

SIXTH AMENDMENT TO AGREEMENT NO. 34389

34389

THIS SIXTH AMENDMENT TO AGREEMENT NO. 34389 is made and entered, as of July 6, 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 June 6, 2023, by and between ANSER ADVISORY, LLC, a Delaware limited liability company, formerly known as SIMPLUS MANAGEMENT CORPORATION, a California corporation, ("Consultant"), with a place of business at 2677 North Main Street, Suite 400, Santa Ana, California 92705, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 34389 (the "Agreement") under Specification No. RFQ PW16-115, whereby Consultant agreed to provide as-needed public works construction management and inspection services in an amount not to exceed One Million Dollars (\$1,000,000) for a period of three (3) years with the option to extend for two (2) additional one-year periods, at the discretion of the City Manager; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to increase the authority amount for a total not to exceed Two Million Dollars (\$2,000,000), and extend the term to August 31, 2020; and

WHEREAS, on June 25, 2018, Simplus Management Corporation changed its name to Simplus Management Company LLC, and reorganized the corporate structure maintaining the same FEIN number; and

WHEREAS, on June 30, 2018, National Capital Improvement Corp acquired one hundred percent (100%) of the stock of Simplus Management Company LLC; and

WHEREAS, on November 30, 2018, Simplus Management Company LLC changed its name to Anser Advisory, LLC; and

WHEREAS, City desired to continue its contractual relationship under the Agreement with Anser Advisory, LLC; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement

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

1 to increase the authority amount for a total not to exceed Three Million Dollars
2 (\$3,000,000), and update the Consultant's name; and

3 WHEREAS, the Parties entered into a Third Amendment to the Agreement
4 to extend the term to August 31, 2021; and

5 WHEREAS, on August 3, 2021, the City Council authorized increasing the
6 aggregate not to exceed amount by Ten Million Dollars (\$10,000,000) for a revised
7 aggregate amount not to exceed Forty-Nine Million Dollars (\$49,000,000) and extended
8 the term to August 31, 2022, for as-needed construction management and inspection
9 services for all public works projects created under Specification No. RFQ PW16-115; and

10 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
11 to extend the term to August 31, 2022; and

12 WHEREAS, on July 19, 2022, the City Council authorized increasing the
13 aggregate not to exceed amount by Six Million Dollars (\$6,000,000) for a revised aggregate
14 amount not to exceed Fifty-Five Million Dollars (\$55,000,000) and extended the term to
15 August 31, 2023, for as-needed construction management and inspection services for all
16 public works projects created under Specification No. RFQ PW16-115; and

17 WHEREAS, the Parties entered into a Fifth Amendment to the Agreement to
18 increase the authority amount for a total not to exceed Four Million Dollars (\$4,000,000),
19 extend the term to August 31, 2023, attach an updated rate sheet, and update the City
20 Representative; and

21 WHEREAS, on June 6, 2023, the City Council authorized extending the term
22 of the Agreement to August 31, 2024, for as-needed construction management and
23 inspection services for all public works projects created under Specification No. RFQ
24 PW16-115; and

25 WHEREAS, the Parties desire to extend the term of the Agreement by one
26 (1) additional one-year period;

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

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1 1. Section 2 of the Agreement is hereby amended to read as follows:
2 "2. TERM. The term of this Agreement shall commence at midnight on
3 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2024, unless sooner
4 terminated as provided in this Agreement, or unless the services or the Project is
5 completed sooner."

6 2. Except as expressly modified herein, all of the terms and conditions
7 contained in Agreement No. 34389 are ratified and confirmed and shall remain in full force
8 and effect.

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

11
12
13 July 21, 2023

ANSER ADVISORY, LLC, a Delaware
limited liability company

By Paul J. Buckley
Name Paul J. Buckley
Title Vice President

15 July 21, 2023

By Craig Halvorson
Name Craig Halvorson
Title Secretary

"Consultant"

18
19
20 August 21, 2023
21 EXECUTED PURSUANT
22 TO SECTION 301 OF
23 THE CITY CHARTER.

CITY OF LONG BEACH, a municipal
corporation

By Linda F. Jatur
City Manager

"City"

24 This Sixth Amendment to Agreement No. 34389 is approved as to form on
25 AUGUST 15, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy