

# 31423

## AMENDMENT NO. ONE TO CONTRACT NO. 31423

RE: **Renewal No. One of PA-02909, Contract No. 31423 for Providing Lead-based Paint and Other Home Hazard Control Services for the City of Long Beach (BPHE10000016)**

This Amendment to Contract No. 31423 is made and entered as of September 20, 2010, by and between the CITY OF LONG BEACH, a municipal corporation, and **Metalclad Insulation Corp** (Contractor).

Contract No. 31423 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 December 2, 2011
- 2. \$0 has been added to the 1st renewal term for a total amount of \$50,000.
- 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 "B", 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:

  
\_\_\_\_\_  
(Signature)

David R. Trueblood  
\_\_\_\_\_  
(Print / Type Name)

President

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

CONTRACTOR:

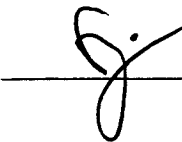
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print / Type Name)

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

THE CITY OF LONG BEACH:

By:



Assistant City Manager  
\_\_\_\_\_  
City Manager

EXECUTED PURSUANT  
TO SECTION 301 OF  
THE CITY CHARTER.

Approved as to form:

ROBERT E. SHANNON, City Attorney

By:

  
\_\_\_\_\_  
Deputy

# METALCLAD INSULATION CORPORATION

## Directors Action by Consent

February 1, 2007

The undersigned, being the sole member of the Board of Directors of Metalclad Insulation Corporation, a California corporation, as a result of the temporary incapacity of John Macias, does hereby adopt the following actions effective this date, pursuant to Section 307(b) of the California General Corporation Law.

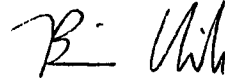
### Election of President

David R. Trueblood is hereby elected as the President of Metalclad Insulation Corporation, to serve in such capacity at the discretion of the Board of Directors, with the understanding that John Macias will likely be re-elected as President of Metalclad Insulation Corporation as soon as the Board of Directors determines that John Macias is able to return to work and assume the responsibilities of President.

### Authority to Execute Contracts

**RESOLVED**, that David R. Trueblood, the President of Metalclad Insulation Corporation, a California corporation (the "Corporation"), is hereby authorized (i) to execute and deliver such contracts and other documents on behalf of the Corporation relating to the general business operations of the Corporation, including but not limited to contracts and other documents for the delivery by or through the Corporation of goods or services, and for the financing and bonding for or relating to such delivery of goods or services, all in such form and content, and (ii)

to take all such action as may be appropriate or required by such contracts and other documents, all as the President may, in his sole discretion, deem proper and in the Corporation's best interests.

A handwritten signature in black ink, appearing to read "B. Niebur", positioned above a horizontal line.

Brian Niebur

**METALCLAD INSULATION CORPORATION**

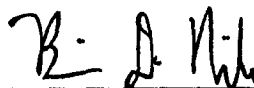
**Director's Action by Consent**

**January 4, 2007**

The undersigned, being the sole member of the Board of Directors of Metalclad Insulation Corporation, a California corporation, does hereby adopt the following actions effective this date, pursuant to Section 307(b) of the California General Corporation Law.

Election of Officers

Brian Niebur is hereby elected as the Secretary, Treasurer and Chief Financial Officer of Metalclad Insulation Corporation, to serve in such capacity at the discretion of the Board of Directors.



\_\_\_\_\_  
Brian D. Niebur

BID NO: PA-02909  
BOND NO: 1000042707  
Premium: \$1,545.00

BOND FOR FAITHFUL PERFORMANCE

KNOW ALL MEN BY THESE PRESENTS: That we, Metalclad Insulation Corporation  
as PRINCIPAL, and U.S. Specialty Insurance Company, located at \_\_\_\_\_  
601 S. Figueroa Street, Ste. 1600 Los Angeles, CA 90017, a corporation, incorporated under the laws of the  
State of TX, admitted as a surety in the State of California and authorized to transact business in the State of California, as  
SURETY, are held and firmly bound unto the CITY OF LONG BEACH, CALIFORNIA, a municipal corporation. In the sum of  
Fifty Thousand and 00/100\*\*\*\*\* DOLLARS  
(\$50,000.00), lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind  
ourselves, our respective heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal has been awarded and is about to enter the annexed contract (incorporated herein by this reference) with  
said City of Long Beach for the Contract No.31423;BPHE1000016, Providing Lead-Based Paint and other Home Hazard Control Services, and  
is required by said City to give this bond in connection with the execution of said contract;

NOW, THEREFORE, if said Principal shall well and truly keep and faithfully perform all of the covenants, conditions, agreements and  
obligations of said contract on said Principal's part to be kept, done and performed, at the times and in the manner specified therein, then this  
obligation shall be null and void, otherwise it shall be and remain in full force and effect;

PROVIDED, that any modifications, alterations, or changes which may be made in said contract, or in the work to be done, or in the  
services to be rendered, or in any materials or articles to be furnished pursuant to said contract, or the giving by the City of any extension of  
time for the performance of said contract, or the giving of any other forbearance upon the part of either the City or the Principal to the other,  
shall not in any way release the Principal or the Surety, or either of them, or their respective heirs, administrators, executors, successors or  
assigns, from any liability arising hereunder, and notice to the Surety of any such modifications, alterations, changes, extensions or  
forbearances is hereby waived. No premature payment by said City to said Principal shall release or exonerate the Surety, unless the officer of  
said City ordering the payment shall have actual notice at the time the order is made that such payment is in fact premature, and then only to  
the extent that such payment shall result in actual loss to the Surety, but in no event in an amount more than the amount of such premature  
payment.

IN WITNESS WHEREOF, the above named Principal and Surety have executed, or caused to be executed, this instrument with all  
of the formalities required by law on this 20 day of September, 20 10.

"COVERAGE UNDER THIS BOND SHALL COMMENCE 9/20/10 AND SHALL CEASE 12/2/11. COVERAGE UNDER THIS BOND MAY BE CONTINUED FOR ANOTHER PERIOD  
BY ISSUANCE OF A CONTINUATION CERTIFICATE BY SURETY."

Metalclad Insulation Corporation  
CONTRACTOR/PRINCIPAL  
By: [Signature]  
Name: David R. Truesblood  
Title: President  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

U.S. Specialty Insurance Company  
SURETY  
By: [Signature]  
Name: Victoria M. Campbell  
Title: Attorney-in-Fact  
Telephone: (949) 885-1206

Approved as to form this 10<sup>th</sup> day of October, 20 10

Approved as to sufficiency this 27 day of Oct, 20 10

ROBERT E. SHANNON, City Attorney  
By: [Signature]  
Deputy

Assistant City Manager  
By: [Signature]  
City Manager / ~~City Manager~~

EXECUTED PURSUANT  
TO SECTION 301 OF  
THE CITY CHARTER.

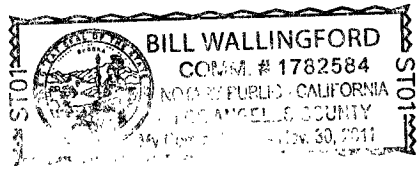
- NOTE: 1. Execution of this bond must be acknowledged by both PRINCIPAL and SURETY before a Notary Public and a Notary's  
certificate of acknowledgment must be attached.  
2. A corporation must execute the bond by 2 authorized officers and, if executed by a person not listed in Sec. 313, Calif.  
Corp. Code, then a certified copy of a resolution of its Board of Directors authorizing execution must be attached.

**ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of Orange } SS.

On \_\_\_\_\_, before me, Bill Wallingford, Notary Public,  
DATE  
personally appeared David R. Trueblood, 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.

*Bill Wallingford*  
NOTARY'S SIGNATURE

PLACE NOTARY SEAL IN ABOVE SPACE

**OPTIONAL INFORMATION**

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER \_\_\_\_\_ TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

\_\_\_\_\_  
TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

September 20, 2010  
DATE OF DOCUMENT

\_\_\_\_\_  
OTHER

**SIGNER (PRINCIPAL) IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)

\_\_\_\_\_  
\_\_\_\_\_

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On September 20, 2010 before me, Kim Heredia, Notary Public,  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Victoria M. Campbell, who proved to me on the basis of satisfactory evidence to be the person(s) whose names (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.

[Handwritten Signature]

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER

\_\_\_\_\_  
TITLE(S)

- PARTNER(S)  LIMITED
- TRUSTEE(S)  GENERAL
- ATTORNEY-IN-FACT
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

DESCRIPTION OF ATTACHED DOCUMENT

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TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

**SEP 20 2010**

\_\_\_\_\_  
DATE OF DOCUMENT

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

\_\_\_\_\_  
SIGNER(S) OTHER THAN NAMED ABOVE.

LABOR AND MATERIAL BOND

KNOW ALL MEN BY THESE PRESENTS: That we, Metalclad Insulation Corporation

\_\_\_\_\_, as PRINCIPAL, and \_\_\_\_\_, located at \_\_\_\_\_, a corporation, incorporated under the laws of the State of TX, admitted as a surety in the State of California, and authorized to transact business in the State of California, as SURETY, are held and firmly bound unto the CITY OF LONG BEACH, CALIFORNIA, a municipal corporation, in the sum of Fifty Thousand and no/100 \*\*\*\*\*

\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our respective heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal has been awarded and is about to enter the annexed contract (incorporated herein by this reference) with said City of Long Beach for the Contract No.31423 :PBHE10000016, Providing Lead-Based Paint and other Home Hazard Control Services and is required by law and by said City to give this bond in connection with the execution of said contract;

NOW, THEREFORE, if said Principal, as Contractor of said contract, or any subcontractor of said Principal, fails to pay for any materials, provisions, equipment, or other supplies, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, or for amounts due under the Unemployment Insurance Act, during the original term of said contract and any extensions thereof, and during the life of any guaranty required under the contract, or shall fail to pay for any materials, provisions, equipment, or other supplies, used in, upon, for or about the performance of the work to be done under any authorized modifications of said contract that may hereafter be made, or for any work or labor done of any kind, or for amounts due under the Unemployment Insurance Act, under said modification, said Surety will pay the same in an amount not exceeding the sum of money hereinabove specified and, in case suit is brought upon this bond, a reasonable attorney's fee, to be fixed by the court; otherwise this obligation shall be void;

PROVIDED, that any modifications, alterations, or changes which may be made in said contract, or in any of the work or labor required to be done thereunder, or in any of the materials, provisions, equipment, or other supplies required to be furnished pursuant to said contract, or the giving by the City of any extension of time for the performance of said contract, or the giving of any other forbearance upon the part of either the City or the Principal to the other, shall not in any way release the Principal or the Surety, or either of them, or their respective heirs, administrators, executors, successors or assigns, from any liability arising hereunder, and notice to the Surety of any such modifications, alterations, changes, extensions or forbearances is hereby waived. No premature payment by said City to said Principal shall release or exonerate the Surety, unless the officer of the City ordering the payment shall have actual notice at the time the order is made that the payment is in fact premature, and then only to the extent that such payment shall result in actual loss to the Surety, but in no event in an amount more than the amount of such premature payment.

This bond shall inure to the benefit of any and all persons, companies and corporations entitled by law to file claims so as to give a right of action to them or their assigns in any suit brought upon this bond.

IN WITNESS WHEREOF, the above named Principal and Surety have executed, or caused to be executed, this instrument with all of the formalities required by law on this 20 day of September, 2010.

"COVERAGE UNDER THIS BOND SHALL COMMENCE 9/20/10 AND SHALL CEASE 12/2/11. COVERAGE UNDER THIS BOND MAY BE CONTINUED FOR ANOTHER PERIOD BY ISSUANCE OF A CONTINUATION CERTIFICATE BY SURETY."

**Metalclad Insulation Corporation**

CONTRACTOR/PRINCIPAL

By: \_\_\_\_\_  
Name: David R. Truchblein  
Title: President

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Approved as to form this 10th day of October, 2010

ROBERT E. SHANNON, City Attorney  
By: \_\_\_\_\_  
Deputy

**U.S. Specialty Insurance Company**

SURETY, admitted in California

By: Victoria M Campbell  
Name: Victoria M. Campbell  
Title: Attorney-in-Fact  
Telephone: (949) 885-1206

Approved as to sufficiency this 27 day of Oct, 2010

Assistant City Manager

By: \_\_\_\_\_  
City Manager/Chief Engineer  
EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

NOTE: 1. Execution the bond must be acknowledged by both PRINCIPAL and SURETY before a Notary Public and a Notary's certificate of acknowledgment must be attached.  
2. A corporation must execute the bond by 2 authorized officers and, if executed by a person not listed in Sec. 313, Calif. Corp. Code, then a certified copy of a resolution of its Board of Directors authorizing execution must be attached.



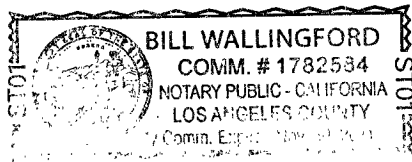
**ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of Orange } SS.

On \_\_\_\_\_, before me, Bill Wallingford, Notary Public,  
DATE  
personally appeared David R. Trueblood, 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.

*Bill Wallingford*  
NOTARY'S SIGNATURE

PLACE NOTARY SEAL IN ABOVE SPACE

**OPTIONAL INFORMATION**

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- INDIVIDUAL
- CORPORATE OFFICER \_\_\_\_\_ TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

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TITLE OR TYPE OF DOCUMENT

\_\_\_\_\_  
NUMBER OF PAGES

September 20, 2010  
DATE OF DOCUMENT

\_\_\_\_\_  
OTHER

**SIGNER (PRINCIPAL) IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

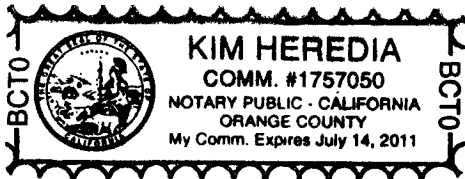
State of California

County of Orange

On September 20, 2010 before me, Kim Heredia, Notary Public,  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Victoria M. Campbell, who proved to me on the basis of satisfactory evidence to be the person(s) whose names (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.

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER

TITLE(S)

- PARTNER(S)
- LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

SEP 20 2010

DATE OF DOCUMENT

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

U.S. Specialty Insurance Company

SIGNER(S) OTHER THAN NAMED ABOVE.

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Erik Johansson, Victoria M. Campbell, Lisa Clark or Kim Heredia of Irvine, California

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed \*\*\*\*\*Three Million\*\*\*\*\* Dollars (\$ \*\*3,000,000.00\*\*).

This Power of Attorney shall expire without further action on December 8, 2012. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 15th day of June, 2009.

AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

Corporate Seals



By: Daniel P. Aguilar, Vice President

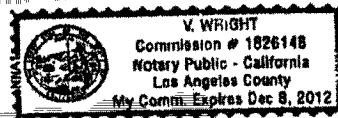
State of California

County of Los Angeles SS:

On this 15th day of June, 2009, before me, V. Wright, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company 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(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.

Signature (Seal)



I, Jeannie J. Kim, Assistant Secretary of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 20 day of September, 2010.

Corporate Seals



Bond No. 1000042707 Agency No. 12016

Jeannie J. Kim, Assistant Secretary