

1 FIRST AMENDMENT TO CONTRACT

2 SA 0004

3 THIS FIRST AMENDMENT TO CONTRACT (this "Amendment") is made
4 and entered, in duplicate, as of May 1, 2012, for reference purposes only, pursuant to (i)
5 a minute order adopted by the Redevelopment Agency of the City of Long Beach
6 ("Agency") at its meeting on May 3, 2010, and (ii) a minute order adopted by the City of
7 Long Beach, acting as the Successor Agency to the Redevelopment Agency of the City
8 of Long Beach at its meeting on June 12, 2012, by and between the SULLY-MILLER
9 CONTRACTING COMPANY, a California corporation ("Contractor"), and the CITY OF
10 LONG BEACH, a municipal corporation ("City"), as Successor Agency to the
11 Redevelopment Agency of the City of Long Beach.

12 WHEREAS, Agency and Contractor into a Contract dated August 2, 2010
13 (the "Contract") whereby Contractor agreed to provide labor and materials in connection
14 with a project described in Plans & Specifications No. R-6803; and

15 WHEREAS, pursuant to legislation known as ABx1 26 the Agency was
16 dissolved and the City acceded to the rights and obligations of Agency under the
17 Contract; and

18 WHEREAS, the parties desire to execute change orders increasing the
19 amount of the Contract in accordance with the authority previously granted by the
20 Agency.

21 NOW, THEREFORE, in consideration of the mutual terms and conditions in
22 the Contract, the parties agree as follows:

23 1. Section 2 and Exhibit "A" of the Contract are hereby amended so
24 that the total authorized amount that City may expend under the Contract is
25 \$5,161,423.68. Such amounts may only be expended in connection with change orders
26 issued by City in accordance with the Contract.

27 2. Except as expressly amended herein, all of the terms and conditions
28 of the Contract are ratified and confirmed and shall remain in full force and effect.

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


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

"Contractor"


SULLY-MILLER CONTRACTING COMPANY, a California corporation

By: 
Name: MICHAEL EDWARDS
Title: VICE PRESIDENT

By: 
Name: RAYMOND SANCHEZ
Title: ASSISTANT SECRETARY

"City"

CITY OF LONG BEACH, as Successor Agency to the City of Long Beach Redevelopment Agency

By: 
Name: ROBERT M. ZUR
Title: DEPUTY DIRECTOR OF DEVELOPMENT SERVICES

This First Amendment to Contract is approved as to form on July 31, 2012.

ROBERT E. SHANNON, City Attorney

By: 
Deputy

A10-01395

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA

COUNTY OF ORANGE

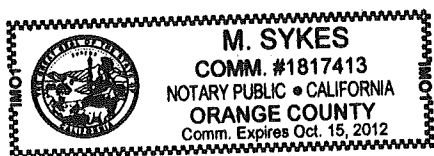


On July 26, 2012 before me, M. Sykes, personally appeared Michael Edwards and Raymond Sanchez

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



Notary Seal

Signature

M. Sykes
M. Sykes, Notary Public

OPTIONAL

Description of Attached Document

Title or Type of Document: First Amendment to Contract

Document Date: July 26, 2012 Number of Pages: 1

Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s):

Signer's Name Michael Edwards Signer's Name Raymond Sanchez

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Individual | | <input type="checkbox"/> Individual | |
| <input checked="" type="checkbox"/> Corporate Officer – Title(s) | <u>Vice President</u> | <input checked="" type="checkbox"/> Corporate Officer – Title(s) | <u>Assistant Secretary</u> |
| <input type="checkbox"/> Partner – Limited/General | | <input type="checkbox"/> Partner – Limited/General | |
| <input type="checkbox"/> Attorney In Fact | Right Thumbprint of Signer | <input type="checkbox"/> Attorney In Fact | Right Thumbprint of Signer |
| <input type="checkbox"/> Trustee | <div style="border: 1px solid black; width: 100px; height: 100px;"></div> | <input type="checkbox"/> Trustee | <div style="border: 1px solid black; width: 100px; height: 100px;"></div> |
| <input type="checkbox"/> Guardian or Conservator | | <input type="checkbox"/> Guardian or Conservator | |
| <input type="checkbox"/> Other | | <input type="checkbox"/> Other | |

Signer is Representing: 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.

| <u>TITLE</u> | <u>NAME</u> |
|---|-----------------------|
| Chairman of the Board | Gordon R. Crawley |
| President | David Martinez |
| Vice President, Chief Financial Officer and Treasurer | Timothy P. Orchard |
| Vice President and Assistant Secretary | Michael Edwards |
| Vice President | Scott Bottomley |
| Secretary | Anthony L. Martino II |
| Assistant Secretary | George Aldrich |
| Assistant Secretary | Raymond Sanchez |
| Assistant Secretary | Dennis Gansen |


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 February 15, 2012, 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 23rd day of April 2012.

(SEAL)



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

EXHIBIT "A"

Contractor's Bid

BIDDER'S NAME: SULLY-MILLER CONTRACTING COMPANY

**BID TO THE CITY OF LONG BEACH
LONG BEACH BOULEVARD
BETWEEN
N/O 56TH STREET & DEL AMO BOULEVARD**

In accordance with the Notice Inviting Bids for this Work in the City of Long Beach, California, to be opened on March 31, 2010, at 10:00 a.m., we offer to furnish all necessary labor, tools, materials, appliances and equipment for and perform all Work mentioned in the Notice Inviting Bids, in full compliance with Plans & Specifications No. R-6803 at the following prices:

We certify that we have examined the site and that the Bid is complete. By signing the Bid, we certify that the Contractor will not submit a claim based on failure to examine the site thoroughly.

| ITEM NO. | ITEM DESCRIPTION | ESTIMATED QUANTITY | UNIT | UNIT PRICE (IN FIGURES) | ITEM TOTAL (IN FIGURES) |
|----------|--|--------------------|------|-------------------------|-------------------------|
| 1. | Adjust City Manhole Frame & Cover | 13 | Ea | 785. ✓ | 10,205. ✓ |
| 2. | Adjust Water Valve Box & Cover | 47 | Ea | 500. ✓ | 23,500. ✓ |
| 3. | Adjust Monitoring Well Box or Meter & Cover | 2 | Ea | 500. ✓ | 1,000. ✓ |
| 4. | Adjust Gas Valve Box & Cover | 9 | Ea | 535. ✓ | 4,815. ✓ |
| 5. | Replace Pull Box | 9 | Ea | 110. ✓ | 990. ✓ |
| 6. | Clear & Grub (Pavement Removal) | 10,020 | CY | 50. ✓ | 501,000. ✓ |
| 7. | Survey Monument Type C with Casting & Cover | 21 | Ea | 850. ✓ | 17,850. ✓ |
| 8. | Relocate Private Lights and Signs | 1 | LS | 7,600. ✓ | 7,600. ✓ |
| 9. | Unclassified Excavation | 8,650 | CY | 28. ✓ | 242,200. ✓ |
| 10. | Construct 6" Curb Type A1-150 (6) | 140 | LF | 22. ✓ | 3,080. ✓ |
| 11. | Construct 6" Curb and Gutter Type A2-150 (6) | 110 | LF | 25. ✓ | 2,750. ✓ |
| 12. | Construct 10" Median Curb Type C1-250 (10) | 3,200 | LF | 15. ✓ | 48,000. ✓ |
| 13. | Construct 8" Curb and Gutter Type A2-200 (8) | 3,250 | LF | 18. ✓ | 58,500. ✓ |

| ITEM NO. | ITEM DESCRIPTION | ESTIMATED QUANTITY | UNIT | UNIT PRICE (IN FIGURES) | ITEM TOTAL (IN FIGURES) |
|----------|---|--------------------|------|-------------------------|-------------------------|
| 14. | Construct PCC Driveway | 1,400 | SF | 4.70 | 6,580. — |
| 15. | Construct 4" (Pedestrian) PCC Sidewalk | 44,800 | SF | 3.20 | 143,360. — |
| 16. | Construct 6" (Vehicular) Sidewalk | 2,100 | SF | 3.50 | 7,350. — |
| 17. | Detectable Warning Surface on Curb Ramp | 516 | SF | 32. — | 16,512. — |
| 18. | Construct PCC Cross Gutter | 1,300 | SF | 6.50 | 8,450. — |
| 19. | Asphalt Rubber Hot Mix (2") | 3,427 | TON | 87.50 | 299,862.50 |
| 20. | Asphalt Concrete | 11,994 | TON | 63.80 | 765,217.20 |
| 21. | Untreated Base | 7,369 | CY | 25. — | 184,225. — |
| 22. | PCC Bus Stop Street Pad | 410 | CY | 200. 150. — | 61,500. — |
| 23. | Construct Metal Fence | 50 | LF | 310. — | 15,500. — |
| 24. | Construct Chain Link Fence | 50 | LF | 95. — | 4,750. — |
| 25. | Construct H=3' Block Wall | 60 | LF | 125. — | 7,500. — |
| 26. | Construct Bollards | 2 | Ea | 900. — | 1,800. — |
| 27. | Concrete Interlocking Median Pavers with sand and aggregate base | 4,800 | SF | 10.20 | 48,960. — |
| 28. | 3.5" Wide Concrete header for Median Pavers | 2,355 | LF | 10.85 | 25,551.75 |
| 29. | Concrete Interlocking Crosswalk Pavers with sand, concrete base, and aggregate base | 7,440 | SF | 13. — | 96,720. — |
| 30. | 12" Wide Concrete Curb for Crosswalk Interlocking Pavers | 1,915 | LF | 16. — | 30,640. — |
| 31. | Decorative Bus Shelters | 5 | Ea | 11,500. — | 57,500. — |
| 32. | Decorative Bench | 1 | Ea | 1,800. — | 1,800. — |
| 33. | City Standard Bus Shelters | 6 | Ea | 23,000. — | 138,000. — |
| 34. | Traffic Striping (Thermoplastic) | 1 | LS | 18,000. — | 18,000. — |

| ITEM NO. | ITEM DESCRIPTION | ESTIMATED QUANTITY | UNIT | UNIT PRICE (IN FIGURES) | ITEM TOTAL (IN FIGURES) |
|----------|---|--------------------|------|-------------------------|-------------------------|
| 35. | Signing | 1 | LS | 14,000. ✓ | 14,000. ✓ |
| 36. | Traffic Signal Loop Replacement | 16 | Ea | 400. ✓ | 6,400. ✓ |
| 37. | Traffic Control | 1 | LS | 79,000. ✓ | 79,000. ✓ |
| 38. | Traffic Signal at Long Beach Blvd. and 56 th St. (Include all material and labor, except Decorative Pole and Lighting Fixture to be provided by the City) | 1 | LS | 94,000. ✓ | 94,000. ✓ |
| 39. | Traffic Signal Modification at Long Beach Blvd. and Ellis St. (Include all material and labor, except Decorative Pole and Lighting Fixture to be provided by the City) | 1 | LS | 48,000. ✓ | 48,000. ✓ |
| 40. | Traffic Signal at Long Beach Blvd. and 55 th St. (Include all material and labor, except Decorative Pole and Lighting Fixture to be provided by the City) | 1 | LS | 93,000. ✓ | 93,000. ✓ |
| 41. | Traffic Signal Modification at Long Beach Blvd. and Market St. (Include all material and labor, except Decorative Pole and Lighting Fixture to be provided by the City) | 1 | LS | 83,000. ✓ | 83,000. ✓ |
| 42. | Traffic Signal Modification at Long Beach Blvd. and 53 rd St. (Include all material and labor, except Decorative Pole and Lighting Fixture to be provided by the City) | 1 | LS | 47,000. ✓ | 47,000. ✓ |
| 43. | Traffic Signal at Long Beach Blvd. and 52 nd St. | 1 | LS | 110,000. ✓ | 110,000. ✓ |
| 44. | Traffic Signal at Market St. and Dairy Ave. | 1 | LS | 110,000. ✓ | 110,000. ✓ |

| ITEM NO. | ITEM DESCRIPTION | ESTIMATED QUANTITY | UNIT | UNIT PRICE (IN FIGURES) | ITEM TOTAL (IN FIGURES) |
|----------|--|--------------------|------|-----------------------------|-------------------------|
| 45. | Transmart Sign System (N/O Long Beach Blvd./Market St.) – circuit breaker, conduit, wiring, conductors, and pull boxes | 1 | LS | 6,100. 6,600. | 6,600. |
| 46. | Transmart Sign System (E/O Long Beach Blvd./Market St.) – circuit breaker, conduit, wiring, conductors, and pull boxes | 1 | LS | 6,300. | 6,300. |
| 47. | Transmart Sign System (S/O Long Beach Blvd./Market St.) – circuit breaker, conduit, wiring, conductors, and pull boxes | 1 | LS | 6,600. | 6,600. |
| 48. | Electric Utility Connection Fee | 1 | LS | 2,700. | 2,700. |
| 49. | Meter Pedestal, 120/240 Volts, Single Phase | 1 | Ea | 6,700. | 6,700. |
| 50. | Pedestrian Light Pole with 2-150 watt MH Fixtures (Include all material and labor, except Decorative Pole and Lighting Fixture to be provided by the City) | 41 | Ea | 850. | 34,850. |
| 51. | Street Light Pole with 250 watt MH Fixture (Include all material and labor, except Decorative Pole and Lighting Fixture to be provided by the City) | 18 | Ea | 780. | 14,040. |
| 52. | Pole Foundation | 59 | Ea | 975. | 57,525. |
| 53. | 3" PVC Schedule 40 Conduit | 110 | LF | 35.50 | 3,905. |
| 54. | 1-1/2" PVC Schedule 40 Conduit | 1,850 | LF | 2.10 | 3,885. |
| 55. | 1" PVC Schedule 40 Conduit | 1,700 | LF | 1.70 | 2,890. |
| 56. | Trenching (Lighting) | 3,550 | LF | 2.50 | 8,875. |
| 57. | 3" PVC Schedule 40 Conduit (Power Pole to Pedestal) | 150 | LF | 18.50 | 2,775. |

| ITEM NO. | ITEM DESCRIPTION | ESTIMATED QUANTITY | UNIT | UNIT PRICE (IN FIGURES) | ITEM TOTAL (IN FIGURES) |
|----------|--|--------------------|------|-------------------------|-------------------------|
| 58. | Trenching (Utility) | 150 | LF | 6.65 | 997.50 |
| 59. | #6 AWG THWN stranded Copper Wire | 8,800 | LF | 1.40 | 12,320.00 |
| 60. | #8 AWG THWN stranded Copper Wire | 19,500 | LF | 1.00 | 19,500.00 |
| 61. | #10 AWG THWN stranded Copper Wire | 320 | LF | .90 | 288.00 |
| 62. | (S) Irrigation System(s) | 1 | LS | 124,000.00 | 124,000.00 |
| 63. | Irrigation Controller with Enclosure | 1 | Ea | 11,300.00 | 11,300.00 |
| 64. | Solar Powered Irrigation Controller with Enclosure | 4 | Ea | 2,300.00 | 9,200.00 |
| 65. | Soil Preparation, Fine Grading, and Fertilizer | 5,600 | SF | .22 | 1,232.00 |
| 66. | Excavate Existing and Import Class A Topsoil in Planting Areas | 148 | CY | 35.00 | 5,180.00 |
| 67. | (S) Landscape Planting, Plant Name, 1 Gallon | 946 | Ea | 5.50 | 5,203.00 |
| 68. | (S) Landscape Planting, Plant Name, 5 Gallon | 41 | Ea | 13.00 | 533.00 |
| 69. | (S) Landscape Planting, 24" Box | .95 | Ea | 194.00 | 18,430.00 |
| 70. | Cast-Iron Tree Grate with Pea Gravel | 53 | Ea | 2,100.00 | 111,300.00 |
| 71. | Root Barrier | 3,130 | LF | 8.90 | 27,857.00 |
| 72. | 3" Layer of Bark Mulch | 4,000 | SF | .44 | 1,760.00 |
| 73. | Tree Sump Drain | 95 | Ea | 55.00 | 5,225.00 |
| 74. | Planting Maintenance and Establishment | 1 | LS | 2,500.00 | 2,500.00 |
| 75. | Electronic Changeable Message Board | 12 | Ea | 5,500.00 | 66,000.00 |
| 76. | Construction PCC Local Depression | 1 | Ea | 3,000.00 | 3,000.00 |

TOTAL AMOUNT BID

4,129,138.95

Alternative Bid "A"

Sully Pg 6

| ITEM NO. | ITEM DESCRIPTION | ESTIMATED QUANTITY | UNIT | UNIT PRICE (IN FIGURES) | ITEM TOTAL (IN FIGURES) |
|----------|--|--------------------|------|-------------------------|-------------------------|
| | Credit Items | | | | |
| 1. | Construct 10" Median Curb Type C1-250 (10) | 2,940 | LF | 14. ✓ | -41,160. ✓ |
| 2. | Clear & Grub (Pavement Removal) | 9,480 | CY | 32. ✓ | -303,360. ✓ |
| | <i>Construction of Pavement Section and associated Earthwork from Sta. 97+10 to 137+00 as follows:</i> | | | | |
| 3. | Unclassified Excavation | 8,150 | CY | 21. ✓ | -171,150. ✓ |
| 4. | Asphalt Concrete Hot Mix | 3,230 | TON | 55. ✓ | -177,650. ✓ |
| 5. | Asphalt Concrete | 11,305 | TON | 55. ✓ | -621,775. ✓ |
| 6. | Untreated Base | 6,950 | CY | 21. ✓ | -145,950. ✓ |
| | Addition Items | | | | |
| 7. | Construct 8" Median Curb Type C1-200 (8) | 3,200 | LF | 20. ✓ | 64,000. ✓ |
| 8. | Cold Mill 2" of Existing PCC Pavement | 33,800 | SY | 8.20 | 277,160. ✓ |
| 9. | Asphalt Concrete | 3,550 | TON | 65. ✓ | 230,750. ✓ |
| 10. | Clear and Grub (Pavement Removal for Medians) | 330 | CY | 80. ✓ | 26,400. ✓ |

TOTAL AMOUNT Alternative Bid "A" - 862,735. ✓

We understand that these quantities are estimates only and are given solely for the purpose of facilitating the comparison of Bids, and that the Contractor's compensation will be computed on the basis of the actual quantities in the completed Work.

Where did your company first hear about this City of Long Beach Public Works project?

THE CITY OF LONG BEACH