

31905

AMENDMENT NO. ONE TO CONTRACT NO. 31905

RE: **Amendment No. One to Contract No. 31905 to Furnish and Deliver Street Sweeper Brooms to the City of Long Beach (BPLB11000024)**

This Amendment to Contract No. 31905 is made and entered as of August 22, 2011, by and between the CITY OF LONG BEACH, a municipal corporation, and United Rotary Brush Corp. (Contractor)

Contract No. 31905 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 October 19, 2012.
- 2. \$220,000 has been added to the 1st renewal term for a total ("not to exceed") amount of \$440,000.
- 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 "A", 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: United Rotary Brush Corporation

CONTRACTOR:



(Signature)



(Signature)

Rod Savage

(Print / Type Name)

CAROL WEBER

(Print / Type Name)

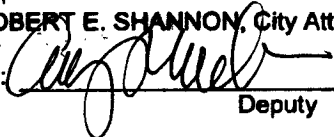
President / Vice President / Secretary / Treasurer
(circle one)

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

THE CITY OF LONG BEACH:

By:  _____
Assistant City Manager
City Manager

Approved as to form:
ROBERT E. SHANNON, City Attorney

By:  _____
Deputy

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

EXHIBIT "A" 6% price increase

BID SECTION

WE ARE PLEASED TO SUBMIT THIS BID IN ACCORDANCE WITH THE CITY OF LONG BEACH INVITATION TO BID, SPECIFICATIONS AND TERMS AND CONDITIONS TO FURNISH AND DELIVER THE FOLLOWING EQUIPMENT, MATERIAL, SUPPLIES OR SERVICES FOB DESTINATION CITY OF LONG BEACH.

SALES TAX

UNIT EXTENSION PRICES STATED HEREIN SHALL NOT INCLUDE SALES TAX.

SUMMARY OF BID ITEMS

RECONDITIONED

			New Price
<u>MAIN BROOM</u> – metal core			
POLY WRAP KIT	\$ 170.00	each	\$180.20
POLY WRAP RECONDITIONING	\$ <u>115.00</u>	each	\$121.90

NEW

			New Price
<u>GUTTER BROOM</u> –			
Elgin #7873221 steel brush equivalent	\$ 68.60	each	\$72.72
Elgin #0710020 poly brush equivalent	\$ <u>54.59</u>	each	\$57.87

STREET SWEEPERS MODELS IN CITY'S FLEET

20 Elgin Pelican Sweepers LNG
Miscellaneous smaller Tennant and Tymco sweepers



UNITED
 ROTARY BRUSH CORPORATION

"Our Value Makes the Difference"

MANUFACTURERS OF
 ROTARY BRUSHES-
 STREET SWEEPING
 ROAD BUILDING
 RUNWAY SWEEPING
 INDUSTRIAL

March 24, 2011

To Our Valued Customer,

The purpose of this letter is to address the ongoing inflationary trends relative to broom prices. We feel an obligation to provide you our thoughts and share whatever facts we have at our disposal.

Just going to the gas station or grocery store, it becomes clear there are great changes in the economy; home and abroad. Like you, United Rotary Brush Corporation is experiencing increases in numerous areas. What has happened since the first of the year includes:

- Resin Prices have increased 30% (Source. plasticsexchange.com)
 - Jan 1, 2011 \$0.65-\$0.70
 - Mar 15, 2011 \$0.85-\$0.90
 - As of Mar 22, a projected additional jump of 5-10% by the end of April
- Steel Prices have jumped 20-25% (from \$0.55 to \$0.70)
 - Currently, these prices are projected to remain steady through the summer
- Increase in freight fees and fuel surcharges

As you may be aware, resin prices are tied closely to oil and natural gas prices. The situation(s) in the Middle East make commodities as a whole very unstable and are projected to rise steadily over the next several months.

We remain committed to our partnership and will continue to provide you with the fairest price on our products. Our plans currently include

- DOESN'T APPLY TO THE CITY OF LONG BEACH, CA*
- ~~Shortening our quotes to be valid for 30 days. The uncertainties listed above will allow us to provide you with accurate pricing based on the material costs at the time of purchase~~
 - Focusing increased effort to actively consolidate and leverage our position as the largest broom manufacturer in North America to stabilize material costs

In summary, we believe you should anticipate price fluctuations as we move through 2011. We feel it unlikely that any significant change in these trends will take place for at least 12 months. While we wish there was better news to share, open and honest communication are vital to our partnership. We continue to monitor the commodities closely and look for cost-savings measures to pass along to you.

Best,

Rod Savage
 President

CENTRAL U.S.
 15607 W 100th Terrace
 Lenexa, KS 66219
 (913) 888-8450
 FAX (913) 541-8336

EASTERN U.S.
 20078 State Route 4
 Marysville, OH 43040
 (937) 644-3515
 FAX (937) 642-3552

WESTERN U.S.
 160 Enterprise Ct.
 Suite A
 Galt, CA 95632-8795
 (209) 744-4200
 FAX (209) 744-2904

WESTERN U.S.
 564 N Tulip St
 Escondido, CA 92025
 (760) 747-1506
 FAX (760) 747-3804

WESTERN U.S.
 1054 E 2nd St
 Pomona, CA 91766
 (909) 629-9117
 FAX (909) 620-9266

CANADA
 190 Saunders Road
 Barrie, ON L4N 9A2
 (705) 737-3519
 FAX (705) 737-3369

SPECIAL CONDITIONS

CONTRACT PERIOD

The Contract term shall be twelve (12) months from date of award unless the City determines, in its sole discretion, that a later commencement date is necessary, in which case the City will notify the Contractor of such date upon award of the proposed Contract. This Contract may be extended by mutual agreement of the parties for up to two additional one-year periods in accordance with the terms and conditions stated herein.

No increases in price shall be made by the Contractor during the first six months of the Contract, after which time, prices quoted may be subject to adjustments in accordance with corresponding changes in the manufacturer's published prices. Bidder guarantees that prices quoted herein will not increase more than 5 % (**Bidder Insert maximum percentage increase**) during the remainder of the first year of the Contract. **Maximum increase shown by bidder will be a factor in analyzing the bids.**

It is agreed that, if the City intends to renew this Contract, the City shall so notify the Contractor 90 days prior to the expiration date. The Contractor shall be required to submit any proposed price increases to the City Purchasing Agent for approval at least 60 days prior to expiration of the Contract. Said notice shall show the item number, price, Contract number, and purchase order number. The City reserves the right to accept or reject any price increase, and to cancel the renewal notice if price increases are not acceptable.

Price increase shall not exceed 10 % during first renewal period.

Price increase shall not exceed 10 % during second renewal period.

BASIS OF AWARD

Quantities will not be considered in making this award. The award will be based on the unit prices given.

DELIVERY SCHEDULE

Deliveries must be made weekly.

EMERGENCY DELIVERIES

Emergency main broom deliveries must be made within forty-eight (48) hours after receipt of order via phone call, fax, or e-mail.

SHIPPING INSTRUCTIONS

Prices quoted shall include all delivery, unloading and pick-up charges to specified locations within the City of Long Beach.



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 W. OCEAN BLVD., 7th FLOOR LONG BEACH, CA 90802 TEL: (562) 570-6362 FAX: (562) 570-5099

BUSINESS RELATIONS BUREAU
PURCHASING DIVISION

RECEIVED
CITY CLERK
LONG BEACH, CA
OCT 28 AM 10:36

October 26, 2011

ADDENDUM NO. 1

TO: Larry Herrera, City Clerk

ATTN: Allison Bunma, City Clerk Analyst

RE: **CONTRACT NO. 31905 (BID NO. PA-03110) – FURNISHING AND DELIVERING STREET SWEEPER BROOMS (BPLB11000024)**

Please note the following changes:

- **Old company name:** American Rotary Broom / United Rotary Brush Corp.
- **New company name:** United Rotary Brush Corporation

Please find a copy of the W-9 as proof of the company's new name.

For any questions, please call Erik Sund, Business Relations Manager, at (562) 570-6663.

BY ORDER OF:



Erik Sund
Business Relations Manager

ES/act/jr

**Request for Taxpayer
 Identification Number and Certification**

Give form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return) United Rotary Brush Corporation	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.) 160 Enterprise Court, Suite A	Requester's name and address (optional)
City, state, and ZIP code Galt, CA 95632	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number
or
Employer identification number

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶	Date ▶ 7/2/10
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,