

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

1 FIFTH AMENDMENT TO AGREEMENT NO. 35222
2 35222

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 35222 is made and
4 entered, in duplicate, as of February 28, 2023, for reference purposes only, pursuant to
5 minute orders adopted by the City Council of the City of Long Beach at its meetings on
6 March 5, 2019 and November 17, 2020, by and between ENVIRONMENTAL SCIENCE
7 ASSOCIATES, a California corporation ("Consultant"), with a place of business at 626
8 Wilshire Boulevard, Suite 200, Los Angeles, California 90017, and the CITY OF LONG
9 BEACH, a municipal corporation ("City").

10 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
11 35222 (the "Agreement") whereby Consultant agreed to provide on-call environmental,
12 planning, affordable housing, and community engagement consultant services; and

13 WHEREAS, the Parties entered into a First Amendment to the Agreement to
14 add \$150,000 for a total not to exceed amount of \$300,000; and

15 WHEREAS, the Parties entered into a Second Amendment to the Agreement
16 to add \$200,000 for a total not to exceed amount of \$500,000 and extend the term to March
17 5, 2022;; and

18 WHEREAS, the Parties entered into a Third Amendment to the Agreement
19 to add \$65,000 for a total not to exceed amount of \$565,000; and

20 WHEREAS, the Parties entered into a Fourth Amendment to add \$250,000
21 to the Agreement for a total not to exceed amount of \$815,000 and extend the term to
22 March 5, 2023; and

23 WHEREAS, the Parties desire to add \$225,000 to the Agreement for a total
24 not to exceed amount of \$1,040,000 and extend the term one (1) additional one-year
25 period;

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

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

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1 "A. Consultant shall furnish specialized services more particularly
2 described in Exhibit "A", attached to the Agreement and incorporated by this
3 reference, in accordance with the standards of the profession, and City shall pay for
4 these services in the manner described below, not to exceed One Million Forty
5 Thousand Dollars (\$1,040,000), at the rates or charges 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 March 6, 2019, and shall terminate at 11:59 p.m. on March 5, 2024, unless sooner
9 terminated as provided in this Agreement, or unless the services or the Project is
10 completed sooner."

11 3. Except as expressly modified herein, all of the terms and conditions
12 contained in Agreement No. 35222 are ratified and confirmed and shall remain in full force
13 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.

ENVIRONMENTAL SCIENCE ASSOCIATES, a California corporation

February 26, 2023

By [Signature]
Name Rita K. Thomas
Title Senior Vice President

February 26, 2023

By [Signature]
Name Terri S. Avila
Title Vice President

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER

"Consultant"
CITY OF LONG BEACH, a municipal corporation

March 14, 2023

By [Signature]
City Manager

"City"

This Fifth Amendment to Agreement No. 35222 is approved as to form on

March 9, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy