

FOURTH AMENDMENT TO CONTRACT NO. 35199

35199

THIS FOURTH AMENDMENT TO CONTRACT NO. 35199 is made and entered, as of March 21, 2023, 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 attach an updated rate sheet;

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

WHEREAS, the Parties entered into a Third Amendment to add Seven Million Dollars (\$7,000,000) for a total not to exceed amount of Twelve Million Dollars (\$12,000,000); and

WHEREAS, the Parties desire to extend the term by one (1) additional one-year period, and attach an updated rate sheet;

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

1. Section 4 of the Agreement is hereby amended to read as follows:

"4. TIME FOR CONTRACT. The term of this Contract shall commence at midnight on April 1, 2019, and shall terminate at 11:59 p.m. on March 31, 2024, unless

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DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 sooner terminated as provided in this Contract, or unless the services or the Project is
2 completed sooner. Time is of the essence hereunder. City will suffer damage if the work
3 is not completed within the time stated, but those damages would be difficult or impractical
4 to determine. So, Contractor shall pay to City, as liquidated damages, the amount stated
5 in the Contract Documents."

6 2. The Rates in Exhibit "A-2" to the Second Amendment are hereby
7 amended in accordance with Exhibit "A-3", attached hereto and incorporated by this
8 reference.

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

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

3
4 3/24, 2023

BITECH CONSTRUCTION COMPANY
INC., a California corporation

By [Signature]
Name BENJAMIN KIM
Title PRESIDENT

6
7 3/24, 2023

By [Signature]
Name BENJAMIN KIM
Title SECRETARY

9 EXECUTED PURSUANT
10 TO SECTION 301 OF
11 THE CITY CHARTER.

"Contractor"

CITY OF LONG BEACH, a municipal
corporation

12 March 29, 2023

By Linda J. Jabum
City Manager

"City"

15 This Fourth Amendment to Contract No. 35199 is approved as to form on
16 MARCH 29, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy

R-7137 Annual Concrete Repair Renewal Unit Price- Bitech Construction

ITEM #	DESCRIPTION	City's Proposed Unit Price	
		UNIT	Renewal
1	Remove Concrete Improvements and Backfill with Topsoil	SF	\$ 7.00
2	Remove and Replace Asphalt Concrete Pavement	SF	\$ 14.00
3	Stump Removal up to and including 24" Diameter Trunk	EA	\$ 325.00
4	Stump Removal 25" and over Diameter Trunk	EA	\$ 454.00
5	Tree Removal up to and including 24" Diameter Trunk	EA	\$ 1,700.00
6	Tree Removal 25" and over Diameter Trunk	EA	\$ 3,100.00
7	Shave Roots at Curb	LF	\$ 12.12
8	Shave Roots at Sidewalk	LF	\$ 12.12
9	Tree Pruning	EA	\$ 400.00
10	Lawn Sodding	SF	\$ 6.00
11	Plant Tree, 24" Box	EA	\$ 700.00
12	Plant Tree, 36" Box	EA	\$ 1,200.00
13	Unclassified Excavation	CY	\$ 108.00
14	Adjust City Manhole Frame & Cover	EA	\$ 120.00
15	Adjust L.A.C.S.D. Manhole Frame & Cover	EA	\$ 120.00
16	Adjust Water Valve Box & Cover	EA	\$ 242.35
17	Reconstruct Water Valve Box & Cover	EA	\$ 285.00
18	Adjust Gas Valve Box & Cover	EA	\$ 175.00
19	Replace Street Light Pull Box	EA	\$ 480.00
20	Replace Traffic Signal Pull Box	EA	\$ 660.00
21	Relocate Pull Box	EA	\$ 3,500.00
22	Install Survey Monument Type C with Casting & Cover	EA	\$ 525.00
23	Install Survey Monument Type A	EA	\$ 525.00
24	Adjust Survey Monument Casting & Cover	EA	\$ 525.00
25	Replace Survey Bench Mark, Type 1	EA	\$ 525.00
26	Replace Centerline box or Property Markers	EA	\$ 525.00
27	Replace Curb Drain	EA	\$ 305.00
28	Remove Existing and Construct PCC Curb, GB Type A1	LF	\$ 42.00
29	Remove Existing and Construct PCC Curb, GB Type A1, Integral	LF	\$ 42.00
30	Remove Existing and Construct PCC Curb & Gutter, GB Type A2, W=1.5'	LF	\$ 52.00
31	Remove Existing and Construct PCC Curb & Gutter, GB Type A2, W=2.0'	LF	\$ 56.00
32	Remove Existing and Construct PCC Curb & Gutter, GB Type A2, W=7'	LF	\$ 73.65
33	Curb Ramp Case A, Detail 1A	EA	\$ 6,900.00
34	Curb Ramp Case A, Detail 1B	EA	\$ 6,900.00
35	Curb Ramp Case A, Detail 2	EA	\$ 7,200.00
36	Curb Ramp Case A, Detail 3 or 4	EA	\$ 7,200.00
37	Curb Ramp Case B, Detail 1A	EA	\$ 8,658.30
38	Curb Ramp Case B, Detail 2	EA	\$ 8,658.30
39	Curb Ramp Case B, Detail 3 or 4	EA	\$ 8,658.30
40	Curb Ramp Case C	EA	\$ 4,845.30
41	Curb Ramp Case D, Detail 1A	EA	\$ 4,845.30
42	Curb Ramp Case D, Detail 1B	EA	\$ 4,845.30
43	Curb Ramp Case D, Detail 3 or 4	EA	\$ 4,845.30
44	Curb Ramp Case E	EA	\$ 4,845.30
45	Curb Ramp Case F	EA	\$ 6,900.00
46	Curb Ramp Case G	EA	\$ 7,800.00
47	Curb Ramp Case H	EA	\$ 6,900.00
48	Install ADA Detectable Warning Surface (No Ramp Construction)	SF	\$ 38.00
49	Certification of Curb Ramp	EA	\$ 810.00
50	Remove Existing and Construct PCC Sidewalk, 3" Thick	SF	\$ 10.75
51	Grind 0.25" - 0.75" PCC Sidewalk	LF	\$ 8.50
52	Remove Existing and Construct PCC Driveway, 4" Thick	SF	\$ 13.50
53	Remove Existing and Construct PCC Driveway, 6" Thick	SF	\$ 13.50
54	Remove Existing and Construct PCC Alley Intersection, 6" Thick	SF	\$ 15.00
55	Remove Existing and Construct PCC Pavement, 6" Thick	SF	\$ 14.54
56	Remove Existing and Construct PCC Pavement, 8" Thick	SF	\$ 17.13
57	Remove Existing and Construct PCC Bus Stop Street Pad, 10" Thick	SF	\$ 20.00
58	Remove Existing and Construct PCC Cross Gutter or Spandrel, 6" Thick	SF	\$ 17.13
59	Stamped Concrete, 4" Thick	SF	\$ 24.00
60	Crushed Miscellaneous Base, 6" Thick Under PCC Improvements 2	SF	\$ 2.50
61	Crushed Miscellaneous Base 2	CY	\$ 49.50
62	Asphalt Concrete Pavement	TONS	\$ 310.00
63	Curb Painting	LF	\$ 3.20
64	Refractored Paint Traffic Striping/Pavement Markings	SF	\$ 7.45
65	Refractored Thermoplastic Traffic Striping/Pavement Markings	SF	\$ 12.75
66	Relocate Sign and Post	EA	\$ 420.00
67	Install New Sign on Existing Post	EA	\$ 235.00
68	Install New Sign and Post	EA	\$ 460.00
69	Loop Detectors	EA	\$ 745.00
70	Two-person Survey Crew	HR	\$ 363.00
71	Surveyor AutoCAD Office Work	HR	\$ 148.50