# OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach. CA 90802-4664

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

### THIRD AMENDMENT TO CONTRACT NO. 34571

# 34571

THIS THIRD AMENDMENT TO CONTRACT NO. 34571 is made and entered, in duplicate, as of March 25, 2020 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on March 24, 2020, by and between EXBON DEVELOPMENT, INC., a California corporation, whose address is 13831 Newhope Street, Garden Grove, California 92843 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a Notice Inviting Bids for Job Order Contract, City of Long Beach, California, bids were received, publicly opened on February 17, 2017 and declared on the date specified in said Notice; and

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

WHEREAS, City and Contractor (the "Parties") entered into Contract No. 34571 (the "Contract") for the work described in the bid documents; and

WHEREAS, the Parties entered into a First Amendment to the Contract to extend the term to March 21, 2019 and add \$2,000,000 for a total not to exceed amount of \$4,000,000; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the to March 21, 2020, add \$2,000,000 for a total not to exceed amount of \$6,000,000 and add updated Construction Task Catalog information; and

WHEREAS, the Parties desire to extend the term one (1) additional one-year period, add \$2,000,000 to the Contract and add updated Construction Task Catalog information;

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

- 1. Section 2 of the Contract is hereby amended to read as follows:
- "2. <u>PRICE AND PAYMENT</u>. City shall pay to Contractor the amount(s) for each Work Order based on the adjustment factor in Contractor's Bid, attached hereto

1

2

3

4

5

6

7

8

9

10

11

12

13

as Exhibit "A"; provided, however, that City shall not pay more than Eight Million Dollars (\$8,000,000) for the term of the Contract. Furthermore, no individual Work Order project shall exceed Five Hundred Thousand Dollars (\$500,000)."

- 2. Section 3.A of the Contract is hereby amended to read as follows:
- "A. The term of this Contract shall begin on March 22, 2017 and shall end on March 21, 2021 or on City's payment of the not-to exceed dollar amount hereunder to Contractor as specified in Section 2, whichever occurs first."
- Contractor's Bid in Exhibit "A-1" to the Second Amendment to the 3. Contract is hereby amended in accordance with Exhibit "A-2", attached hereto and incorporated by this reference.
- Except as expressly modified herein, all of the terms and conditions contained in Contract No. 34571 are ratified and confirmed and shall remain in full force and effect.

14 III15 III16 III17 III18 III19 III20 /// /// 21 /// 22 23  $/\!/\!/$ 24 /// 25 III26 IIIIII

27

28

///

IN WITNESS WHEREOF, the Parties have caused this document to be duly 1 executed with all formalities required by law as of the date first stated above. 2 3 **EXBON** DEVELOPMENT, California corporation 4 2020 By\_ 5 May 6 Name Jae K. 6 President Title 7 May 6 2020 By\_ Don Seo Name 8 Title 9 "Contractor FO SECTION 301 OF THE CITY CHARTER 10 CITY OF LONG BEACH, a municipal 11 corporation OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Long Beach. CA 90802-4664 12 2020 City Manager 13 14 "City" This Third Amendment to Contract No. 34571 is approved as to form on 15 16 2020. ARKIN, City Attorney 17 18 Deputy 19 20 21 22 23 24 25 26 27 28

INC.,

а

### **EXHIBIT A-2**

The Adjustment Factors submitted with the Bid shall be in effect the full term of the contract including the Base Term and any and all Option Terms.

Construction Task Catalog®

The Construction Task Catalog<sup>®</sup> is a comprehensive listing of construction related tasks together with a specific unit of measure and a published Unit Price. All Unit Prices are based on local labor, material and equipment prices and are for the direct cost of construction. The language in this exhibit shall replace Section 79, Price Adjustments in Division H of the original specifications, R-7074. This section shall also apply to all subsequent contract renewals, unless indicated otherwise by the City in writing.

- a. The Construction Task Catalog® issued with this Solicitation will be in effect for all years of this contract.
- b. On the annual anniversary of the solicitation, the City shall provide the Contractor with a new Construction Task Catalog® for review and acceptance prior to accepting new work. In general, the Contractor shall use the Construction Task Catalog® in effect on the date that the Job Order Contract process is initiated (i.e. Joint Scope Meeting Invitation). However, the Contractor cannot delay the initiation of the Job Order Contract process to take advantage of a scheduled update of the Construction Task Catalog®. In that event, the Contractor shall use the Construction Task Catalog® that was in effect prior to the update.
- c. The new Construction Task Catalog® will be effective for the twelve (12) month period after the anniversary of the award date. The Construction Task Catalog® that accompanies each anniversary shall only apply to Job Orders initiated after the effective date of that specific renewal option and shall have no impact on Job Orders initiated prior to the effective date of that specific renewal option.

The new Construction Task Catalog shall be available in the Gordian Group Software.

13831 Newhope Street Garden Grove, CA 92843

> T: 714.539.2222 F: 714.539.2223

### CORPORATE RESOLUTION

IT IS HEREBY RESOLVED BY THE DIRECTORS of EXBON DEVELOPMENT, INC. ("Exbon"), a California Corporation as follows:

RESOLVED, Exbon accepts the resignation of and removes Janet H. Lee from the Officer of Exbon as President / CEO / Secretary /Treasurer and immediately upon the resignation and removal of the officer set forth as of the date of these resolution, Jae K. Jung be and hereby is elected to the Officer of Exbon as President / CEO / Secretary /Treasurer to hold positions until the election and qualification of their respective successors or until their earlier resignation or removal.

This resolution was adopted by the Directors of the Corporation at a regular/special meeting of the Corporation held on the 1<sup>st</sup> of January 2020.

## CERTIFICATE OF SECRETARY

The undersigned hereby certifies that he is the duly elected and qualified Secretary of Exbon Development, Inc., a California corporation and that the foregoing is a true and correct record of a resolution duly adopted by the Board of Directors of the Corporation on the 1st of January 2020.

IN WITNESS WHEREOF, I have executed my name as Secretary on this January 1, 2020.

Signature:

Name of Secretary: Jac K. Jung