

**AMENDMENT NO. TWO TO CONTRACT NO. 33116**

**33116**

**RE: Renewal No. Two of Contract No. 33116 (PA-03213) to furnish and deliver asphalt concrete to the City of Long Beach (BPLB13000052)**

This Amendment to Contract No. 33116 is made and entered as of June 2, 2016 by and between the CITY OF LONG BEACH, a municipal corporation, and **SULLY-MILLER CONTRACTING COMPANY**.


Contract No. 33116 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:


- 1. Second renewal option to extend term to 7/22/2017.
- 2. No change to the total amount of \$2,520,000.00.
- 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 \_\_\_\_ %. Your bid states you will not exceed 5%
- 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 enclosed 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:

  
 \_\_\_\_\_  
 (Signature)  
 SCOTT W. BOTTOMLEY  
 \_\_\_\_\_  
 (Print / Type Name)  
 VICE PRESIDENT, GENERAL MGR.  
 \_\_\_\_\_  
 President (Vice President) Secretary / Treasurer  
 (circle one)

  
 \_\_\_\_\_  
 (Signature)  
 William J.T. Boyd  
 \_\_\_\_\_  
 (Print / Type Name)  
 Vice President - Operations  
 \_\_\_\_\_  
 President (Vice President) Secretary / Treasurer  
 (circle one)

THE CITY OF LONG BEACH:

By:   
 \_\_\_\_\_  
 City Manager

Approved as to form:

ROBERT E. SHANNON, City Attorney  
APPROVED AS TO FORM

By:   
 \_\_\_\_\_, 2016  
 Deputy  
 CHARLES PARKIN, City Attorney

By:   
 \_\_\_\_\_  
 AMY R. WEBBER  
 DEPUTY CITY ATTORNEY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

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

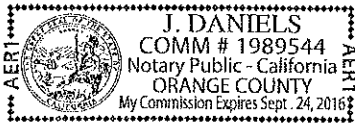
On June 7, 2016 before me, J. Daniels, Notary Public, personally appeared

Scott Bottomley

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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

Handwritten signature of 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: Amendment No. Two to Contract No. 33116

Document Date: June 7, 2016 Number of Pages 1

Signer(s) Other Than Named Above:

Capacity Claimed by Signer:

Signer's Name Scott Bottomley

Corporate Officer: Vice President

Other:

Signer Represents: SULLY-MILLER CONTRACTING COMPANY

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

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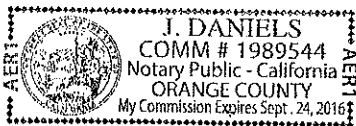
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William Joseph Thomas Boyd

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WITNESS my hand and official seal.



Signature

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

Place Notary Seal Above

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Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity Claimed by Signer:**

Signer's Name William Joseph Thomas Boyd

Corporate Officer: Vice President

Other: \_\_\_\_\_

Signer Represents: SULLY-MILLER CONTRACTING COMPANY

**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.

<b><u>TITLE</u></b>	<b><u>NAME</u></b>
Chairman Of The Board	John Harrington
President	David Martinez
Vice President, Chief Financial Officer and Treasurer	Timothy P. Orchard
Vice President of Operations	William Joseph Thomas Boyd
Vice President	Scott Bottomley
Vice President	Dennis Gansen
Secretary	Anthony L. Martino II
Assistant Secretary	Jae Won
Assistant Secretary	Raymond Sanchez

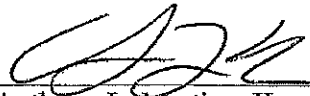
I further certify that the following is a true and correct copy of a resolution duly adopted by the Board of Directors of said Company at a meeting held on December 10, 2015, and that this resolution has not been in any way rescinded, annulled, or revoked but the same is still in full force and effect:

**“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 18th day of January 2016.

(SEAL)

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