

1 SIXTH AMENDMENT TO AGREEMENT NO. 33388

2 **33388**

3 THIS SIXTH AMENDMENT TO AGREEMENT NO. 33388 is made and
4 entered, in duplicate, as of April 11, 2019, for reference purposes only, pursuant to a minute
5 order adopted by the City Council of the City of Long Beach at its meeting on March 4,
6 2014, by and between HARLEY ELLIS DEVEREAUX CORPORATION, a Michigan
7 corporation, with a place of business at 601 S. Figueroa St., Suite 500, Los Angeles, CA
8 90017 ("Consultant"), and the CITY OF LONG BEACH, a municipal corporation ("City")

9 WHEREAS, City requires specialized services requiring unique skills to be
10 performed in connection with architectural and engineering services for the Belmont Plaza
11 Pool Facility Rebuild/Revitalization Project; and

12 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
13 33388 (the "Agreement") whereby Consultant agreed to provide these services; and

14 WHEREAS, the Parties entered into a First Amendment to the Agreement to
15 include additional services to the Scope of Work and to increase the total Agreement
16 amount by \$490,850 for the additional services; and

17 WHEREAS, the Parties entered into a Second Amendment to the Agreement
18 to include additional services to the Scope of Work and to increase the total Agreement
19 amount by \$223,580 for the additional services; and

20 WHEREAS, the Parties entered into a Third Amendment to the Agreement
21 to extend the term to June 30, 2017; and

22 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
23 to extend the term to June 30, 2018; and

24 WHEREAS, the Parties entered into a Fifth Amendment to the Agreement to
25 extend the term to June 30, 2019; and

26 WHEREAS, the Parties desire to extend the term one (1) additional one- year
27 period;

28 NOW, THEREFORE, in consideration of the mutual terms, covenants, and

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

1 conditions herein contained, the Parties agree as follows:

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

3 "2. TERM. The term of this Agreement shall commence at midnight on
4 March 5, 2014, and shall terminate at 11:59 p.m. on June 30, 2020, unless sooner
5 terminated as provided in this Agreement, or unless the services or the Project is
6 completed sooner."

7 2. Except as expressly modified herein, all of the terms and conditions
8 contained in Agreement No. 33388 are ratified and confirmed and shall remain in full force
9 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.

HARLEY ELLIS DEVEREAUX
CORPORATION, a Michigan corporation

12
13
14 APRIL 18, 2019

By [Signature]
Name J. PETER DEVEREAUX
Title CEO

15
16 APRIL 18, 2019

By [Signature]
Name TANIA VAN HERLE
Title CORPORATE TREASURER

17
18 **Tom Modica**
Assistant City Manager

"Consultant"

19 **EXECUTED PURSUANT**
20 **TO SECTION 301 OF**
21 **THE CITY CHARTER**

CITY OF LONG BEACH, a municipal
corporation

22 May 14, 2019

By [Signature]
City Manager

"City"

23
24 This Sixth Amendment to Agreement No. 33388 is approved as to form on

25 May 2, 2019.

26 CHARLES PARKIN, City Attorney

27 By [Signature]
28 Deputy