

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

1 FIRST AMENDMENT TO AGREEMENT NO. 34489

2 **34489**

3 THIS FIRST AMENDMENT TO AGREEMENT NO. 34489 is made and
4 entered, in duplicate, as of August 8, 2019, 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
6 December 20, 2016, by and between TWINING, INC., a California corporation
7 ("Consultant"), with a place of business at 2883 E. Spring Street, Suite 300, Long Beach,
8 California 90806, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
10 34489 (the "Agreement") whereby Consultant agreed to provide as-needed construction
11 materials testing and inspection services; and

12 WHEREAS, the Parties desire to add \$2,000,000 for a total not to exceed
13 amount of \$4,000,000 and extend the term one (1) additional one-year period;

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

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

17 "A. Consultant shall furnish specialized services more particularly
18 described in Exhibit "A", attached to this Agreement and incorporated by this
19 reference, in accordance with the standards of the profession, and City shall pay for
20 these services in the manner described below, not to exceed Four Million Dollars
21 (\$4,000,000), at the rates or charges shown in Exhibit "B"."

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

23 "2. TERM. The term of this Agreement shall commence at midnight on
24 January 1, 2017, and shall terminate at 11:59 p.m. on December 31, 2020, unless sooner
25 terminated as provided in this Agreement, or unless the services or the Project is
26 completed sooner. The Parties have the option to extend the term one (1) additional one-
27 year period at the discretion of the City Manager."

28 3. Except as expressly amended herein, all terms and conditions in

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1 Agreement No. 34489 are ratified and confirmed and shall remain in full force and effect.
2 IN WITNESS WHEREOF, the Parties have caused this document to be duly
3 executed with all formalities required by law as of the date first stated above.

4 TWINING, INC., a California corporation
5 August 21, 2019 By [Signature]
6 Name Linas Vitkus
7 Title Chief operating officer

8 August 21, 2019 By [Signature]
9 Name Steven Schiffer
10 Title Vice President

11 "Consultant"

12 CITY OF LONG BEACH, a municipal
13 corporation

14 10/10/, 2019 By [Signature]
15 EXECUTED BY City Manager

16 TO SECTION 301 OF
17 THE CITY CHARTER.
18 "City"

19 This First Amendment to Agreement No. 34489 is approved as to form on
20 September 6, 2019.

21 CHARLES PARKIN, City Attorney
22 By [Signature]
23 Deputy