

SECOND AMENDMENT TO AGREEMENT NO. 35273

35273

THIS SECOND AMENDMENT TO AGREEMENT NO. 35273 is made and entered, in duplicate, as of April 25, 2022 for reference purposes only, pursuant to Resolution No. RES-19-0025 adopted by the City Council of the City of Long Beach at its meeting on March 5, 2019, by and between LOWE'S HOME CENTERS, LLC, a North Carolina limited liability company ("Contractor"), whose address is 1000 Lowe's Blvd., Mooresville, North Carolina 28117, and the CITY OF LONG BEACH ("City"), a municipal corporation.

WHEREAS, City and Contractor (the "Parties") entered into Agreement No. 35273 (the "Agreement") whereby Contractor agreed to provide hand tools, automotive tools, specialty tools, hardware and miscellaneous items, as authorized by Resolution No. RES-19-0025; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to extend the term to April 14, 2022 and include an exhibit related to the annual rebate program; and

WHEREAS, the Parties desire to add the authorized annual amount of \$400,000 to the Agreement and extend the term one (1) additional one-year period;

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

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

"B. Contractor shall sell, furnish and deliver to the City hand tools, automotive tools, specialty tools, hardware and miscellaneous items of substantially the same type and kind purchased under the Region 4 Education Service Center through the National Intergovernmental Purchasing Alliance, as modified by Exhibit "B" attached to the Agreement and incorporated by this reference, in an amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000), including tax and fees. To the extent that the National IPA Contract

1 and this Agreement are inconsistent, the following priority shall govern: (1) this
2 Agreement and (2) the National IPA Contract."

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

4 "D. The term of this Agreement shall commence at midnight on
5 April 15, 2019, and shall terminate at 11:59 p.m. on April 14, 2023. The Parties
6 have the option to extend the term for one (1) additional one-year period, at the
7 discretion of the City Manager. In the event the underlying Agreement expires
8 prior to the renewal term, Contractor will enter into a new Agreement with
9 substantially similar terms and conditions."

10 3. Except as expressly modified herein, all of the terms and conditions
11 contained in Agreement No. 35273 are ratified and confirmed and shall remain in full
12 force and effect.

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

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

3 LOWE'S HOME CENTERS, LLC, a North
4 Carolina limited liability company

5 05/02, 2022

By [Signature]
6 Name GINO GARCIA
7 Title PRO SALES manager

8 _____, 2022

By _____
Name _____
Title _____

9 "Contractor"

10 CITY OF LONG BEACH, a municipal
11 corporation

12 May 13, 2022

By Linda J. Ischem
City Manager

14 "City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

15 This Second Amendment to Agreement No. 35273 is approved as to form
16 on May 10, 2022.

17 CHARLES PARKIN, City Attorney

18 By [Signature]
19 Deputy