

**FIRST AMENDMENT TO AGREEMENT NO. 34486**

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."

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.

**NINYO & MOORE GEOTECHNICAL &  
ENVIRONMENTAL SCIENCES  
CONSULTANTS, a California corporation**

7 August 23, 2019  
8

By Avram Ninyo  
Name Avram Ninyo  
Title President

August 23, 2019

By Elaine O. Autus  
Name Elaine O. Autus  
Title Assistant Secretary

## “Consultant”

CITY OF LONG BEACH, a municipal corporation

10/10/, 2019

corporation  
By Rebecca G. Garner  
City Manager  
EXECUTED PURSUANT  
TO SECTION 301 OF  
"City" THE CITY CHARTER.

This First Amendment to Agreement No. 34486 is approved as to form on

18 September 6, 2019.  
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CHARLES PARKIN, City Attorney

By  Deputy