OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664

SECOND AMENDMENT TO CONTRACT NO. 34587

THIS SECOND AMENDMENT TO CONTRACT NO. 34587 is made and entered, in duplicate, as of March 28, 2018 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 21, 2017, by and between ALL AMERICAN ASPHALT, a California corporation ("Contractor"), whose address is 400 E. Sixth Street, Corona, California 92878-2229, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Contractor (the "Parties") entered into Contract No. 34587 (the "Contract") whereby Contractor agreed to provide the work described in Plans and Specifications No. R-7084; and

WHEREAS, the Parties entered into a First Amendment to the Contract to increase the total not to exceed amount; and

WHEREAS, the Parties desire to extend the term one(1) additional one-year period;

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 May 1, 2017, and shall terminate at 11:59 p.m. on April 30, 2019, unless sooner terminated as provided in this Contract, or unless the services or the Project is completed sooner. The Parties have the option to extend the term for one (1) additional one-year period. Time is of the essence hereunder. City will suffer damage if the work is not completed within the time stated, but those damages would be difficult or impractical to determine. So, Contractor shall pay to City, as liquidated damages, the amount stated in the Contract Documents."
- 2. Except as expressly modified herein, all of the terms and conditions contained in Contract No. 34587 are ratified and confirmed and shall remain in full force

OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664