

30987

AMENDMENT NO. TWO TO CONTRACT NO. 30987

RE: Renewal of PA-00609, Contract No. 30987 for Providing Landscape Maintenance Services for Areas 1, 2 & 4 for the City of Long Beach (POPR1000007)

This Amendment to Contract No. 30987 is made and entered as of February 4, 2011, by and between the CITY OF LONG BEACH, a municipal corporation, and **Azteca Landscape** (Contractor).

Contract No. 30987 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 1, 2012.
- 2. \$2,167,298.00 has been added for the 2nd renewal term for a total ("not to exceed") amount of \$6,501,894.00.
- 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 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:

Aurora Farias
(Signature)

Aurora Farias
(Print / Type Name)

President / Vice President / Secretary / Treasurer
(circle one)

CONTRACTOR:

Noe Farias
(Signature)

Noe Farias
(Print / Type Name)

President / Vice President / Secretary / Treasurer
(circle one)

THE CITY OF LONG BEACH:

Assistant City Manager

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

Approved as to form:
ROBERT E. SHANNON, City Attorney

By: *[Signature]*
Deputy

Continuation or Renewal Certificate

To be attached to and form part of

Bond Number: 6586540-0002

Issued by: First National Insurance Company of America

on behalf of: Azteca Landscape

in favor of: City of Long Beach

IT IS AGREED THAT:

1. This bond is continued for the period


from January 1, 2011 to December 31, 2011

2. The liability of the Surety shall not be cumulative and the total liability of the Surety for any and all defaults of the Principal while this bond and all continuations thereof are in force shall not exceed the specific amount stated in said bond.

Signed, Sealed and Dated this 8th day of February, 2011

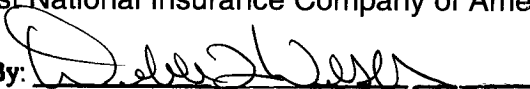
Azteca Landscape

By:


Aurora Farias, President

First National Insurance Company of America

By:


Debbie L. Welsh, Attorney-in-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of MARIN

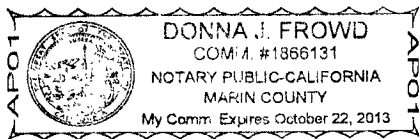
On February 8, 2011 before me, Donna J. Frowd, Notary Public, personally appeared Debbie L. Welsh who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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.

(seal)

Signature Donna J. Frowd





POWER OF ATTORNEY

First National Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

KNOW ALL BY THESE PRESENTS:

No. 10460

That FIRST NATIONAL INSURANCE COMPANY OF AMERICA, a Washington corporation, does hereby appoint

*****DONNA J. FROWD; MICHAEL B. MCGOWAN; SUSAN J. MCGOWAN; JESSICA L. NOWLIN; MICHELLE L. SWEENEY; DEBBIE L. WELSH; DONNA L. WELSH: Novato, CA*****

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind FIRST NATIONAL INSURANCE COMPANY OF AMERICA thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, FIRST NATIONAL INSURANCE COMPANY OF AMERICA has executed and attested these presents

this 21st day of March, 2009

[Signature of Dexter R. Legg]

Dexter R. Legg, Secretary

[Signature of Timothy A. Mikolajewski]

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of FIRST NATIONAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of FIRST NATIONAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of FIRST NATIONAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 8th day of February, 2011



[Signature of Dexter R. Legg]

Dexter R. Legg, Secretary