

THIRD AMENDMENT TO CONTRACT NO. 34854

34854

RE: Third Renewal of Contract No. 34854 (ITB LB17-077) for providing Asphalt Concrete Materials to the City of Long Beach (Munis Contract No. 3180000017, formerly BPLB18000017)

This Amendment to Contract No. 34854 is made and entered as of October 26, 2021, by and between the CITY OF LONG BEACH, a municipal corporation, and Sully-Miller Contracting Co. (Contractor)

Contract No. 34854 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:

- 1. Extending the term to January 31, 2023.
- 2. No funds added; contract amount not to exceed \$2,250,000.
- 3. Prices during this period shall remain firm.
- 4. The price for certain items shall be increased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference.
- 5. The price for certain items shall be decreased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference.
- 6. The discount offered to the City is increased by ___ %
- 7. The items or locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby deleted from the Contract.
- 8. The locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby added to the Contract.
- 9. Current permits, licenses, insurance and other required information are attached as Addendum No. 1.

Except as expressly amended above, all terms and conditions in this Contract are ratified and confirmed and remain in full force and effect. Executed with all formalities required by law as of the date first stated above.

Attach Notary if Out-of-State Contractor

CONTRACTOR:

W.J.T. Boyd
(Signature)

William Boyd
(Print / Type Name)

President / Vice President / Secretary / Treasurer
(circle one)

CONTRACTOR:

[Signature]
(Signature)

SCOTT W. BOTTMAN
(Print / Type Name)

President / Vice President / Secretary / Treasurer
(circle one)

THE CITY OF LONG BEACH:

By: [Signature]
City Manager

NOTED PURSUANT
SECTION 301 OF
CHAPTER

Approved as to form:
CHARLES PARKIN, City Attorney

By: [Signature]
Deputy

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(Signature)

William Boyd
(Print / Type Name)

President / Vice President / Secretary / Treasurer
(circle one)

CONTRACTOR:

Scott W. Bottameyer
(Signature)

SCOTT W. BOTTAMAYER
(Print / Type Name)

President / Vice President / Secretary / Treasurer
(circle one)

THE CITY OF LONG BEACH:

By: _____
City Manager

Approved as to form:
CHARLES PARKIN, City Attorney

By: _____
Deputy

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 Orange)

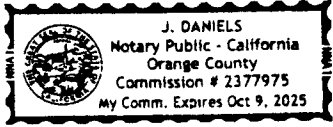
On December 8, 2021 before me, J. Daniels, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared William J.T. Boyd
Name(s) of Signer(s)

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.

WITNESS my hand and official seal.



Signature J. Daniels
Signature of Notary Public
J. Daniels, Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Third Amendment to Contract 34854 Document Date: 10/26/21

Number of Pages: 1 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

- Signer's Name: William J.T. Boyd
- Corporate Officer — Title(s): President
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

- Signer's Name: _____
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer Is Representing: Sully-Miller Contracting Company

Signer Is Representing: _____

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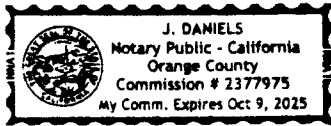
On December 8, 2021 before me, J. Daniels, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Scott Bottomley
Name(s) of Signer(s)

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.

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Signature of Notary Public
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Capacity(ies) Claimed by Signer(s)

Signer's Name: Scott Bottomley
 Corporate Officer — Title(s): Vice President
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer Is Representing: Sully-Miller Contracting Company

Signer Is Representing: _____

CERTIFICATE OF INCUMBENCY AND RESOLUTION

I, Anthony L. Martino, II, do hereby certify that I am the Secretary of Sully-Miller Contracting Company, a Delaware corporation, and that as such I have access to and custody of the corporate records and minute books of said corporation.

And I do hereby further certify that the following persons are duly elected officers of said corporation.

<u>TITLE</u>	<u>NAME</u>
Chairman Of The Board	John Harrington
President	William Joseph Thomas Boyd
Vice President, CFO, Treasurer and Assistant Secretary	Christopher Winter
Vice President and Assistant Secretary	Scott Bottomley
Secretary	Anthony L. Martino, II
Assistant Secretary	Curtis Weltz
Assistant Secretary	Jeff Galterio

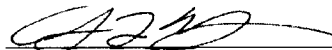
I further certify that the following is a true and correct copy of a resolution duly adopted by the Board of Directors of said Company at a meeting held on December 3, 2020, and that this resolution has not been in any way rescinded, annulled, or revoked but the same is still in full force and effect:

“BID TENDERS: GENERAL

RESOLVED, that any officer of the Corporation be and they hereby are authorized in the name and on behalf of the Corporation, under its corporate seal or otherwise (i) to prepare proposals and bids for the supplying of construction materials and the performance by itself or in joint venture, of work of whatsoever nature in connection with the construction or paving of highways, roads and airports and in connection with earthworks and civil engineering projects of all kinds, together with all work incidental thereto, (ii) to execute and submit any and all such proposals and bids to any governmental authority, instrumentality, or agency of the United States, its several states, territories and possessions, including without limitation, any municipality or other political or corporate subdivision thereof, and to any corporation, partnership, sole proprietorship, or other business entity, (iii) in connection with any such submission, to deliver bid deposits or bonds as may be required and (iv) to execute and deliver definitive agreements binding the Corporation to perform work in accordance with any proposals and bids authorized hereby.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 1st day of June, 2021.

(SEAL)



Anthony L. Martino, II
Secretary
Sully-Miller Contracting Company
135 S. State College Blvd., Ste. 400
Brea, CA 92821

EXHIBIT "A"

Contract No. 34854

Amendment No. Three

Pricing per third renewal effective February 1, 2022 is as follows:

**ITB LB17-077 Asphalt Concrete Materials (Delivery)
Third Renewal Option**

Item No	Item Code	Estimated Usage by (by UOM)	Description	Unit of Measure (UOM)	Current Unit Price	Extended Price	New Price	Increase / Decrease	Most Recent CPI %
1	43	100	type B 3/4	TON	55.32	5,532.00	58.31	\$2.99	5.40%
2	44	100	c1 1/2	TON	56.37	5,637.00	59.41	\$3.04	5.40%
3	45	100	c2 1/2	TON	56.37	5,637.00	59.41	\$3.04	5.40%
4	46	100	d1 3/8	TON	57.40	5,740.00	60.50	\$3.10	5.40%
5	47	100	d2 3/8	TON	57.40	5,740.00	60.50	\$3.10	5.40%
6	48	625	type E	TON	61.50	38,437.50	64.82	\$3.32	5.40%
7	49	1375	type F	TON	66.63	91,616.25	70.23	\$3.60	5.40%
8	9	3275	sc800 cold mix	TON	79.00	#####	83.27	\$4.27	5.40%
9	60	6000	ss1h per gal.	GAL	5.13	30,780.00	5.41	\$0.28	5.40%

The quantities and dollar amounts shown herein are the City's average annual usage, and are not guaranteed. The City reserves the right to increase or decrease quantities based on