

FOURTH AMENDMENT TO AGREEMENT NO. 35347

35347

THIS FOURTH AMENDMENT TO AGREEMENT NO. 35347 is made and entered, as of September 8, 2023 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on August 13, 2019, by and between AQUATECHNEX, LLC, a California limited liability company ("Contractor"), whose address is P.O. Box 30824, Bellingham, WA 98228, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City requires specialized services requiring unique skills to be performed in connection with lake water quality management services; and

WHEREAS, City and Contractor (the "Parties") entered into Agreement No. 35347 (the "Agreement") whereby Contractor agreed to provide the specialized services as described in Request for Proposals No. PR18-113 for Lake Water Quality Management; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to extend the term one (1) additional year through September 30, 2021; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the term one (1) additional year through September 30, 2022; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to extend the term one (1) additional year through September 30, 2023; and

WHEREAS, the Parties desire to amend the annual contract amount to Two Hundred Twenty Thousand Dollars (\$220,000), and extend the term of the contract for one additional one year period through September 30, 2024;

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

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

"1. SCOPE OF WORK OR SERVICES.

A. Contractor shall furnish specialized services more particularly

described in Exhibit "A-2", attached to this Agreement and incorporated by this reference, in accordance with the standards of the profession, and City shall pay for these services in the manner described below, not to exceed Two Hundred Thousand Dollars (\$200,000), annually, excepting, Two Hundred Twenty Thousand Dollars (\$220,000) for the period October 1, 2023 through September 30, 2024, for a revised total contract amount not to exceed One Million Twenty Thousand Dollars (\$1,020,000), at the rates or charges shown in Exhibit "B".

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

"2. TERM. The term of this Agreement shall commence at midnight on October 1, 2019, and shall terminate at 11:59 p.m. on September 30, 2024, unless sooner terminated as provided in this Agreement, or unless the services or the Project is completed sooner."

3. Except as expressly modified herein, all of the terms and conditions contained in this Agreement are ratified and confirmed and shall remain in full force and effect.

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

3 AQUATECHNEX, LLC, a California limited
4 liability company

5 _____, 2023

By [Signature]
Name Long McIntosh
Title MANAGER

7 _____, 2023

By _____
Name _____
Title _____

10 "Contractor"

11 CITY OF LONG BEACH, a municipal
12 corporation

13 _____, 2023

By _____
City Manager

14 "City"

15 This Fourth Amendment to Agreement No. 35347 is approved as to form on

16 _____, 2023.

18 DAWN MCINTOSH, City Attorney

19 By: _____
Anita Lakhani, Deputy City Attorney

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4511

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

3 AQUATECHNEX, LLC, a California limited
4 liability company

5 _____, 2023 By [Signature]
6 Name Long McElroy
7 Title MANAGER

8 _____, 2023 By _____
9 Name _____
10 Title _____

11 EXECUTED PURSUANT
12 TO SECTION 301 OF
13 THE CITY CHARTER.

"Contractor"

14 CITY OF LONG BEACH, a municipal
15 corporation

16 By Linda J. Tatum
17 City Manager

"City"

18 This Fourth Amendment to Agreement No. 35347 is approved as to form on
19 October 3rd, 2023.

20 DAWN MCINTOSH, City Attorney

21 By: [Signature]
22 Anita Lakhani, Deputy City Attorney