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

FIFTH AMENDMENT TO AGREEMENT NO. 33388

THIS FIFTH AMENDMENT TO AGREEMENT NO. 33388 is made and entered, in duplicate, as of June 21, 2018, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on March 4, 2014, by and between HARLEY ELLIS DEVEREAUX CORPORATION, a Michigan corporation, with a place of business at 601 South Figueroa Street, Suite 500, Los Angeles, California 90017 ("Consultant"), and the CITY OF LONG BEACH, a municipal corporation ("City")

WHEREAS, City requires specialized services requiring unique skills to be performed in connection with architectural and engineering services for the Belmont Plaza Pool Facility Rebuild/Revitalization Project; and

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 33388 (the "Agreement") whereby Consultant agreed to provide these services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to include additional services to the Scope of Work and to increase the total Agreement amount by \$490,850 for the additional services; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to include additional services to the Scope of Work and to increase the total Agreement amount by \$223,580 for the additional services; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to extend the term to June 30, 2017; and

WHEREAS, the Parties entered into a Fourth Amendment to the Agreement to extend the term to June 30, 2018; and

WHEREAS, the Parties desire to 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 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 5, 2014, and shall terminate at 11:59 p.m. on June 30, 2019, 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. 33388 are ratified and confirmed and shall remain in full force and effect.

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

LIADIEV ELLIC DEVEDEALIV

	MARLEY ELLIS DEVEREAUX		
•	CORPORATION, a Michigan corporation		
Auly 2, , 2018	By Name A PETER DEVERSENCY Title CEO		
JULY 2 ND , 2018	By Name PANIA VAN HERJE Title CORPORATE TREASURER		
	"Consultant"		
7/2/, 2018	CITY OF LONG BEACH, a municipal corporation By City Manager		
	"City"		
This Fifth Amendment to Agreement No. 33388 is approved as to form on			
<i>───────────────────────</i> , 2018.			
	CHARLES PARKIN, City Attorney		
	By Deputy		

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

WITNESS my hand and official seal.

Ghair Collang

validity of that document.				
State of California County of	heles)			
on JULY 2,2018	before me, _	ELSIE	CHANG, NOTARY	
		(inser	t name and title of the officer)	
personally appeared TANIA VAN HERE who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.				

(Seal)

ELSIE C. CHANG

Commission # 2128107
Notary Public - California
Los Angeles County
My Comm. Expires Sep 26, 2019

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of	
On Juy 2, 2018 before me, EU	nsert name and title of the officer)
personally appeared <u>JOHN PETER VEVERS</u> who proved to me on the basis of satisfactory evidence subscribed to the within instrument and acknowledge his/her/their authorized capacity(ies), and that by his/person(s), or the entity upon behalf of which the person	te to be the person(s) whose name(s) is/are to me that he/she/they executed the same in ner/their signature(s) on the instrument the
l certify under PENALTY OF PERJURY under the law paragraph is true and correct.	s of the State of California that the foregoing
WITNESS my hand and official seal.	ELSIE C. CHANG Commission # 2128107 Notary Public - California Los Angeles County
Signature 4 Mind (S	My Comm. Expires Sep 26, 2019