

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

1 FIRST AMENDMENT TO CONTRACT NO. 35020

2 **35020**

3 THIS FIRST AMENDMENT TO CONTRACT NO. 35020 is made and
4 entered, in duplicate, as of August 19, 2019 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 August 14, 2018, by and between AZTECA LANDSCAPE, a California corporation
7 ("Contractor"), whose address is 1180 Olympic Drive, Suite 207, Corona, California 92881,
8 and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City and Contractor (the "Parties") entered into Contract No.
10 35020 (the "Contract") whereby Contractor agreed to provide grounds maintenance
11 services in the City of Long Beach; and

12 WHEREAS, the Parties desire to increase the annual not to exceed amount
13 and attach an additional scope of work;

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

16 1. Section 2 of the Contract is hereby amended to read as follows:

17 "2. PRICE AND PAYMENT. City shall pay to Contractor the amount(s)
18 for work and services identified in Contractor's Bid for Ground Maintenance Services in the
19 City of Long Beach, California, attached hereto as Exhibit "A", for the period of September
20 1, 2018 to August 31, 2019 an annual amount of Three Million Six Hundred Seventy-Five
21 Thousand Two Hundred Seventy-Seven Dollars (\$3,675,277), and for the term of
22 September 1, 2019 to August 31, 2021 an annual amount of Three Million Six Hundred
23 Eighty-Six Thousand Six Hundred Seventy-Six Dollars and Ninety-Five Cents
24 (\$3,686,675.95)."

25 2. The Scope of Work in Exhibit "A" to the Contract is hereby amended
26 to include additional services more particularly described in Exhibit "A-1", attached hereto
27 and incorporated by this reference.

28 3. Except as expressly modified herein, all of the terms and conditions

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1 contained in Contract No. 35020 are ratified and confirmed and shall remain in full force
2 and effect.

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

5 AZTECA LANDSCAPE, a California
6 corporation

7 _____ August 21, 2019 By Aurora Farias
8 Name Aurora Farias
9 Title President

10 _____ August 21, 2019 By Rosa M Lopez
11 Name Rosa M Lopez
12 Title Vice-President/CFO

11 Tom Modica
12 Assistant City Manager

13 EXECUTED PURSUANT
14 TO SECTION 301 OF
15 THE CITY CHARTER

16 "Contractor"

17 CITY OF LONG BEACH, a municipal
18 corporation

19 _____ Sept. 5, 2019 By [Signature]
20 City Manager

21 "City"

22 This First Amendment to Contract No. 35020 is approved as to form on
23 _____ Aug. 28, 2019.

24 CHARLES PARKIN, City Attorney

25 By [Signature]
26 Deputy

28

EXHIBIT “A-1”

Scope of Work



1180 Olympic Drive, Ste 207, Corona, CA
92881
Phone: 800-794-0063
www.aztecalandscape.com

Proposal

DATE	NUMBER
12/11/2018	6703

TO:

City of Long Beach
Attn: Accounts Payable
333 West Ocean Blvd., Plaza Level
Long Beach, CA 90802

JOB NAME AND DESCRIPTION
Maintenance

PHONE NO.	FAX NO.	REP
(562) 570-4879	(562) 570-1535	JPL

	Total
Maintenance of PE Green Belt per contract specifications	
Total Cost Per Month	800.00
<i>Begin Jan / 2019</i>	

PAYMENT TERMS: Net 30 Days	Total \$800.00
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All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tomado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized Signature

Note: This proposal may be withdrawn by us, if not accepted withing 30 days.

Acceptance of

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance

12/17/18

Signature

[Handwritten Signature]



1180 Olympic Drive, Ste 207, Corona, CA
 92881
 Phone: 800-794-0063
 www.aztecalandscape.com

Proposal

DATE	NUMBER
10/31/2018	6681

TO:

City of Long Beach
 Attn: Accounts Payable
 333 West Ocean Blvd., Plaza Level
 Long Beach, CA 90802

*December 2018
 started*

JOB NAME AND DESCRIPTION

Ximeno / Theresa St
 Maintenance

PHONE NO.	FAX NO.	REP.
(562) 570-4879	(562) 570-1535	JPL

	Total
Ximeno / Theresa St - Maintenance of site on the corner of Ximeno and Theresa St - Monthly Weeds Trash Debris Spray for weeds - Quarterly Trimming all the Bushes Monthly Total Cost	150.00
PAYMENT TERMS: Net 30 Days	Total \$150.00

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

Authorized Signature

Note: This proposal may be withdrawn by us, if not accepted within 30 days.

Acceptance of

Date of Acceptance

11/27/18

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

[Handwritten Signature]



ACTION MEMORANDUM

APPROVED AS TO FORM AND RETURNED

8-29, 2019

DATE August 27, 2019

CHARLES PARKIN, City Attorney

TO Charles Parkin, City Attorney

By *[Signature]*
AMY R. WEBBER
DEPUTY CITY ATTORNEY

ATTENTION Amy R. Webber, Deputy City Attorney

FROM Tara Yeats, Purchasing Agent *TYE*

SUBJECT **Amendment No. One to Contract No. 35020 with Azteca Landscape, Inc. for Providing Grounds Maintenance Services to the City of Long Beach (RFP PR17-022).**

THE ATTACHED IS FORWARDED TO YOU FOR YOUR ACTION AS INDICATED BELOW:

- | | |
|---|---|
| <input type="checkbox"/> Prepare communication to Council for | <input type="checkbox"/> Return copy to |
| <input type="checkbox"/> Prepare reply for | <input type="checkbox"/> Necessary action |
| <input checked="" type="checkbox"/> Approval as to form | <input type="checkbox"/> Prepare Agreement |
| <input type="checkbox"/> Review / Report | <input type="checkbox"/> Comment |
| <input type="checkbox"/> Reply directly to writer | <input type="checkbox"/> Recommend |
| <input type="checkbox"/> Execution of documents | <input type="checkbox"/> For your information |
| <input type="checkbox"/> Approved – Proceed | <input type="checkbox"/> Other |

REMARKS:

Attached is the signed original and duplicate original contract for **Azteca Landscape, Inc.** Please sign the City Attorney section and return to Purchasing for further processing. Please also see accompanying bond rider approval request.

Buyer: Tommy Ryan (x5664)

Please e-mail Will Reyes (8-6027) and Tommy Ryan (8-5664) when this document is ready for pick up. Thank you!

18-02315

This Certificate was issued in two (2)
identical counterparts



**CONTINUATION
CERTIFICATE**

The Ohio Casualty Insurance Company

Keene, NH

, Surety upon

a certain Bond No. **024072844**

Cross Ref:

dated effective July 16th, 2018
(MONTH-DAY-YEAR)

on behalf of Azteca Landscape
(PRINCIPAL)

and in favor of City of Long Beach
(OBLIGEE)

does hereby continue said bond in force for the further period

beginning on September 1st, 2019
(MONTH-DAY-YEAR)

and ending on August 31, 2020
(MONTH-DAY-YEAR)

Amount of bond \$3,686,675.95

Description of bond Specification No. RFP PR17-022 - Grounds Maintenance Services

PROVIDED: That this continuation certificate does not create a new obligation and is executed upon the express condition and provision that the Surety's liability under said bond and this and all Continuation Certificates issued in connection therewith shall not be cumulative and that the said Surety's aggregate liability under said bond and this and all such Continuation Certificates on account of all defaults committed during the period (regardless of the number of years) said bond had been and shall be in force, shall not in any event exceed the amount of said bond as hereinbefore set forth.

Signed and dated on August 22nd, 2019
(MONTH-DAY-YEAR)

The Ohio Casualty Insurance Company

62 Maple Avenue, Keene, New Hampshire 03431

513-867-3624

By 
Attorney-in-Fact Kerissa Ricciardi

Turner Surety and Insurance Brokerage, Inc.

Agent

6 Hutton Centre Drive, Suite 1020, Santa Ana, CA 92707

Address of Agent

(714) 955-4011

Telephone Number of Agent



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

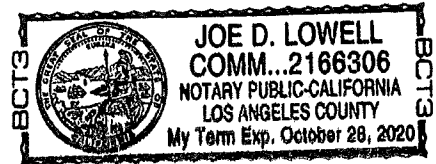
On August 22, 2019 before me, Joe D. Lowell, Notary Public
(insert name and title of the officer)

personally appeared Kerissa Ricciardi,
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.

Signature  (Seal)





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8200724-986376

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Jeremy Pendergast, Kerissa Ricciardi, Andrew Waterbury

all of the city of Santa Ana state of California each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 14th day of March, 2019.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 14th day of March, 2019 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 22nd day of August, 2019.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary