

# 32029

SECOND AMENDMENT TO CONTRACT NUMBER C-118454 OF  
CITY OF LOS ANGELES CONTRACT  
BETWEEN  
THE CITY OF LOS ANGELES  
AND  
THE CITY OF LONG BEACH

THIS SECOND AMENDMENT to Contract Number C-118454 ("Second Amendment") is made and entered into by and between the City of Los Angeles, a municipal corporation (the "City"), and the City of Long Beach, a municipal corporation (the "Subgrantee" or "Subrecipient").

## WITNESSETH

WHEREAS, the City and the Subrecipient entered into that certain City of Los Angeles Contract Number C-118454 (the "Agreement") related to the Fiscal Year 2009 Urban Areas Security Initiative Grant ("UASI 09" or the "Grant"), whereby the City agreed to disburse UASI 09 grant funds to Subrecipient in accordance with the UASI 09 approved budget and Subrecipient agreed to use the grant funds to address the unique planning, equipment, training, organization and exercise needs of the area, to assist in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from threats or acts of terrorism, such Agreement having a term of September 30, 2009 through March 31, 2012 with an original allocation of UASI 09 grant funds to the Subrecipient in the amount of Five Million Six Hundred Ninety-Two Thousand Dollars (\$5,000,692.00), and the execution of said Agreement having been authorized by the Los Angeles City Council (C.F. #09-1275, 8/3/10); and

WHEREAS, on or about May 9, 2013, the City and Subrecipient entered into that certain First Amendment to the Agreement ("First Amendment"), which (a) decreased Subrecipient's allocation of UASI 09 grant funds set forth in the Agreement by Seven Hundred Eighty Four Thousand One Hundred Fourteen Thousand Dollars (\$784,114.00) for a total allocation of Four Million Two Hundred Sixteen Thousand Five Hundred Seventy-Eight Dollars (\$4,216,578.00), and (b) extended the performance period deadline and the term of the Agreement to July 31, 2012, the execution of said First Amendment having been authorized under Section 14.8 of the Los Angeles Administrative Code ("Section 14.8"); and

WHEREAS, on or about June 7, 2012, the California Emergency Management Agency ("CalEMA") extended the performance period deadline for UASI 09 Los Angeles Regional Interoperable Communications System ("LA-RICS") projects from April 30, 2012 to November 30, 2012; and

WHEREAS, on or about December 18, 2012, CalEMA authorized a modification of the UASI 09 budget to reflect a reallocation of UASI 09 funds from LA-RICS to Subrecipient's contingency projects such that Subrecipient's UASI 09 funding was increased in the amount of Fifty Hundred Thousand Dollars (\$500,000.00) for use by Subrecipient for the purchase of Palantir Software (the "Palantir Modification"), such Palantir Modification having been approved by the Los Angeles City Council (C.F. #13-0196, 3/27/13); and

WHEREAS, on or about March 6, 2013, CalEMA extended the performance period deadline for all UASI 09 projects to April 30, 2013 (the "Grant Extension"), such Grant Extension having been authorized by the Los Angeles City Council (C.F. #13-0196, 3/27/13); and

WHEREAS, Section 505 of the Agreement provides for amendments to the Agreement; and

WHEREAS, the City, through its Office of the Mayor, Office of Homeland Security and Public Safety ("Mayor's Office"), which has been designated by the City to administer the Agreement and the projects contemplated therein, and Subrecipient each desire to enter into this Second Amendment for the purpose of amending and/or modifying the Agreement to (a) modify Subrecipient's UASI 09 funding under the Agreement to reflect the Palantir Modification, (b) extend the term of the Agreement to April 30, 2013 in accordance with the Grant Extension and (c) make such other changes as are required in connection with the foregoing, all as detailed elsewhere in this Second Amendment and as authorized by the Los Angeles City Council (C.F. #13-0196, 3/27/13); and

WHEREAS, this Second Amendment is necessary and proper to continue and/or complete certain activities authorized under the Agreement, as previously amended.

NOW, THEREFORE, the City and Subrecipient hereby covenant and agree that the Agreement, as previously amended, be further amended effective July 31, 2012 as follows:

1. Section 201 of the Agreement entitled "Time of Performance" is hereby amended in its entirety to read as stated within the quotation marks in the following paragraph:

"The term of this Agreement shall commence on September 30, 2009 and end on April 30, 2013 and any additional period of time as is required to complete any necessary close out activities. Said term is subject to the provisions herein."

2. Paragraph A of Section 301 of the Agreement entitled "Payment of Grant Funds and Method of Payment" is hereby amended in its entirety to read as stated within the quotation marks in the following paragraph:


"The City of Los Angeles shall disburse, on a reimbursement basis, to Subrecipient the grant amount of Four Million Seven Hundred Sixteen Thousand Five Hundred Seventy-Eight Dollars (\$4,716,578.00) ("Grant Amount") to be used for purchase of equipment, planning, exercises, organizational activities and training as described in Section 202 above. Such Grant Amount represents the amount allocated to Subrecipient in the UASI 09 grant and budget, as may be amended. Subrecipient shall maintain procedures to minimize the time elapsing between the award of Grant Funds and the disbursement of such funds."

Such amendment increases Subrecipient's UASI 09 grant funds allocation set forth in the Agreement to reflect the Palantir Modification. The Budget (as such term is defined in the Agreement) shall be amended accordingly to reflect such modification and Subrecipient's use of grant funds in connection thereto.

3. Except as herein amended or modified, all terms and conditions of the Agreement, as previously amended, shall remain unchanged and in full force and effect by way of this Second Amendment.
4. Due to the need for Subrecipient's services to be provided continuously on an ongoing basis, Subrecipient may have provided services prior to the execution of this Second Amendment. To the extent that said services were performed in accordance with the terms and conditions of this Second Amendment, those services are hereby ratified.
5. This Second Amendment may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. This Second Amendment includes four (4) pages which constitute the entire understanding and agreement of the parties with respect to the matters set forth herein.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the City and Subrecipient have caused this Second Amendment to be executed by their duly authorized representatives.

<p>APPROVED AS TO FORM AND LEGALITY: Michael N. Feuer, City Attorney</p> <p>By <u>[Signature]</u> Deputy City Attorney</p> <p>Date <u>8/28/13</u></p>	<p>For: THE CITY OF LOS ANGELES</p> <p>ANTONIO R. ALARCON, Mayor</p> <p>ERIC GARCETTI, Mayor</p> <p>By <u>[Signature]</u></p> <p>ERIC GARCETTI, Mayor Homeland Security and Public Safety, Mayor's Office</p> <p>Date <u>9/6/13</u></p>
<p>ATTEST:</p> <p>HOLLY WOLCOTT, Interim City Clerk</p> <p>By <u>[Signature]</u> Deputy City Clerk</p> <p>Date <u>09-09-2013</u></p>	
<p>APPROVED AS TO FORM:</p> <p>By <u>[Signature]</u> CHARLES PARKIN, ACTING CITY ATTORNEY</p> <p>Date <u>August 2, 2013</u></p>	<p>For: The City of Long Beach, a municipal corporation</p> <p>By <u>[Signature]</u> PATRICK H. WEST, CITY MANAGER</p> <p>Date <u>8/6/13</u></p>
<p>ATTEST:</p> <p>By <u>[Signature]</u> LARRY G. HERRERA, CITY CLERK</p> <p>Date <u>8-6-2013</u></p>	<p>[SEAL]</p>

City Business License Number: \_\_\_\_\_  
Internal Revenue Service ID Number: \_\_\_\_\_  
Council File/OARS File Number: 09-1275 Date of Approval: August 3, 2010  
City Contract Number: C-118454