THIRD AMENDMENT TO CONTRACT NO. 35199

35199

THIS THIRD AMENDMENT TO CONTRACT NO. 35199 is made and entered, as of June 24, 2022, 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 12, 2019, by and between BITECH CONSTRUCTION COMPANY INC., a California corporation ("Contractor"), whose address is 7371 Walnut Avenue, Buena Park, California 90620, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Contractor (the "Parties") entered into Contract No. 35199 (the "Contract") whereby Contractor agreed to provide the work described in Project Plans and Specifications No. R-7137, Contract for Concrete Repairs and Related Improvements, in an amount of Five Million Dollars ($5,000,000), for a period of two (2) years, with the option to renew for three (3) additional one-year periods, at the discretion of the City Manager;

WHEREAS, the Parties entered into a First Amendment to the Contract to extend the term to March 31, 2022 and attached an updated rate sheet;

WHEREAS, the Parties entered into a Second Amendment to the Contract to extend the term to March 31, 2023 and attached an updated rate sheet; and

WHEREAS, the Parties desire to add Seven Million Dollars ($7,000,000) for a total not to exceed amount of Twelve Million Dollars ($12,000,000).

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

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

"A.   City shall pay to Contractor the amount(s) for materials and work identified in Contractor's Bid for Contract for Concrete Repairs and Related Improvements in the City of Long Beach, California, attached hereto as Exhibit "A"; provided, however, that the total compensation to Contractor shall not exceed an amount of Twelve Million Dollars ($12,000,000) during the term of this Contract."

VSI:bg A19-01721
01407238.DOCX

2.   Except as expressly modified herein, all of the terms and conditions contained in Contract No. 35199 are ratified and confirmed and shall remain in full force and effect.

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.

_____7/8_____, 2022

BITECH CONSTRUCTION COMPANY INC., a California corporation

By_____
Name_____BENJAMIN KIM
Title_____PRESIDENT

_____7/8_____, 2022

By_____
Name_____BENJAMIN KIM
Title_____SECRETARY

"Contractor"

CITY OF LONG BEACH, a municipal corporation

_____7-19-_____, 2022

By_____
City Manager

"City"

This Third Amendment to Contract No. 35199 is approved as to form on
_____July 12_____, 2022.

CHARLES PARKIN, City Attorney

By_____
Deputy

2

MINUTES OF BOARD DIRECTORS MEETING
OF
BITECH CONSTRUCTION CO., INC.

The annual meeting of the Board of Directors of **BITECH CONSTRUCTION CO., INC.** (the "Corporation") was held on **March 17, 2020**, immediately following the annual meeting of directors of the Corporation.

There were present at the meeting

Benjamin Byongin Kim / President, Secretary, Treasurer

being all the members of the Board of Directors.

It was moved, seconded and unanimously carried that **Benjamin Byongin Kim** act as Temporary Chairperson and that **Benjamin Byongin Kim** act as Temporary Secretary.

The Chairperson presented to the meeting a copy of a **Waiver of Notice of Meeting** which **all of the Directors of the Corporation** had agreed to execute and advised that it was appropriate to authorize the execution and performance thereof by the Corporation. Upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the chairman be requested to cause the same to be spread at length upon the minutes.

The meeting then proceeded to AUTHORIZE FOLLOWING PERSONNELS TO SIGN ON ANY CONTRACT OR PROPOSAL ON BEHALF OF BITECH CONSTRUCTION CO., INC. until their successors are elected and qualify:
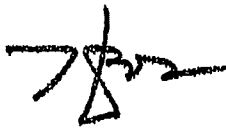
President :	**Benjamin Byongin Kim**
Treasurer :	**Benjamin Byongin Kim**
Secretary :	**Benjamin Byongin Kim**

The President then presented and read the minutes of the annual meeting of Directors of this Corporation, and the same were, on motion duly made, seconded and unanimously carried, in all respects ratified and adopted by this Board of Directors.

There being no further business to come before the meeting, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

IN WITNESS WHEREOF, I have executed my name as Secretary and have hereunto affixed the corporate seal of the above named Corporation this 17th day of March, 2020.

Dated: _____3/17/2020_____

Secretary.

(Seal)