OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor

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THIRD AMENDMENT TO CONTRACT NO. 35377

35377

THIS THIRD AMENDMENT TO CONTRACT NO. 35377 is made and entered into as of August 17, 2022 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 2, 2021, by and between BELLINGHAM MARINE INDUSTRIES, INC., a Washington corporation ("Contractor"), whose address is 8810 Sparling Lane, Dixon, California 95620, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Contractor (the "Parties") entered into Contract No. 35377 (the "Contract") whereby Contractor agreed to provide the specialized services as described in Request for Proposals No. PR18-130 for Downtown Shoreline Marina Fire System Rehabilitation in the amount of \$497,081; and

WHEREAS, the Parties entered into a First Amendment to the Contract to add the 15% contingency amount of \$74,562 for a total amount of \$571,643; and

WHEREAS, the Parties entered into a Second Amendment to the Contract to add \$337,000, with an additional 15% contingency in the amount of \$50,550 for a revised total not to exceed the amount of \$959,193; added an additional one-year renewal option; and attached an additional scope of work;

WHEREAS, the Parties desire to exercise the one-year renewal option and extend the term to February 28, 2023;

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

- 1. Section 4 of the Contract is hereby amended to read as follows:
- "4. TIME FOR CONTRACT. The term of this Contract shall commence at midnight on March 1, 2020, and shall terminate at 11:59 p.m. on February 28, 2023, unless sooner terminated as provided in this Contract, or unless the services or the Project is completed sooner, subject to strikes, lockouts and events beyond the control of the Contractor. Time is of the essence hereunder. City will suffer damage if the work is not

1	completed within the time stated, but those damages would be difficult or impractical to	
2	determine. So, Contractor shall pay to City, as liquidated damages, the amount stated in	
3	the Contract Documents."	
4	2. Except as expressly modified herein, all of the terms and conditions	
5	contained in this Contract are ratified and confirmed and shall remain in full force and effect.	
6	IN WITNESS WHEREOF, the Parties have caused this document to be duly	
7	executed with all formalities required by law as of the date first stated above.	
8		BELLINGHAM MARINE INDUSTRIES, INC., a Washington corporation
10	October 3 . 2022	By Encyls?
11		Name Eerc I noege! Title Vice president
12	, 2022	By
13		Name Title
14		"Contractor"
15		
16		CITY OF LONG BEACH, a municipal corporation
17	<u>letober 13</u> , 2022	By <u>Sindu J. Jahrim</u> City Manager
18		City Manager
19		"City"
20	This Third Amendment to (Contract No.35227109Napproved as to form on THE CITY CHARTER.
21	October 11th, 2022.	THE CITY STREET
22		CHARLES PARKIN, City Attorney
23		By At Z
24		Deputy Deputy
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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.

attached, and not the truthfulness, accuracy, validity of that document.		
State of California County ofSOLANO)	
On OCHORIR 3, 2022 before me,	KAREN E SMITH, NOTARY PUBLIC	
T T	(insert name and title of the officer)	
personally appearedERIC L NOEGEL	,	
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 paragraph is true and correct.	the laws of the State of California that the foregoing	
WITNESS my hand and official seal.	KAREN E. SMITH COMM. # 2281349 OF THE PROPERTY PUBLIC CALIFORNIA DO SAN FRANCISCO COUNTY O COMM. EXPIRES APRIL 13, 2023	
Signature Kallu Elmith	_ (Seal)	

ACTION BY WRITTEN CONSENT

OF

BMI ACQUISITION CO.

A Washington Corporation

April 22, 2022

The undersigned, being all of the members of the Board of Directors (the "Board" or "Board of Directors") of BMI Acquisition Co., a Washington corporation (the "Company"), acting pursuant to Section 23B.07.040 of the Washington Business Corporation Act, Section 607.0704 of the Florida Business Corporation Act, and Section 33-749 of the Connecticut Business Corporation Act, do hereby adopt, ratify and approve the following resolutions by written consent effective as of the date set forth above and directs the Secretary of the Company to place a copy hereof in the Company's book of minutes:

Election of Directors and Officers of Bellingham Marine Industries, Inc.

WHEREAS, the Company is the sole shareholder of Bellingham Marine Industries Inc. ("BMI"); and

WHEREAS, the Company desires to update BMI's records to reflect the appointments of directors and officers of BMI, effective as of April 22, 2022;

NOW, THEREFORE BE IT RESOLVED, that the following individuals be, and hereby are, elected as directors of BMI as of April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

Brian Schaefgen

Kevin Thompson

Tina M. Jeffcoat

RESOLVED FURTHER, that the following individuals be, and hereby are, elected as officers effective April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

CEO

Kevin Thompson

COO

Brian Schaefgen

CFO

Tina M. Jeffcoat

Secretary and Vice President of Administration

Craig Funston

Vice President of Engineering

Eric Noegel

Vice President, Southwest Division Manager

Jim Engen

Vice President, Northwest Division Manager

Ed Heaton

Vice President, Timber Division Manager

Jeffrey Pratt

Vice President, Southeast Division Manager

Election of Directors and Officers of Florida Floats, Inc.

WHEREAS, the Company is the sole shareholder of Florida Floats Inc. ("FFI"); and

WHEREAS, the company desires to update FFI's records to reflect the appointments of directors and officers of FFI, effective as of April 22, 2022;

NOW, THEREFORE BE IT RESOLVED, that the following individuals be, and hereby are, elected as directors of FFI as of April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

Brian Schaefgen

Kevin Thompson

Tina M. Jeffcoat

RESOLVED FURTHER, that the following individuals be, and hereby are, elected as officers effective April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

CEO

Kevin Thompson

COO

Brian Schaefgen

CFO

Tina M. Jeffcoat

Secretary and Vice President of Administration

Craig Funston

Vice President of Engineering

Eric Noegel

Vice President, Southwest Division Manager

Jim Engen

Vice President, Northwest Division Manager

Ed Heaton

Vice President, Timber Division Manager

Jeffrey Pratt

Vice President, Southeast Division Manager

Election of Directors and Officers of Concrete Flotation Systems Inc.

WHEREAS, the Company is the sole shareholder of Concrete Flotation Systems Inc. ("CFS"); and

WHEREAS, the company desires to update CFS's records to reflect the appointments of directors and officers of CFS, effective as of April 22, 2022;

NOW, THEREFORE BE IT RESOLVED, that the following individuals be, and hereby are, elected as directors of CFS as of April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

Brian Schaefgen

Kevin Thompson

Tina M. Jeffcoat

RESOLVED FURTHER, that the following individuals be, and hereby are, elected as officers effective April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

CEO

Kevin Thompson

coo

Brian Schaefgen

CFO

Tina M. Jeffcoat

Secretary and Vice President of Administration

Craig Funston

Vice President of Engineering

Eric Noegel

Vice President, Southwest Division Manager

Jim Engen

Vice President, Northwest Division Manager

Ed Heaton

Vice President, Timber Division Manager

Jeffrey Pratt

Vice President, Southeast Division Manager

Election of Directors and Officers of BMI North America Inc.

WHEREAS, the Company is the sole shareholder of BMI North America Inc. ("BMINA"); and

WHEREAS, the company desires to update BMINA's records to reflect the appointments of directors and officers of BMINA, effective as of April 22, 2022;

NOW, THEREFORE BE IT RESOLVED, that the following individuals be, and hereby are, elected as directors of BMINA as of April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

Brian Schaefgen

Kevin Thompson

Tina M. Jeffcoat

RESOLVED FURTHER, that the following individuals be, and hereby are, elected as officers effective April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

CEO

Kevin Thompson

COO

Brian Schaefgen

CFO

Tina M. Jeffcoat

Secretary and Vice President of Administration

Craig Funston

Vice President of Engineering

Eric Noegel

Vice President, Southwest Division Manager

Jim Engen

Vice President, Northwest Division Manager

Ed Heaton

Vice President, Timber Division Manager

Jeffrey Pratt

Vice President, Southeast Division Manager

RESOLVED FURTHER, that the directors may be compensated for reasonable expenses, if any, incurred for attendance at each meeting of the Board of Directors, but shall not be paid a fixed sum for attendance at such meetings nor receive a stated salary for service as a director.

RATIFICATION

RESOLVED FURTHER, that any prior resolution or arrangement for payment of fees or fixed sums for attendance at meetings of the Board of Directors is hereby revoked;

RESOLVED FURTHER, that all acts and things heretofore done by any director of BMI, FFI, CFS and BMINA, on or prior to the date hereof be, and the same hereby are, in all respects ratified, confirmed, approved, and adopted as acts on behalf of each of the companies.

IN WITNESS WHEREOF, the undersigned have executed this Action by Written Consent as of the date set forth above. This Action by Written Consent may be executed by facsimile transmission and such facsimile shall be valid and binding to the same extent as if it were an original.

BMI ACQUISITION CO.

A Washington Corporation

By:

Joseph J. Ueberroth

Director

By:

Brian Schaefgen

Director

Bv: (

Tina M. Jeffcoat

Director