

1 THIRD AMENDMENT TO AGREEMENT NO. 31891

2 **31891**

3 THIS THIRD AMENDMENT TO AGREEMENT NO. 31891 is made and
4 entered, in duplicate, as of April 23, 2014 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 October 12, 2010, by and between KINETIC LABORATORIES, INC., a California
7 corporation ("Consultant"), with a place of business at 2750 E. Spring Street, Suite 190,
8 Long Beach, California 90806, and the CITY OF LONG BEACH, a municipal corporation
9 ("City").

10 WHEREAS, City requires specialized services requiring unique skills to be
11 performed in connection with conducting municipal stormwater runoff and dry weather
12 quality monitoring services; and

13 WHEREAS, the parties entered Agreement No. 31891 whereby Consultant
14 agreed to provide such services; and

15 WHEREAS, the parties desire to extend the term and increase the
16 Agreement amount by an additional \$500,000 for a total not to exceed amount of
17 \$2,200,000;

18 NOW, THEREFORE, in consideration of the mutual terms and conditions in
19 the Agreement and in this Third Amendment, the parties agree as follows:

20 1. Section 1.A of Agreement No. 31891 is hereby amended to read as
21 follows:

22 "1. SCOPE OF WORK OF SERVICES.

23 A. Consultant shall furnish specialized services more particularly
24 described in Exhibit "A", attached to this Agreement and incorporated by this
25 reference, in accordance with the standards of the profession, and City shall pay
26 for these services in the manner described below, not to exceed Two Million Two
27 Hundred Thousand Dollars (\$2,200,000), at the rates or charges shown in Exhibit
28 "B".

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 2. Section 2 of Agreement No. 31891 is hereby amended to read as
2 follows:

3 "2. TERM. The term of this Agreement shall commence at midnight on
4 October 1, 2010, and shall terminate at 11:59 p.m. on September 30, 2015, unless
5 sooner terminated as provided in this Agreement, or unless the services or the Project is
6 completed sooner."

7 3. Except as expressly amended in this Third Amendment, all terms
8 and conditions in Agreement No. 31891 are ratified and confirmed and shall remain in full
9 force 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.

12
13
14 29 April, 2014

KINETIC LABORATORIES, INC., a
California corporation
By Patrick Kinney
Name Patrick Kinney
Title Principal/CEO

15
16 APRIL 29, 2014

By Margaret Carpenter
Name MARGARET CARPENTER
Title Secretary

"Consultant"

17
18
19
20
21 6.4, 2014

CITY OF LONG BEACH, a municipal
corporation
Assistant City Manager
By [Signature]
City Manager

"City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

22
23
24 This Third Amendment to Agreement No. 31891 is approved as to form on
25 Margaret, 2014.

CHARLES PARKIN, City Attorney
By [Signature]
Deputy

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

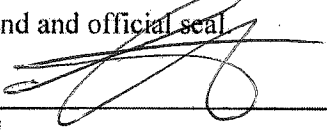
County of Santa Cruz

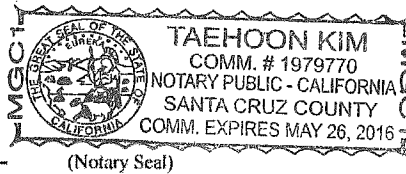
On 04/29/14 before me, TaeHoon Kim Notary Public
(Here insert name and title of the officer)

personally appeared Margaret Cooper, Patrick Kinney

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal




ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Business Document
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document