

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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THIRD AMENDMENT TO CONTRACT NO. 34577
34577

THIS THIRD AMENDMENT TO CONTRACT NO. 34577 is made and entered, in duplicate, as of March 25, 2018 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on March 24, 2020, by and between BITECH CONSTRUCTION COMPANY INC., a California corporation, whose address is 7371 Walnut Avenue, Buena Park, California 90620 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a Notice Inviting Bids for Job Order Contract, City of Long Beach, California, bids were received, publicly opened on February 17, 2017 and declared on the date specified in said Notice; and

WHEREAS, the City Manager accepted the bid of Contractor; and

WHEREAS, City and Contractor (the "Parties") entered into Contract No. 34577 (the "Contract") for the work described in the bid documents; and

WHEREAS, the Parties entered into a First Amendment to the Contract to extend the term to March 21, 2019 and add \$2,000,000 for a total not to exceed amount of \$4,000,000; and

WHEREAS, the Parties entered into a Second Amendment to the Contract to extend the term to March 21, 2020 and add updated Construction Task Catalog information; and

WHEREAS, the Parties desire to extend the term one (1) additional one-year period, add \$2,000,000 to the Contract and add updated Construction Task Catalog Information;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein contained, the Parties agree as follows:

1. Section 2 of the Contract is hereby amended to read as follows:
2. PRICE AND PAYMENT. City shall pay to Contractor the amount(s) for each Work Order based on the adjustment factor in Contractor's Bid, attached hereto

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1 as Exhibit "A"; provided, however, that City shall not pay more than Six Million Dollars
2 (\$6,000,000) for the term of the Contract. Furthermore, no individual Work Order project
3 shall exceed Five Hundred Thousand Dollars (\$500,000)."

4 2. Section 3.A of the Contract is hereby amended to read as follows:

5 "A. The term of this Contract shall begin on March 22, 2017 and shall end
6 on March 21, 2021 or on City's payment of the not-to exceed dollar amount hereunder to
7 Contractor as specified in Section 2, whichever occurs first."

8 3. Contractor's Bid in Exhibit "A-1" to the Second Amendment to the
9 Contract is hereby amended in accordance with Exhibit "A-2", attached hereto and
10 incorporated by this reference.

11 4. Except as expressly modified herein, all of the terms and conditions
12 contained in Contract No. 34577 are ratified and confirmed and shall remain in full force
13 and effect.

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

BITECH CONSTRUCTION COMPANY INC., a California corporation

APRIL 29, 2020

By [Signature]
Name BENJAMIN KIM
Title PRESIDENT

APRIL 29, 2020

By [Signature]
Name BENJAMIN KIM
Title SECRETARY

"Contractor"

CITY OF LONG BEACH, a municipal corporation

May 13, 2020

By Rebecca A. Garner
EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER
"City"

This Third Amendment to Contract No. 34577 is approved as to form on

May 12, 2020.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy

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EXHIBIT A-2

The Adjustment Factors submitted with the Bid shall be in effect the full term of the contract including the Base Term and any and all Option Terms.

Construction Task Catalog®

The Construction Task Catalog® is a comprehensive listing of construction related tasks together with a specific unit of measure and a published Unit Price. All Unit Prices are based on local labor, material and equipment prices and are for the direct cost of construction. The language in this exhibit shall replace Section 79, Price Adjustments in Division H of the original specifications, R-7074. This section shall also apply to all subsequent contract renewals, unless indicated otherwise by the City in writing.

- a. The Construction Task Catalog® issued with this Solicitation will be in effect for all years of this contract.**
- b. On the annual anniversary of the solicitation, the City shall provide the Contractor with a new Construction Task Catalog® for review and acceptance prior to accepting new work. In general, the Contractor shall use the Construction Task Catalog® in effect on the date that the Job Order Contract process is initiated (i.e. Joint Scope Meeting Invitation). However, the Contractor cannot delay the initiation of the Job Order Contract process to take advantage of a scheduled update of the Construction Task Catalog®. In that event, the Contractor shall use the Construction Task Catalog® that was in effect prior to the update.**
- c. The new Construction Task Catalog® will be effective for the twelve (12) month period after the anniversary of the award date. The Construction Task Catalog® that accompanies each anniversary shall only apply to Job Orders initiated after the effective date of that specific renewal option and shall have no impact on Job Orders initiated prior to the effective date of that specific renewal option.**

The new Construction Task Catalog shall be available in the Gordian Group Software.