

FIRST AMENDMENT TO CONTRACT NO. 34854

34854

RE: **Extension of Contract No. 34854 (ITB-LB17-077) for providing Citywide Asphalt Concrete Materials for the City of Long Beach (3180000017, formerly BPLB18000017)**

This Amendment to Contract No. **34854** is made and entered as of January 29, 2020, by and between the CITY OF LONG BEACH, a municipal corporation, and **Sully-Miller Contracting Co.** (Contractor)

Contract No. **34854** is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:

- 1. The term is extended to January 31, 2021.
- 2. Adding \$750,000 for a new amount not to exceed \$2,250,000.
- 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 ____ %
- 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 items or 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 attached 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:

W.J.T. Boyd
 (Signature)
William J.T. Boyd
 (Print / Type Name)
President
 President / Vice President / Secretary / Treasurer
 (circle one)

CONTRACTOR:

Scott W. Bottomley
 (Signature)
SCOTT W. BOTTOMLEY
 (Print / Type Name)
VICE PRESIDENT, GENERAL MANAGER
 President / Vice President / Secretary / Treasurer
 (circle one)

THE CITY OF LONG BEACH:

By: Rebecca G. Garner
 City Manager

Approved as to form:
 CHARLES PARKIN, City Attorney

By: [Signature]
 Deputy

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER

EXHIBIT "A"

Exhibit A is attached to incorporate the following changes:

BID SECTION

Item No.	Item Code	Estimated UOM Used	Item	Unit of Measure	Unit Price	Extended Price
1	43	100	Type B or equivalent <i>No Trucking</i>	TON	\$55.35	5,535. ⁰⁰
2	44	100	Type C-1 or equivalent	TON	\$56.37	5,637. ⁰⁰
3	45	100	Type C-2 or equivalent	TON	\$56.37	5,637. ⁰⁰
4	46	100	Type D-1 or equivalent	TON	\$57.40	5,740. ⁰⁰
5	47	100	Type D-2 or equivalent	TON	\$57.40	5,740. ⁰⁰
6	48	625	Type E or equivalent	TON	\$61.50	38,499. ⁰⁰
7	49	1,375	Type F or equivalent <i>No Trucking</i>	TON	\$66.63	91,616. ²⁵
8	9	3,275	<i>* DELIVERED *</i> SC800 Asphalt Concrete D-1 or equivalent	TON	\$79.00	258,725. ⁰⁰
9	60	6,000	SSIH Emulsion (Tack) <i>No Trucking</i>	GALS	\$5.13	30,780. ⁰⁰

Plus Tax

Feb. 1, 2020 TO Jan. 31, 2021

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	John Harrington
President	William Joseph Thomas Boyd
Vice President, CFO, Treasurer and Assistant Secretary	Christian Ransinangue
Vice President and Assistant Secretary	Scott Bottomley
Secretary	Anthony L. Martino, II
Assistant Secretary	Curtis Weltz

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 5, 2019, 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 5th day of December, 2019.

(SEAL)



A handwritten signature in dark ink, appearing to read 'A.L. Martino, II', is written over a horizontal line.

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

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

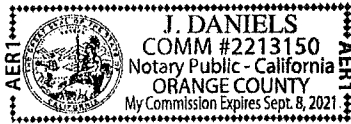
On February 18, 2020 before me, *J. Daniels*, Notary Public, personally appeared

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

J. Daniels
Signature of Notary Public
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: First Amendment to Contract No. 34854

Document Date: February 18, 2020 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