

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

FIRST AMENDMENT TO CONTRACT NO. 29069

29069

THIS FIRST AMENDMENT TO CONTRACT NO. 29069 is made and entered, in duplicate, as of January 6, 2005 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on January 4, 2005, by and between ATHENA ENGINEERING, INC., a California corporation, whose address is 446 Borrego Court, San Dimas, California 91773 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the parties entered Contract No. 29069 whereby Contractor agreed to provide materials and services related to Job Order Contracting (JOC #6) in the City of Long Beach;

WHEREAS, the parties desire to extend the term of the Contract;

NOW, THEREFORE, in consideration of the mutual terms and conditions in Contract No. 29069 and herein, the parties agree as follows:

1. The term of this Contract shall be extended, beginning on November 15, 2005 and ending on November 14, 2006 or ending when the City has paid \$1,000,000 to Contractor hereunder, whichever occurs first.

2. Except as expressly amended herein, all terms and conditions in Contract No. 29069 are ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this document to be duly

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1 executed with all formalities required by law as of the date first stated above.

2 ATHENA ENGINEERING, INC., a California
3 corporation

4 11/01/05, 2005

By [Signature]
President

Jannie Chiera
(Type or Print Name)

6 11/01/05, 2005

By [Signature]
Secretary

Richard D. Chiera
(Type or Print Name)

8 "Contractor"

9 CITY OF LONG BEACH, a municipal corporation

10 Dec. 9, 2005

By [Signature]
City Manager

12 "City"

13 This First Amendment to Contract No. 29069 is approved as to form on

14 12/5, 2005.

15 ROBERT E. SHANNON, City Attorney

16 By [Signature]
Senior Deputy

26 DFG:dfe 10/20/05(1stAmendment#29069-AthenaEngr) #05-00136
27 L:\APPS\CtyLaw32\WPDOCS\ID002\IP004\00081231.WPD
28

INCREASE RIDER

JOC # 6

To be attached to and form part of Bond Number 08801704 effective

January 27 2005 issued by the FIDELITY & DEPOSIT COMPANY OF MARYLAND

in the amount of One Million and 00/100

DOLLARS (\$ 1,000,000.00),

on behalf of ATHENA ENGINEERING, INC.,

as Principal and in favor of the City of Long Beach,

as Obligee.

Now therefore, it is agreed that:

We, FIDELITY & DEPOSIT COMPANY OF MARYLAND,
Surety on the above bond, hereby stipulate and agree that from and after the effective date of this
Stipulation, the Penalty of said Bond shall be Increased

FROM: One Million and 00/100 (\$ 1,000,000.00)

TO: Two Million and 00/100 (\$ 2,000,000.00)

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 26th Day of October, 2005.

Signed, Sealed and Dated this 1st Day of November, 2005.

APPROVED AS TO FORM

12/5, 20 05
ROBERT E. SHANNON, City Attorney

BY [Signature]
SENIOR DEPUTY CITY ATTORNEY

[Signature] 12/7/05

ATHENA ENGINEERING, INC.

(Principal)

By: [Signature]

FIDELITY & DEPOSIT COMPANY OF MARYLAND

(Surety)

By: [Signature]

PHILIP E. VEGA

Attorney-In-Fact

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Philip E. VEGA and Frank MORONES, both of Brea, California, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Philip E. VEGA, dated November 24, 2003.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 17th day of November, A.D. 2004.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes

Eric D. Barnes

Theodore G. Martinez

By:

Assistant Secretary

Theodore G. Martinez

State of Maryland } ss:
City of Baltimore }

On this 17th day of November, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Maria D. Adamski

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2007

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

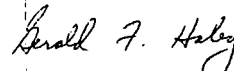
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 1st day of November, 2005


Assistant Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Orange

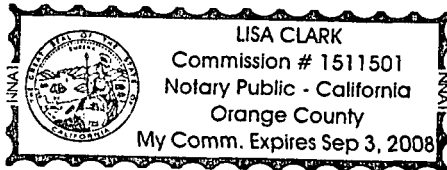
On November 1, 2005 before me, Lisa Clark, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Philip E. Vega

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.

Lisa Clark
Signature of Notary Public

-----OPTIONAL-----

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

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer
- ☐ Titles(s): _____
- ☐ Partner - ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of Thumb here

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer
- ☐ Title(s): _____
- ☐ Partner - ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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