

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4884

1 FIRST AMENDMENT TO AGREEMENT NO. 35590
2 **35590**

3 THIS FIRST AMENDMENT TO AGREEMENT NO. 35590 is made and
4 entered, in duplicate, as of April 6, 2022, 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 March 17,
6 2020, by and between EVOLUTIONARY COMMERCIAL SYSTEMS INC., a California
7 corporation ("Contractor"), with a place of business at 15121 Graham Street, Suite 101,
8 Huntington Beach, California 92649, and the CITY OF LONG BEACH, a municipal
9 corporation ("City").

10 WHEREAS, City and Contractor (the "Parties") entered into Agreement No.
11 35590 (the "Agreement") whereby Contractor agreed to provide Supervisory Control and
12 Data Acquisition (SCADA) Telemetry System Maintenance and Repair Services; and

13 WHEREAS, the Agreement term commenced at midnight on April 15, 2020,
14 and shall terminate at 11:59 p.m. on April 14, 2022, unless sooner terminated as provided
15 in the Agreement, or unless the services or the Project is completed sooner. The term may
16 be extended for three (3) additional one-year periods, at the discretion of the City Manager;
17 and

18 WHEREAS, the City Manager desires to exercise his discretion and extend
19 the Agreement term for one (1) additional one-year period, in an annual amount not to
20 exceed Two Hundred Forty-Six Thousand Four Hundred Fifty Dollars (\$246,450), at the
21 rates or charges shown in Exhibit "B" of the Agreement;

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

- 24 1. Section 2 of the Agreement is hereby amended to read as follows:
25 "2. TERM. The term of this Agreement shall commence at midnight on
26 April 15, 2020, and shall terminate at 11:59 p.m. on April 14, 2023, unless sooner
27 terminated as provided in this Agreement, or unless the services or the Project is
28 completed sooner. The term may be extended for two (2) additional one-year periods, at

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1 the discretion of the City Manager."

2 2. Except as expressly modified herein, all of the terms and conditions
3 contained in Contract No. 35590 are ratified and confirmed and shall remain in full force
4 and effect.

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

7 EVOLUTIONARY COMMERCIAL
8 SYSTEMS INC., a California corporation

9 _____, 2022
10 *4/13/*

By *[Signature]*
Name A.H. ONGUN
Title GENERAL MANAGER

11 _____, 2022

By _____
Name _____
Title _____

"Contractor"

15 CITY OF LONG BEACH, a municipal
16 corporation

17 _____, 2022
18 *May 13*

By *[Signature]*
City Manager

"City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

19 This First Amendment to Agreement No. 35590 is approved as to form on

20 *May 5*, 2022.

22 CHARLES PARKIN, City Attorney

23 By *[Signature]*
24 Deputy
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EVOLUTIONARY COMMERCIAL
SYSTEMS INC., a California corporation

4/13/, 2022

By [Signature]
Name A.H. ONGUN
Title GENERAL MANAGER

_____, 2022

By _____
Name _____
Title _____

“Contractor”

CITY OF LONG BEACH, a municipal
corporation

_____, 2022

By _____
City Manager

“City”

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May 5, 2022.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy