

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. 34486

2 **34486**

3 THIS FIRST AMENDMENT TO AGREEMENT 34486 is made and entered,
4 in duplicate, as of August 8, 2019, for reference purposes only, pursuant to a minute order
5 adopted by the City Council of the City of Long Beach at its meeting on December 20,
6 2016, by and between NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL
7 SCIENCES CONSULTANTS, a California corporation ("Consultant"), with a place of
8 business at 475 Goddard, Suite 200, Irvine, California 92618, and the CITY OF LONG
9 BEACH, a municipal corporation ("City").

10 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
11 34486 (the "Agreement") whereby Consultant agreed to provide as-needed construction
12 materials testing and inspection services; and

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

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

17 1. Section 1.A. of the Agreement is hereby amended to read as follow:

18 "A. Consultant shall furnish specialized services more particularly
19 described in Exhibit "A", attached to this Agreement and incorporated by this
20 reference, in accordance with the standards of the profession, and City shall pay for
21 these services in the manner described below, not to exceed Two Million Dollars
22 (\$2,000,000), at the rates or charges shown in Exhibit "B"."

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

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

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1 3. Except as expressly amended herein, all terms and conditions in
2 Agreement No. 34486 are ratified and confirmed and shall remain in full force and effect.

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

5 NINYO & MOORE GEOTECHNICAL &
6 ENVIRONMENTAL SCIENCES
CONSULTANTS, a California corporation

7 August 23,, 2019 By [Signature]
8 Name Avram Ninyo
9 Title President

10 August 23,, 2019 By [Signature]
11 Name Elaine O. Autus
12 Title Assistant Secretary

13 "Consultant"

14 CITY OF LONG BEACH, a municipal
15 corporation

16 10/10/, 2019 By [Signature]
17 City Manager

18 EXECUTED PURSUANT
19 TO SECTION 301 OF
"City" THE CITY CHARTER.

20 This First Amendment to Agreement No. 34486 is approved as to form on
21 September 6, 2019.

22 CHARLES PARKIN, City Attorney

23 By [Signature]
24 Deputy

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