

1 FIFTH AMENDMENT TO AGREEMENT NO. 33498

2 **33498**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 33498 is made and
4 entered, in duplicate, as of July 18, 2018, 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 June 13,
6 2017, by and between HIRSCH & ASSOCIATES, INC., a California corporation, with a
7 place of business at 2221 E. Winston Road, Suite A, Anaheim, California 92806
8 ("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 as-needed landscape architectural services; and

11 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
12 33498 (the "Agreement") whereby Consultant agreed to provide these services; and

13 WHEREAS, the Parties entered into a First Amendment to the Agreement to
14 increase the amount by \$500,000 for a total not to exceed amount of \$750,000; and

15 WHEREAS, the Parties entered into a Second Amendment to the Agreement
16 to extend the term and increase the amount by \$100,000 for a total not to exceed amount
17 of \$850,000; and

18 WHEREAS, the Parties entered into a Third Amendment to the Agreement
19 to increase the amount by \$150,000 for a total not to exceed amount of \$1,000,000; and

20 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
21 to extend the term and increase the amount by \$1,000,000 for a total not to exceed amount
22 of \$2,000,000; and

23 WHEREAS, the Parties desire to extend the term one (1) additional one-year
24 period and update the City Representative;

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

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

28 "2. TERM. The term of this Agreement shall commence at midnight on

1 August 1, 2014, and shall terminate at 11:59 p.m. on August 1, 2019, unless sooner
2 terminated as provided in this Agreement, or unless the services or the Project is
3 completed sooner.”

4 2. The City Representative in Exhibit “C” to the Agreement is hereby
5 amended in accordance with Exhibit “C-1”, attached hereto and incorporated by this
6 reference.

7 3. Except as expressly modified herein, all of the terms and conditions
8 contained in Agreement No. 33498 are ratified and confirmed and shall remain in full force
9 and effect.

10 ///
11 ///
12 //
13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

HIRSCH & ASSOCIATES, INC., a California corporation

_____, 2018 By [Signature]
Name PATRICK L. HIRSCH
Title PRESIDENT

_____, 2018 By [Signature]
Name CHARLES FOLEY
Title VICE PRESIDENT

"Consultant"

CITY OF LONG BEACH, a municipal corporation

8/10, 2018 By [Signature]
City Manager

"City"

This Fifth Amendment to Agreement No. 33498 is approved as to form on

8/7, 2018.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy

EXHIBIT “C-1”

City’s Representative:

Alvin Papa, Assistant City Engineer

(562) 570-6386