

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach CA 90802-4664

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SECOND AMENDMENT TO AGREEMENT NO. 36431

36431

THIS SECOND AMENDMENT TO AGREEMENT NO. 36431 is made and

entered, in duplicate, as of June 30, 2023, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on July 19, 2022, by and between PUB CONSTRUCTION, INC., a California corporation, whose address is 23545 Palomino Drive, #104, Diamond Bar, California 91765 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for Job Order Contract (JOC) in the City of Long Beach, California," bids were received, publicly opened on March 4, 2022, and declared on the date specified in said Notice; and

WHEREAS, the parties entered into Contract No. 36431 ("Contract") for the work described in the bid documents to furnish all necessary labor, supervision, tools, materials, supplies, appliances, equipment and transportation for the work described in each Work Order, as defined in Specification No. R-7193, said work to be performed according to the Contract Documents; and

WHEREAS, in accordance with Long Beach Municipal Code ("LBMC") section 2.84.100 and the terms of Contract No. 36431, the City is required to pay Contractor the amount(s) for each Work Order based on the adjustment factor in Contractor's Bid, provided, however, that the city shall not pay more than Two Million Dollars (\$2,000,000) for the term of the Contract. Furthermore, no individual Work Order project shall exceed Seven Hundred and Fifty Thousand Dollars (\$750,000); and

WHEREAS, the Parties entered into a First Amendment to reduce the authority amount for a new total of One Million Dollars (\$1,000,000); and

WHEREAS, the Parties desire to extend the term of the Contract by one (1) additional one-year term, and add updated Construction Task Catalog information;

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

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1 1. Section 5.A. of the Contract is hereby amended to read as follows:

2 “A. The term of this Contract shall begin on November 1, 2022 and shall
3 end on October 31, 2024, or on City's payment of the not-to exceed dollar amount
4 hereunder to Contractor as specified in section 3, whichever occurs first. The term may be
5 extended for one (1) additional one-year period, at the discretion of the City Manager.”

6 2. Exhibit “G” to this Amendment amends Section 79 “PRICE
7 ADJUSTMENTS” of Division H of Specifications R-7193, and is hereby incorporated herein
8 by reference and is attached as Exhibit “G” to the Contract.

9 3. Except as expressly modified herein, all of the terms and conditions
10 contained in Agreement No. 36431 are ratified and confirmed and shall remain in full force
11 and effect.

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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.

PUB CONSTRUCTION, INC., a California corporation

9/25/2023, 2023

By [Signature]
Name Chris Yi
Title President

9/25/2023, 2023

By [Signature]
Name Chris Yi
Title Secretary

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"Consultant"
CITY OF LONG BEACH, a municipal corporation

10/3/2023, 2023

By [Signature]
City Manager

"City"

This Second Amendment to Agreement No. 36431 is approved as to form on September 28, 2023.

DAWN MCINTOSH, City Attorney
By [Signature]
Deputy

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EXHIBIT "G"

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The language in this exhibit shall replace Division H Section 79, Price Adjustments of the original specifications, R-7193. This section shall also apply to all subsequent contract amendments, unless indicated otherwise by the City in writing.

1. Adjustment Factors

1.1. The Adjustment Factors submitted with the Bid shall be in effect for the full term of the contract including the Base Term and any contract amendments.

2. Construction Task Catalog®

2.1. Upon contract renewal, the City shall provide the Contractor with the new Construction Task Catalog® (CTC) for review and acceptance prior to accepting new work. The CTC issued with this Solicitation will be in effect for the contract term.

2.2. In general, the Contractor shall use the CTC in effect on the date that the Job Order Contract process is initiated (i.e. Joint Scope Meeting Invitation). However, the Contractor cannot delay the initiation of the Job Order Contract process to take advantage of a scheduled update of the CTC. In that event, the Contractor shall use the CTC that was in effect prior to the update.

2.3. The new CTC will be effective for the twelve (12) month period after the anniversary of the award date. The CTC that accompanies each anniversary shall only apply to Job Orders initiated after the effective date of that specific renewal option and shall have no impact on the Job Orders initiated prior to the effective date of that specific renewal option.

2.4. The new CTC shall be available in the Gordian Group Software.