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

THIRD AMENDMENT TO AGREEMENT NO. 33533

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THIS THIRD AMENDMENT TO AGREEMENT NO. 33533 is made and entered, in duplicate, as of May 28, 2020, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on May 19, 2020, by and between UNIQUE MANAGEMENT SERVICES, INC., a Kentucky corporation ("Consultant"), with a place of business at 119 E. Maple Street, Jeffersonville, Indiana 47130, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 33533 (the "Agreement") whereby Consultant agreed to provide library collection services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to extend the term to July 31, 2018 and attach a revised scope of work; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the term to July 31, 2019; and

WHEREAS, the Parties desire to add force majeure language 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 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 August 1, 2014, and shall terminate at 11:59 p.m. on July 31, 2020, unless sooner terminated as provided in this Agreement, or unless the services or the Project is completed sooner. The term may be extended for one (1) additional one-year period, at the discretion of the City Manager."
 - 2. Section 31 is hereby added to the Agreement to read as follows:
- "31. <u>FORCE MAJEURE</u>. If any party fails to perform its obligations because of strikes, lockouts, labor disputes, embargoes, acts of God, inability to obtain

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labor or materials or reasonable substitutes for labor materials, governmental restrictions, governmental regulations, governmental controls, judicial orders, enemy or hostile governmental action, pandemic, civil commotion, fire or other casualty, or other causes beyond the reasonable control of the party obligated to perform, then that party's performance will be excused for a period equal to the period of such cause for failure to perform."

 Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 33533 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.

	UNIQUE MANAGEMENT SERVICES, INC., a Kentucky corporation
June 6, 2020	Name Nicole Atkins Title President acto
June 6, 2020	Name Charles & Gary Title Secretary / Treasurer
	"Consultant"
June 19, 2020	CITY OF LONG BEACH, a municipal corporation By Rule L. James EXECUTED PURSUARIT TO SECTION 301 OF "CityTHE CITY CHARTER
This Third Amendment to Agi	reement No. 33533 is approved as to form on
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JE:IIMA IS JUL OZOZ	By Deputy