

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

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FIFTH AMENDMENT TO AGREEMENT NO. 35556

35556

THIS FIFTH AMENDMENT TO AGREEMENT NO. 35556 is made and entered, as of March 22, 2023, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meetings on May 5, 2020 and October 19, 2021, by and between OVERLAND, PACIFIC & CUTLER, LLC, a Delaware limited liability company ("Consultant"), with a place of business at 3750 Schaufele Avenue, Suite 150, Long Beach, California 90808, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 35556 (the "Agreement") whereby Consultant agreed to provide as-needed real property acquisition, relocation, and related services for a period of two (2) years, with the option to renew for three (3) additional one-year periods in the amount of \$500,000; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to add \$350,000 for a total not to exceed amount of \$850,000; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to add \$350,000 for a total not to exceed amount of \$1,200,000; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to add \$350,000 for a total not to exceed amount of \$1,550,000; and

WHEREAS, the Parties entered into a Fourth Amendment to the Agreement to add \$500,000 for a total not to exceed amount of \$2,050,000 and extend the term to April 30, 2023; and

WHEREAS, the Parties desire to add \$400,000 to the Agreement 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

1 described in Exhibit "A", attached to this Agreement and incorporated by this
2 reference, in accordance with the standards of the profession, and City shall pay for
3 these services in the manner described below, in an amount not to exceed Two
4 Million Four Hundred Fifty Thousand Dollars (\$2,450,000), at the rates or charges
5 shown in Exhibit "B".

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

7 "2. TERM. The term of this Agreement shall commence at midnight on
8 May 1, 2020, and shall terminate at 11:59 p.m. on April 30, 2024, unless sooner terminated
9 as provided in this Agreement, or unless the services or the Project is completed sooner.
10 The Parties have the option to extend the term one (1) additional one-year period, at the
11 discretion of the City Manager."

12 3. Except as expressly amended herein, all terms and conditions in
13 Agreement No. 35556 are ratified and confirmed and shall remain in full force and effect.

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

OVERLAND, PACIFIC & CUTLER, LLC, a Delaware limited liability company

3/27/, 2023

By 
Name Brian Everett
Title President

_____, 2023

By _____
Name _____
Title _____

"Consultant"

CITY OF LONG BEACH, a municipal corporation

April 6, 2023

By 
City Manager

"City"

This Fifth Amendment to Agreement No. 35556 is approved as to form on

March 29, 2023.

DAWN MCINTOSH, City Attorney

By 
Deputy

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