

SECOND AMENDMENT TO AGREEMENT NO. 33374

33374

THIS SECOND AMENDMENT TO AGREEMENT NO. 33374 is made and entered, in duplicate, as of February 19, 2016, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on March 4, 2014, by and between AIRSPACE, LLC, a California limited liability company ("Airspace"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Airspace entered into an Agreement dated March 6, 2014, (the "Agreement") for the purchase of Jet Fuel A; and

WHEREAS, City and Airspace now desire to amend the Agreement to reflect City's exercise of its second option to extend the term of the Agreement for one (1) additional year and add \$250,000 to the extension;

NOW, THEREFORE, in consideration of the terms and conditions in Agreement No. 33374 and contained in this Amendment, the parties agree as follows:

1. This Amendment shall be effective as of the date on which this Amendment is executed by both parties (the "Effective Date").

2. Pursuant to the exercise of City's second and final option to extend the term of the Agreement for one (1) additional one-year period, under Section 3 of the Agreement, the term of the Agreement shall expire on April 6, 2017.

3. Notwithstanding anything to the contrary in the Agreement, previous amendments, attachments or exhibits, Airspace shall provide Jet Fuel A for an additional twelve-month term through April 6, 2017, and City shall pay for the Jet Fuel A in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000).

4. Except as expressly amended in this Second Amendment, all terms and conditions in Agreement No. 33374 are ratified and confirmed and shall remain in full force and effect.

///

///

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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 AIRSPACE, LLC, a California limited
4 liability company

5 3.1.2016, 2016

By R.A. Seidel
6 Name R.A. SEIDEL
7 Title CHIEF EXECUTIVE OFFICER

8 "Airspace"

9 CITY OF LONG BEACH, a municipal
10 corporation

11 March 18, 2016

By T.B. Miller Assistant City Manager
12 City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

13 "City"

14 This First Amendment to Agreement No. 33374 is approved as to form on

15 March 7, 2016.

16 CHARLES PARKIN, City Attorney

17 By Mark
18 Deputy