

CONTRACT

**36321**

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3 THIS CONTRACT is made and entered, in duplicate, as of June 1, 2022 for  
4 reference purposes only, pursuant to Resolution No. RES-22-0080, adopted by the City  
5 Council of the City of Long Beach at its meeting on May 24, 2022, by and between Baum's  
6 Castorine Co., Inc., a New York corporation ("Contractor"), with a place of business at 200  
7 Mathew Street, Rome, NY 13440, and the CITY OF LONG BEACH ("City"), a municipal  
8 corporation.

9 WHEREAS, the City desire to purchase Novacool Universal Extinguishing  
10 Foam (UEF); and

11 WHEREAS, City did by Resolution No. RES-22-0080 determine that the  
12 City's need to purchase Novacool UEF could only be met by Contractor and, by reason of  
13 the foregoing, no useful purpose would be served by advertising for bids to purchase  
14 Novacool UEF, and to do so would constitute an idle and useless act and an unnecessary  
15 expenditure of public funds;

16 NOW, THEREFORE, in consideration of the mutual terms and conditions  
17 contained herein, the parties agree as follows:

18 1. Contractor shall sell, furnish and deliver to City Novacool Universal  
19 Extinguishing Foam, attached hereto as Exhibit "A" and incorporated herein by reference,  
20 as authorized by Resolution No. RES-22-0080.

21 2. City shall pay Contractor in due course of payments, following receipt  
22 of an invoice from Contractor and upon acceptance from City, for Novacool Universal  
23 Extinguishing Foam, the prices shown in Exhibit "A", a sum not to exceed Two Hundred  
24 Thousand Dollars (\$200,000).

25 3. The term of this Contract shall commence on June 1, 2022, and shall  
26 terminate at midnight on June 1, 2023 unless sooner terminated as provided herein. The  
27 City may terminate this Contract by giving thirty (30) days prior notice of termination to  
28 Contractor.

1                   4.       Neither this Contract nor any of the moneys that may become due  
2 Contractor hereunder may be assigned without the prior written consent of City.

3                   5.       Any notices required hereunder or desired to be given by either party  
4 shall be in writing and personally delivered or deposited in the U.S. Postal Service, first  
5 class postage prepaid, addressed to Contractor at the address stated herein, and to City  
6 at 411 West Ocean Boulevard, Long Beach, California 90802 Attn: City Manager. Notice  
7 shall be deemed given on the date personal delivery is made or on the date of deposit in  
8 the mail, whichever first occurs.

9                   6.       City shall have the benefit of any warranty from the manufacturer on  
10 the Novacool Universal Extinguishing Foam, and Contractor warrants that the Novacool  
11 Universal Extinguishing Foam are in good working order and free from defect at the time  
12 of delivery.

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

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IN WITNESS WHEREOF, the parties have signed this document with all the formalities required by law as of the date first stated above.

Baum's Castorine Co., Inc., a New York corporation

June 28, 2022

By Paul H. Berger  
Name Paul H. Berger  
Title President

June 28, 2022

By Carol Mary Berger  
Name Carol Mary Berger  
Title Vice President

Signed before me on 6/28/22  
T-T D. H

TERRY HARTMAN  
01HA4971379

Notary Public, State of New York  
Qualified in Onelida County

My commission expires September 4, 2022

7-19, 2022

"Contractor"

CITY OF LONG BEACH, a municipal corporation

By T. Blum  
City Manager

"City"

This Contract is approved as to form on JULY 14, 2022.

CHARLES PARKIN, City Attorney

By [Signature]  
Deputy

# EXHIBIT “A”

# PURCHASE ORDER

<b>Company Name:</b>	Long Beach Fire Department	<b>P.O. #:</b>			
<b>Bill To:</b>	Long Beach Fire Department	<b>Date:</b>	Mar	23	2022
<b>Address:</b>	3205 Lakewood Blvd. Long Beach, CA 90808				
<b>Phone:</b>					
<b>Fax:</b>					
<b>Email:</b>					
<b>Vendor:</b> Baum's Castorine Co. Inc. 200 Matthew Street Rome, NY 13440  Phone: 315-336-8154 Fax: 315-336-8154	<b>Ship To:</b>	LBFD			
	<b>Contact Name:</b>	Capt. Michael Caputo			
	<b>Company Name:</b>				
	<b>Address:</b>	Fire Boat Station #20, 1980 Pier			
	<b>Phone:</b>				
	<b>Email:</b>				

<b>Shipping Via</b>	<b>Shipping Terms</b>		<b>Payment Terms</b>
	EXW		

QTY	Pkg Type (Tote, Drum.)	Description	Customer Part Number	Unit Price	Line Total
17.00	Totes	265 US Gallons, Each, Novacool UEF 0.4%		\$9,473.75	\$161,053.75
1.00		Freight			\$11,200.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
				<b>Subtotal</b>	\$172,253.75
				<b>Sales Tax</b>	
				<b>Total</b>	\$172,253.75

**Authorized By:**

**Date:** Mar 23 2022