

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

1 FIFTH AMENDMENT TO AGREEMENT NO. 34907

2 **34907**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34907 is made and  
4 entered, in duplicate, as of June 13, 2023, 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 January 17, 2023, by and between HDR ENGINEERING, INC., a Nebraska corporation  
7 ("Consultant"), with a place of business at 1917 South 67th Street, Omaha, Nebraska  
8 68106, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.  
10 34907 (the "Agreement") whereby Consultant agreed to provide on-call professional  
11 engineering and architectural services; and

12 WHEREAS, the Parties entered into a First Amendment to the Agreement to  
13 decrease the Agreement amount by Two Hundred Fifty Thousand Dollars (\$250,000) for a  
14 total not to exceed amount of Two Hundred Fifty Thousand Dollars (\$250,000); and

15 WHEREAS, on December 15, 2020, the City Council authorized increasing  
16 the aggregate amount for on-call professional engineering and architectural services for  
17 the Long Beach Municipal Urban Stormwater Treatment Project by Two Million Three  
18 Hundred Thousand Dollars (\$2,300,000), for a revised total aggregate amount not to  
19 exceed Seven Million Three Hundred Dollars (\$7,300,000); and

20 WHEREAS, the Parties entered into a Second Amendment to the Agreement  
21 to add Fifty Thousand Dollars (\$50,000) for a total not to exceed amount of Three Hundred  
22 Thousand Dollars (\$300,000), and extend the term to February 28, 2022; and

23 WHEREAS, the Parties entered into a Third Amendment to the Agreement  
24 to extend the term to February 28, 2023; and

25 WHEREAS, on January 17, 2023, the City Council authorized increasing the  
26 aggregate amount for on-call professional engineering and architectural services for the  
27 Long Beach Municipal Urban Stormwater Treatment Project by Three Million Dollars  
28 (\$3,000,000) for a revised total aggregate amount not to exceed Ten Million Three Hundred

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1 Thousand Dollars (\$10,300,000), extending the Agreement terms by one (1) additional  
2 three-year period, with the option to renew for two (2) additional one-year periods, at the  
3 discretion of the City Manager; and

4 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement  
5 to extend the term to February 28, 2026, attach an updated rates sheet, and update the  
6 City's Representative; and

7 WHEREAS, the Parties desire to increase the total authority of the  
8 Agreement by Fifty-One Thousand Seven Hundred Dollars (\$51,700);

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

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

12 "A. Consultant shall furnish specialized services more particularly  
13 described in Exhibit "A", attached to this Agreement and incorporated by this reference, in  
14 accordance with the standards of the procession, and City shall pay for these services in  
15 the manner described below, not to exceed Three Hundred Fifty-One Thousand Seven  
16 Hundred Dollars (\$351,700), at the rates or changes shown in Exhibit "B-1" of the Fourth  
17 Amendment to this Agreement."

18 2. Except as expressly modified herein, all of the terms and conditions  
19 contained in Agreement No. 34907 are ratified and confirmed and shall remain in full force  
20 and effect.

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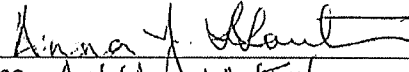
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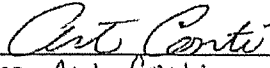
IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

HDR ENGINEERING, INC., a Nebraska corporation

June 26, 2023

By   
Name ANNA J. LAHTI  
Title VICE PRESIDENT

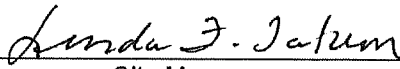
June 26, 2023

By   
Name Art Conti  
Title Vice President

"Consultant"

CITY OF LONG BEACH, a municipal corporation

June 29, 2023

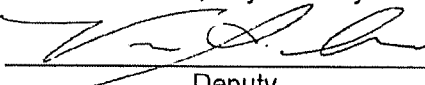
By   
City Manager

"City"

**EXECUTED PURSUANT  
TO SECTION 301 OF  
THE CITY CHARTER.**

This Fifth Amendment to Agreement No. 34907 is approved as to form on  
June 27, 2023.

DAWN MCINTOSH, City Attorney

By   
Deputy