

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. 35226

2 **35226**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 35226 is made and
4 entered, in duplicate, as of February 7, 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 HDR ENGINEERING, INC., a
7 Nebraska corporation ("Consultant"), with a place of business at 100 Oceangate, Suite
8 1120, Long Beach, California 90802, and the CITY OF LONG BEACH, a municipal
9 corporation ("City").

10 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
11 35226 (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 \$75,000 for a total not to exceed amount of \$200,000; and

15 WHEREAS, the Parties entered into a Second Amendment to the Agreement
16 to add \$50,000 for a total not to exceed of \$250,000; and

17 WHEREAS, the Parties entered into a Third Amendment to the Agreement
18 to add \$250,000 for a total not to exceed amount of \$500,000 and extend the term to March
19 5, 2022; and

20 WHEREAS, the Parties entered into a Fourth to extend the term to March 5,
21 2023; and

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

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

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

27 "2. TERM. The term of this Agreement shall commence at midnight on
28 March 6, 2019, and shall terminate at 11:59 p.m. on March 5, 2024, unless sooner

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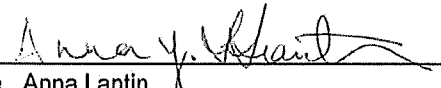
1 terminated as provided in this Agreement, or unless the services or the Project is
2 completed sooner."

3 2. Except as expressly modified herein, all of the terms and conditions
4 contained in Agreement No. 35226 are ratified and confirmed and shall remain in full force
5 and effect.

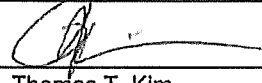
6 IN WITNESS WHEREOF, the Parties have caused this document to be duly
7 executed with all formalities required by law as of the date first stated above.

HDR ENGINEERING, INC., a Nebraska
corporation

8
9
10 February 21, 2023

By 
Name Anna Lantin
Title Vice President

11
12 February 21, 2023

By 
Name Thomas T. Kim
Title Sr. Vice President

13
14 EXECUTED PURSUANT
15 TO SECTION 301 OF
16 THE CITY CHARTER.

"Consultant"

CITY OF LONG BEACH, a municipal
corporation

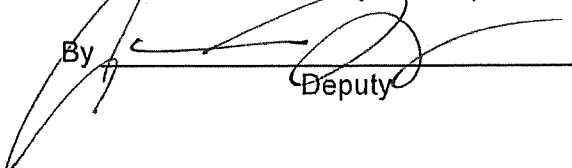
17 March 10, 2023

By 
City Manager

"City"

18
19
20 This Fifth Amendment to Agreement No. 35226 is approved as to form on
21 February 28, 2023.

22
23 DAWN MCINTOSH, City Attorney

24 By 
Deputy

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

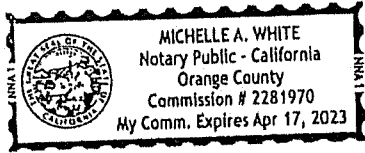
On 02/21/2023 before me, Michelle A. White, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Anna L. Lantin and Thomas T. Kim —
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

CERTIFICATE

The undersigned hereby certifies that she is the Assistant Secretary of HDR Engineering, Inc., a Nebraska corporation (the "Corporation"), and that, as such, has custody of the minute books of the Corporation, and that, by Consent and Agreement of the Board of Directors, the following resolution was unanimously adopted:

"RESOLVED, that effective immediately, and until termination of said individual from the Corporation, or until rescission by the Corporation's Board of Directors, whichever occurs first, the following individuals are hereby granted the nondelegable authority to execute or approve on behalf of the Corporation, contracts, amendments or change orders for engineering services and architectural services incidental to engineering services to be rendered by the Corporation, . . . , or releases of claim or lien in connection with such services, such contracts, amendments, change orders or releases so executed or approved shall be binding upon the Corporation:

. . . Anna Y. Lantin – Vice President . . ."

The undersigned further certifies that the foregoing resolution has been spread in full upon the minute books of the Corporation and is in full force and effect.

DATED June 4, 2021.



Elizabeth C. Buell, Assistant Secretary

CERTIFICATE

The undersigned hereby certifies that she is the Assistant Secretary of HDR Engineering, Inc., a Nebraska corporation (the "Corporation"), and that, as such, has custody of the minute books of the Corporation, and that, by Consent and Agreement of the Board of Directors, the following resolution was unanimously adopted:

"RESOLVED, that effective immediately, and until termination of said individual from the Corporation, or until rescission by the Corporation's Board of Directors, whichever occurs first, the following individuals are hereby granted the nondelegable authority to execute or approve on behalf of the Corporation, contracts, amendments or change orders for engineering services and architectural services incidental to engineering services to be rendered by the Corporation, . . . , or releases of claim or lien in connection with such services, such contracts, amendments, change orders or releases so executed or approved shall be binding upon the Corporation:

. . . Thomas T. Kim – Senior Vice President . . ."

The undersigned further certifies that the foregoing resolution has been spread in full upon the minute books of the Corporation and is in full force and effect.

DATED March 30, 2020.



Elizabeth C. Buell, Assistant Secretary