

FIRST AMENDMENT TO AGREEMENT NO. 35273

35273

THIS FIRST AMENDMENT TO AGREEMENT NO. 35273 is made and entered, in duplicate, as of April 20, 2021 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 desire to add the authorized annual amount of \$400,000 to the Agreement, extend the term one (1) additional one-year period, and include an exhibit related to the annual rebate program;

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 hereto and incorporated by this reference, in an amount not to exceed One Million Two Hundred Thousand Dollars (\$1,200,000), including tax and fees. To the extent that the National IPA Contract and this Agreement are inconsistent, the following priority shall govern: (1) this Agreement and (2) the National IPA Contract."

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

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CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 "D. The term of this Agreement shall commence at midnight on April 15,
2 2019, and shall terminate at 11:59 p.m. on April 14, 2022. The Parties have the option to
3 extend the term for two (2) additional one-year periods, at the discretion of the City
4 Manager. In the event the underlying Agreement expires prior to the renewal term,
5 Contractor will enter into a new Agreement with substantially similar terms and
6 conditions."

7 3. Section 1.F is hereby added to the Agreement to read as follows:

8 "F. Contractor shall add a Tier Rebate Program, attached hereto as
9 Exhibit "C", and incorporated by this reference."

10 4. 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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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.

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

May 20, 2021

By Scott Matthews

Name Scott Matthews

Title VP Pro Sales

, 2021

By

Name

Title

"Contractor"

CITY OF LONG BEACH, a municipal
corporation

May 24, 2021

By

Andrea J. Jarama

City Manager

"City"

EXECUTED PURSUANT

TO SECTION 301 C

THE CITY CHARTER

This First Amendment to Agreement No. 35273 is approved as to form on

5-25, 2021.

CHARLES PARKIN, City Attorney

By

Charles Parkin

Deputy