

THIRD AMENDMENT TO CONTRACT NO. 31523

31523

THIS THIRD AMENDMENT TO CONTRACT NO. 31523 is made and entered, in duplicate, as of May 26, 2011 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 February 9, 2010, by and between NEW CREATION ENGINEERING & BUILDERS, INC., a California corporation, whose address is 17809 Clark Avenue, Bellflower, California 90706 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for Job Order Contract in the City of Long Beach, California," bids were received, publicly opened and declared on the date specified in said Notice; and

WHEREAS, the City Manager accepted the bid of Contractor for Job Order Contract No. 11; and

WHEREAS, the parties entered Contract No. 31523 for the work described in the bid documents; and

WHEREAS, the parties desire to increase the Contract amount by \$1,000,000 and extend the term;

NOW, THEREFORE, in consideration of the mutual terms and conditions in the Contract and in this Third Amendment, the parties agree as follows:

1. Section 2 of Contract No. 31523 is hereby amended to read as follows:

"2. PRICE AND PAYMENT. City shall pay to Contractor the amount(s) for each Work Order based on the adjustment factor in Contractor's Bid, attached hereto as Exhibit "A"; provided, however, that City shall not pay more than Three Million Dollars (\$3,000,000.00) for the term of the Contract."

2. Section 4.A. of Contract No. 31523 is hereby amended to read as follows:

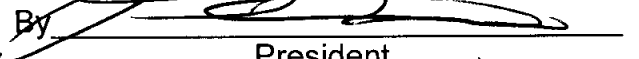
1 "4. TIME FOR CONTRACT.

2 A. The term of this Contract shall begin on February 10, 2010
3 and shall end on February 9, 2013 or on City's payment of the not-to exceed dollar
4 amount hereunder to Contractor as specified in Section 2, whichever occurs first."

5 3. Except as expressly amended in this Third Amendment, all terms
6 and conditions in Contract No. 31523 are ratified and confirmed and shall remain in full
7 force and effect.

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

10 NEW CREATION ENGINEERING &
11 BUILDERS, INC., a California corporation

12 By  President

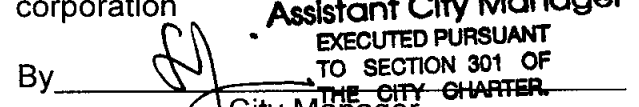
13 Type or Print Name

14 By  Secretary

15 Type or Print Name

16 "Consultant"

17 CITY OF LONG BEACH, a municipal
18 corporation

19 By  Assistant City Manager
20 EXECUTED PURSUANT
21 TO SECTION 301 OF
22 THE CITY CHARTER.
23 City Manager

24 "City"

25 This Third Amendment to Contract No. 31523 is approved as to form on

26 6/9, 2011.

27 ROBERT E. SHANNON, City Attorney

28 By  Deputy