

1 FIFTH AMENDMENT TO AGREEMENT NO. 32604

2 **32604**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 32604 is made and
4 entered, in duplicate, as of May 7, 2014 for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting on April
6 1, 2014, by and between FASTENAL COMPANY, a Minnesota corporation ("Contractor"),
7 with a place of business located at 2001 Theurer Blvd., Winona, Minnesota 55987, and
8 the CITY OF LONG BEACH ("City"), a municipal corporation.

9 WHEREAS, Section 1802 of the Long Beach City Charter permits the City
10 to make purchases under the purchasing contracts of other governmental agencies when
11 authorized to do so by a resolution; and

12 WHEREAS, Resolution No. RES-12-0031 authorized the City to enter into
13 Agreement No. 32604 whereby Contractor agreed to provide custodial paper products
14 and janitorial cleaning supplies; and

15 WHEREAS, the parties desire to extend the term and increase the
16 Agreement amount by \$1,220,000 for a total not-to-exceed amount of \$3,560,000;

17 NOW, THEREFORE, in consideration of the mutual terms and conditions in
18 the Agreement and in this Fifth Amendment, the parties agree as follows:

19 1. Section 1.B of Agreement No. 32604 is hereby amended to read as
20 follows:

21 "B. Contractor shall sell, furnish and deliver to the City custodial paper
22 products and janitorial cleaning supplies of substantially the same type and kind
23 purchased under the Western States Contracting Alliance Master Service
24 Agreement for an amount not to exceed Three Million Five Hundred Sixty
25 Thousand Dollars (\$3,560,000), including tax and fees. To the extent that the
26 WSCA Contract and this Agreement are inconsistent, the following priority shall
27 govern: (1) this Agreement and (2) the WSCA Contract."

28 2. Section 1.E of Agreement No. 32604 is hereby amended to read as

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 follows:

2 "E. The term of this Agreement shall commence at midnight on May 29,
3 2012, and shall terminate on May 29, 2015 unless sooner terminated as provided
4 in this Agreement."

5 3. Except as expressly amended in this Fifth Amendment, all terms and
6 conditions in Agreement No. 32604 are ratified and confirmed and shall remain in full
7 force and effect.

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

10
11
12 May 7th, 2014

FASTENAL COMPANY, a Minnesota corporation

By [Signature]
Name John Soderberg
Title Exec. V. P. SALES

14 May 7th, 2014

By [Signature]
Name Donna Lee Papenfuss
Title VP Contract Development

"Contractor"

18 6-3, 2014

CITY OF LONG BEACH, a municipal corporation **Assistant City Manager**

By [Signature] EXECUTED PURSUANT
City Manager TO SECTION 301 OF
THE CITY CHARTER.

"City"

22 This Fifth Amendment to Agreement No. 32604 is approved as to form on
23 5-14, 2014.

24 CHARLES PARKIN, City Attorney
25 By [Signature]
26 Deputy
27
28