC issued with this Solicitation will be in effect for the contract term.**
- 2.2. In general, the Contractor shall use the CTC in effect on the date that the Job Order Contract process is initiated (i.e. Joint Scope Meeting Invitation). However, the Contractor cannot delay the initiation of the Job Order Contract process to take advantage of a scheduled update of the CTC. In that event, the Contractor shall use the CTC that was in effect prior to the update.**
- 2.3. The new CTC will be effective for the twelve (12) month period after the anniversary of the award date. The CTC that accompanies each anniversary shall only apply to Job Orders initiated after the effective date of that specific renewal option and shall have no impact on the Job Orders initiated prior to the effective date of that specific renewal option.**
- 2.4. The new CTC shall be available in the Gordian Group Software.**