

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 FIRST AMENDMENT TO CONTRACT NO. 29456

2 **29456**

3 THIS FIRST AMENDMENT TO CONTRACT NO. 29456 is made and
4 entered, in duplicate, as of March 16, 2006 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
6 on March 14, 2006, by and between AUGUST CONSTRUCTION, INC., a California
7 corporation, whose address is 13400 S. Figueroa Street, Los Angeles, California
8 90061 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, the parties entered Contract No. 29456 whereby Contractor
10 agreed to perform Work in accordance with Plans & Specifications No. R-6672 for the
11 Improvement of Naples Island Soil Anchors, Phase V in the City of Long Beach,
12 California; and

13 WHEREAS, the parties desire to amend the Contract to extend the time
14 for performance and to add Work;

15 NOW, THEREFORE, in consideration of the mutual terms and conditions
16 in Contract No. 29456 and in this Amendment, the parties as agree as follows:

17 1. Section 2 of Contract No. 29456 is amended by the addition of the
18 following paragraph:

19 "In addition to the amounts identified in Contractor's Bid, City shall pay to
20 Contractor the amounts for materials and work identified on Exhibit 'A-1' attached to this
21 First Amendment and incorporated by this reference."

22 2. Section 4 of Contract No. 29456 is amended in its entirety to read as
23 follows:

24 "4. TIME FOR CONTRACT. Contractor shall commence work on a date
25 to be specified in a written 'Notice to Proceed' from the City and shall complete all work
26 within one hundred eight (108) working days thereafter, subject to strikes, lockouts and
27 events beyond the control of Contractor. Time is of the essence hereunder. City will
28 suffer damage if the work is not completed within the time stated, but those damages

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1 would be difficult or impractical to determine. So, Contractor shall pay to City, as
2 liquidated damages, the amount stated in the Contract Documents."

3 3. Except as expressly amended in this First Amendment, all terms and
4 conditions in Contract No. 29456 are ratified and confirmed and shall remain in full
5 force and effect.

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

AUGUST CONSTRUCTION, INC., a
California corporation

9 March 15, 2006

By [Signature]
President

(Type or Print Name)

12 March 15, 2006

By [Signature]
Secretary

(Type or Print Name)

"Contractor"

CITY OF LONG BEACH, a municipal
corporation

17 3.30, 2006

By [Signature]
City Manager

"City"

20 This First Amendment to Contract No. 29456 is approved as to form on
21 3/28, 2006.

ROBERT E. SHANNON, City Attorney

By [Signature]
Senior Deputy

EXHIBIT "A-1" FOR IMPROVEMENT OF NAPLES ISLAND SOIL ANCHORS,
 PHASE V IN THE CITY OF LONG BEACH, CALIFORNIA IN ACCORDANCE WITH
 PLANS AND SPECIFICATIONS NO. R-6672, WITH AUGUST CONSTRUCTION

BASE BID PHASE II

BID ITEMS	QUANTITY	UNIT COST	ITEM TOTAL
1 Mobilization and Demolition (not to exceed 10 Percent of Total Bid)	1 LS	\$ 38,479	\$ 38,479
2 Full Installation and Assembly of Soil Anchor	65 EA	\$ 5,750	\$ 373,750
TOTAL AMOUNT BASE BID, 188-210 RIVO ALTO CANAL			\$ 412,229

ADDITIVE ALTERNATE

BID ITEMS	QUANTITY	UNIT COST	ITEM TOTAL
3 ADDITIVE ALTERNATE: Full Installation and Assembly of Soil	40 EA	\$ 5,500	\$ 220,000
TOTAL AMOUNT ADDITIVE ALTERNATE, 213-215 RIVO ALTO CANAL & VIRGIL WALK			\$ 220,000

BID SUMMARY

TOTAL AMOUNT BASE BID	\$ 412,229
TOTAL AMOUNT BASE BID PLUS ADDITIVE ALTERNATE / ORIGINAL CONTRACT AMOUNT OF 105 SOIL ANCHORS	\$ 632,229

**ADDITIONAL WORK REQUESTED PER PROPOSAL BY AUGUST CONSTRUCTION
 DATED FEBRUARY 6, 2006**

ADDITIONAL WORK I

4 Mobilization and Demolition	1 LS	\$ 6,857	\$ 6,857
5 Full Installation and Assembly of Soil Anchor	28 EA	\$ 5,400	\$ 151,200
TOTAL AMOUNT ADDITIONAL WORK I, 144-152 RIVO ALTO CANAL			\$ 158,057

ADDITIONAL WORK II

6 Mobilization and Demolition	1 LS	\$ 7,000	\$ 7,000
7 Full Installation and Assembly of Soil Anchor	25 EA	\$ 5,600	\$ 140,000
TOTAL AMOUNT ADDITIONAL WORK II, 217-219 RIVO ALTO CANAL & LIDO LANE			\$ 147,000

ADDITIONAL WORK III

8 Mobilization and Demolition	1 LS	\$ 11,000	\$ 11,000
9 Full Installation and Assembly of Soil Anchor	27 EA	\$ 5,400	\$ 145,800
TOTAL AMOUNT ADDITIONAL WORK III, 48-56 RIVO ALTO CANAL			\$ 156,800

TOTAL AMOUNT ADDITIONAL WORK OF 80 SOIL ANCHORS	\$ 461,857
TOTAL AMOUNT CONSTRUCTION OF 185 SOIL ANCHORS BY AUGUST CONSTRUCTION	\$ 1,094,086

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA
County of LOS ANGELES

On MARCH 15, 2006 before me, MARYANN MCFARLAND, NOTARY PUB.,
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared AGUST AGUSTSSON,
NAME(S) OF SIGNER(S)

personally known to me - OR - 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.



WITNESS my hand and official seal.

Mary Ann McFarland
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL
 CORPORATE OFFICER
PRESIDENT/SECRETARY
TITLE(S)

PARTNER(S) LIMITED
 GENERAL

ATTORNEY-IN-FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

1ST AMENDMENT TO

TITLE OR TYPE OF DOCUMENT
CONTRACT NO. 29456

NUMBER OF PAGES

3-15-06

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of LOS ANGELES

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DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

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- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

1ST AMENDMENT TO
TITLE OR TYPE OF DOCUMENT
CONTRACT NO. 2945L

NUMBER OF PAGES

3-15-06

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE