

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

1 FIRST AMENDMENT TO CONTRACT NO. 30570

2 **30570**

3 THIS FIRST AMENDMENT TO CONTRACT NO. 30570 is made and  
4 entered, in duplicate, as of January 29, 2009 for reference purposes only, pursuant to a  
5 minute order adopted by the City Council of the City of Long Beach at its meeting held on  
6 December 18, 2007, by and between ALL AMERICAN ASPHALT, a California  
7 corporation ("Contractor"), whose address is 400 E. Sixth Street, Corona, California  
8 92879, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, pursuant to a "Notice Inviting Bids for the Annual Contract for  
10 Local Street Improvements in the City of Long Beach, California," dated November 9,  
11 2007, and published by City, bids were received, publicly opened and declared on the  
12 date specified in said Notice; and

13 WHEREAS, the City Manager accepted the bid of the Contractor; and

14 WHEREAS, the City Council authorized the City Manager to enter a  
15 contract with Contractor for the work described in Plans & Specifications No. R-6734; and

16 WHEREAS, the parties desire to extend the term;

17 NOW, THEREFORE, in consideration of the mutual terms and conditions  
18 herein contained, the parties agree as follows:

19 1. Section 4 of Contract No. 30570 is hereby amended in its entirety to  
20 read as follows:

21 "4. TIME FOR CONTRACT. Contractor shall commence work on a date  
22 to be specified in a written "Notice to Proceed" from the City and shall complete all work  
23 within three hundred sixty-five (365) days thereafter, subject to strikes, lockouts and  
24 events beyond the control of Contractor. To the extent all work is not completed within  
25 three hundred sixty-five (365) days after the date specified in the Notice to Proceed, the  
26 term of the Contract shall be extended and, unless sooner terminated as provided in this  
27 Contract, or unless the work to be performed hereunder is completed sooner, shall  
28 terminate at 11:59 p.m. on April 15, 2009. Time is of the essence hereunder. City will

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1 suffer damage if the work is not completed within the time stated, but those damages  
2 would be difficult or impractical to determine. So, Contractor shall pay to City, as  
3 liquidated damages, the amount stated in the Contract Documents.”

4 2. Except as expressly modified herein, all of the terms and conditions  
5 contained in Contract No. 30570 are ratified and confirmed and shall remain in full force  
6 and effect.

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

9  
10  
11 FEBRUARY 9, 2009

ALL AMERICAN ASPHALT, a California corporation

By [Signature]  
President

DAN D. SISEMORE  
(Type or Print Name)

12  
13 FEBRUARY 9, 2009

By [Signature]  
Secretary

MARK LUER  
(Type or Print Name)

16 “Contractor”

17 CITY OF LONG BEACH, a municipal corporation

18 2:25, 2009

By [Signature] Assistant City Manager  
City Manager

20 “City”

EXECUTED IN WITNESS  
TO SECTION 301 OF  
THE CITY CHARTER.

21 This First Amendment to Contract No. 30570 is approved as to form on  
22 February 11, 2009.

24 ROBERT E. SHANNON, City Attorney

25 By [Signature]  
26 Deputy  
27  
28