

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 FIFTH AMENDMENT TO AGREEMENT NO. 29697

2 **29697**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 29697 is made and
4 entered, in duplicate, as of June 9, 2009 for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting held on
6 June 19, 2007, by and between UNITED STORM WATER, INC., a California corporation,
7 whose address is 14000 East Valley Boulevard, City of Industry, California 91746
8 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, the parties entered Agreement No. 29697 whereby Contractor
10 agreed to provide specialized services requiring unique skills to be performed in
11 connection with the Municipal Separate Storm Drain System Maintenance and Repair
12 Services ("Project"); and

13 WHEREAS, the First Amendment to Agreement No. 29697 extended the
14 term and increased the amount of said Agreement; and

15 WHEREAS, the Second Amendment to Agreement No. 29697 again
16 extended the term of said Agreement; and

17 WHEREAS, the Third Amendment to Agreement No. 29697 increased the
18 amount of said Agreement; and

19 WHEREAS, the Fourth Amendment to Agreement No. 29697 increased the
20 Agreement by \$570,000 for a total not to exceed amount of \$1,570,000.00; and

21 WHEREAS, the parties again desire to extend the term of this Agreement;

22 NOW, THEREFORE, in consideration of the mutual terms and conditions
23 herein, the parties agree as follows:

24 1. Section 4 of Contract No. 29697 is hereby amended in its entirety to
25 read as follows:

26 "4. TIME FOR CONTRACT. Contractor shall commence work on a date
27 to be specified in a written "Notice to Proceed" from the City and shall complete all work
28 during the term of the contract, specifically, July 1, 2006 through September 30, 2009,

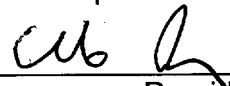
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1 subject to strikes, lockouts and events beyond the control of Contractor. Time is of the
2 essence hereunder. City will suffer damage if the work is not completed within the time
3 stated, but those damages would be difficult or impractical to determine. So, Contractor
4 shall pay to City, as liquidated damages, the amount stated in the Contract Documents.”

5 2. Except as expressly amended herein, all terms and conditions in
6 Contract No. 29697 are ratified and confirmed and shall remain in full force and effect.

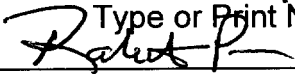
7 IN WITNESS WHEREOF, the parties have caused this document to be duly
8 executed with all formalities required by law as of the date first stated above.

9
10
11 June 16, 2009

UNITED STORM WATER, INC., a
California corporation
By 
President


Eduardo Perry Jr.
Type or Print Name

12
13 June 16,, 2009

By 
Secretary
ROBERT Pina
Type or Print Name

14
15
16 “Contractor”

17
18 July 1, 2009

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

19
20
21 “City”

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

22 This Fifth Amendment to Agreement No. 29697 is approved as to form on
23 6-29, 2009.

24 ROBERT E. SHANNON, City Attorney

25 By 
Deputy

26
27
28