OFFICE OF THE CITY ATTORNEY DAWN MCINTOSH, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach. CA 90802-4664

FOURTH AMENDMENT TO AGREEMENT NO. 35194

THIS FOURTH AMENDMENT TO AGREEMENT NO. 35194 is made and entered, in duplicate, as of February 7, 2023, for reference purposes only, pursuant to minute orders adopted by the City Council of the City of Long Beach at its meetings on March 5, 2019 and November 17, 2020, by and between PLACEWORKS, INC., a California corporation ("Consultant"), with a place of business at 3 MacArthur Place, Suite 1100, Santa Ana, California 92707, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 35194 (the "Agreement") whereby Consultant agreed to provide on-call environmental, planning, affordable housing, and community engagement consultant services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to add \$450,000 for a total not to exceed amount of \$850,000; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to add \$450,000 for a total not to exceed amount of \$1,300,000 and extend the term to March 5, 2022; and

WHEREAS, the Parties entered into a Third Amendment to extend the term to March 5, 2023; and

WHEREAS, the Parties desire to add \$185,000 for a total not to exceed amount of \$1,485,000 and extend the term one (1) additional one-year period;

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

- 1. Section 1.A. of the Agreement is hereby amended to read as follows:
- "A. Consultant shall furnish specialized services more particularly described in Exhibit "A", 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

1

2

3

4

5

6

7

8

9

10

11

12

///

///

the manner described below, not to exceed One Million Four Hundred Eighty-Five Thousand Dollars (\$1,485,000), at the rates or charges shown in Exhibit "B"."

- 2. Section 2 of the Agreement is hereby amended to read as follows:
- "2. <u>TERM</u>. The term of this Agreement shall commence at midnight on March 6, 2019, and shall terminate at 11:59 p.m. on March 5, 2024, unless sooner terminated as provided in this Agreement, or unless the services or the Project is completed sooner."
- Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 35194 are ratified and confirmed and shall remain in full force and effect.

13 III14 /// 15 /// 16 /// 17 /// 18 /// 19 /// 20 /// 21 /// 22 III23 /// 24 III25 /// 26 ///

27

28

III

///

2

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 PLACEWORKS, INC., California corporation 4 February 27 5 2023 6 Title President 7 February 27 , 2023 Keith McCann Name 8 Title CEO/CFO 9 **EXECUTED PURSUANT** "Consultant" 10 TO SECTION 301 OF THE CITY CHARTER. CITY OF LONG BEACH, a municipal 11 corporation OFFICE OF THE CITY ATTORNEY DAWN MCINTOSH, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach. CA 90802-4664 12 March 10 By Sunda J. Jakum City Manager 13 14 "City" 15 This Fourth Amendment to Agreement No. 35194 is approved as to form on 16 17 DAWN MCINTOSH, City Attorney 18 19 20 21 22 23 24 25 26 27 28