

AMENDMENT NO. ONE TO CONTRACT NO. 31063 31063

RE: Renewal No. One of Contract No. 31063 (PA-02308) for Furnishing and Delivering Asphalt Concrete to the City of Long Beach (BPLB09000005)

This Amendment to Contract No. 31063 is made and entered as of October 1, 2009 by and between the CITY OF LONG BEACH, a municipal corporation, and **SULLY-MILLER CONTRACTING COMPANY (Contractor)**.


Contract No. 31063 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:

- 1. First renewal option to extend term to 10/22/2010
- 2. \$ 825,000 has been added for the term of 10/22/09 to 10/22/2010
- 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 0 %. Your bid states you will not exceed 5%
- 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 enclosed 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:

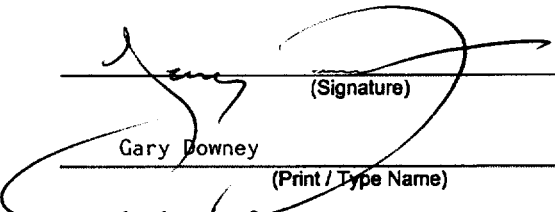


(Signature)
Scott Bottomley

(Print / Type/Name)
Assistant Secretary

President / ~~Vice President~~ / Secretary / Treasurer

Assistant Secretary
(Circle one)



(Signature)
Gary Downey

(Print / Type Name)
Assistant Secretary

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

STATE OF CALIFORNIA }
COUNTY OF ORANGE

On October 20, 2009 before me, J. Daniels, Notary Public, personally appeared Gary Downey & Scott Bottomley



who proved to me on the basis of satisfactory evidence to be the person(s) whose name ~~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 _____

J. Daniels
J. Daniels, Notary Public

Notary Seal

OPTIONAL

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s):

Signer's Name Gary Downey Signer's Name Scott Bottomley

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Individual | | <input type="checkbox"/> Individual | |
| <input checked="" type="checkbox"/> Corporate Officer – Title(s) | <u>Assistant Secretary</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, Gary Downey, do hereby certify that I am the Assistant 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
Chief Financial Officer/Treasurer/Vice President	Timothy P. Orchard
Vice President/Assistant Secretary	Michael Edwards
Secretary	Anthony L. Martino II
Assistant Secretary	George Aldrich
Assistant Secretary	Scott Bottomley
Assistant Secretary	Gary Downey

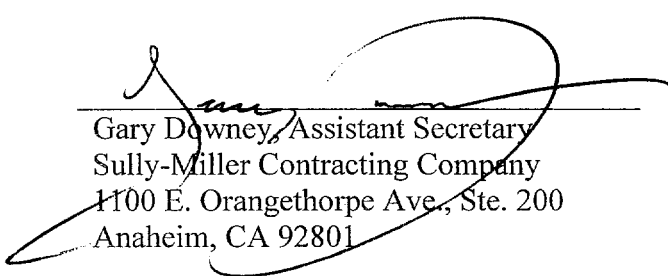
I further certify that the following is a true and correct copy of a resolution duly adopted by the Board of Directors of said Company at a meeting held on January 16th, 2009, and that this resolution has not been in any way rescinded, annulled, or revoked but the same is still in full force and effect:

“AUTHORITY TO EXECUTIVE BIDS AND CONTRACTS”

Resolved, that any officer or assistant officer of this Company be and each of them is hereby authorized to execute in the name and on behalf of this Company under its corporate seal any and all proposals for the sale of products, merchandise and services of this Company and any bids and performance bonds required in connection therewith, to the United States, and of the State, territories and dependencies of the United States, the District of Columbia, cities, towns, townships, counties, school districts, and to the department, political subdivisions, agencies or wholly-owned corporations thereof, or to any other person.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 9th day of February 2009.

(SEAL)



Gary Downey, Assistant Secretary
Sully-Miller Contracting Company
1100 E. Orangethorpe Ave., Ste. 200
Anaheim, CA 92801