

**AMENDMENT NO. ONE TO CONTRACT NO. 31739**

**31739**

**RE: Renewal No. One of Contract No. 31739 for Furnishing and Delivering Paint, Marine Paint and Supplies to the City of Long Beach (BPLB1000059)**

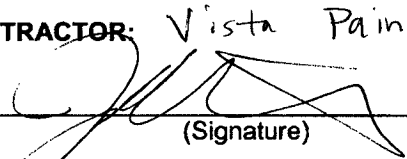
This Amendment to Contract No. 31739 is made and entered as of August 18, 2011, by and between the CITY OF LONG BEACH, a municipal corporation, and Vista Paint Corporation. (Contractor)

Contract No. 31739 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:

- 1. The term is extended to September 1, 2012.
- 2. \$185,000 has been added to the 1<sup>st</sup> renewal term.
- 3. Prices during this period shall remain firm.
- 4. The price for certain items shall be increased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference. *5% Increase as stipulated in contract.*
- 5. The price for certain items shall be decreased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference.
- 6. The discount offered to the City is increased by \_\_\_\_ %
- 7. The items or locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby deleted from the Contract.
- 8. The locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby added to the Contract.
- 9. Current permits, licenses, insurance and other required information are attached as Addendum No. 1.

Except as expressly amended above, all terms and conditions in this Contract are ratified and confirmed and remain in full force and effect. Executed with all formalities required by law as of the date first stated above.

**Attach Notary if Out-of-State Contractor**

**CONTRACTOR:** *Vista Paint*  
  
 \_\_\_\_\_  
 (Signature)  
*Joseph Wittenberg*  
 \_\_\_\_\_  
 (Print / Type Name)  
*V.P. Sales / Marketing*  
 \_\_\_\_\_  
 President / Vice President / Secretary / Treasurer  
 (circle one)

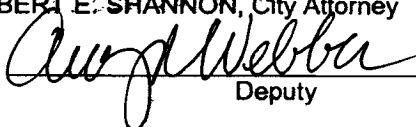
**CONTRACTOR:**  
*Certified Resolution Attached*  
 \_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 (Print / Type Name)  
 \_\_\_\_\_  
 President / Vice President / Secretary / Treasurer  
 (circle one)

**THE CITY OF LONG BEACH:**

**Assistant City Manager**

By:  \_\_\_\_\_  
 City Manager  
**EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.**

Approved as to form:  
ROBERT E. SHANNON, City Attorney

By:  \_\_\_\_\_  
 Deputy

# EXHIBIT A

## CITY OF LONG BEACH

CONTRACT # 31739

Proposed 5% Increase Effective 9/2/2011

| Product   | Product Description                                      | Current Pricing | 5% Increase Proposed Pricing |
|-----------|--|-----------------|------------------------------|
| 010997001 | PROTEC AE GLS SAFETY BLUE                                | 27.95           | 29.35                        |
| 010997501 | PROTEC AE GLS SAFETY RED                                 | 27.95           | 29.35                        |
| 010997601 | PROTEC AE GLS SAFETY ORANGE                              | 27.95           | 29.35                        |
| 010997801 | PROTEC AE GLS SAFETY GREEN                               | 27.95           | 29.35                        |
| 100004    | DURAGLIDE FLAT 1000 1G                                   | 8.38            | 8.80                         |
| 100005    | DURAGLIDE FLAT 1000 5G                                   | 41.90           | 44.00                        |
| 100006    | ACRIBOND FLAT 3000 QT                                    | 8.25            | 8.66                         |
| 100027    | ACRIPROXY 400 1G   | 18.26           | 19.17                        |
| 100032    | ACRIGLO SG 7000 1G                                       | 10.92           | 11.47                        |
| 100033    | ACRIGLO SG 7000 5G                                       | 54.60           | 57.33                        |
| 100056    | COVERALL SEMIGLOSS 7400 1G                               | 12.20           | 12.81                        |
| 100057    | COVERALL SEMIGLOSS 7400 5G                               | 59.78           | 62.77                        |
| 100061    | UNIPRIME 4000 1G   | 13.95           | 14.65                        |
| 100062    | UNIPRIME 4000 5G   | 68.74           | 72.18                        |
| 100105    | ACRYLIC PRIMER 188 1G                                    | 9.87            | 10.36                        |
| 100182    | ACRYLIC PRIMER 188 5G                                    | 49.34           | 51.81                        |
| 100216    | METAL PRO 4800 1G  | 27.95           | 29.35                        |
| 100222    | PROTEC AE 9700 9800 1G                                   | 22.95           | 24.10                        |
| 100223    | PROTEC AE 9700 9800 5G                                   | 112.50          | 118.13                       |
| 100224    | PROTEC AE GLOSS 9900 1G                                  | 22.95           | 24.10                        |
| 100225    | PROTEC AE GLOSS 9900 5G                                  | 112.50          | 118.13                       |
| 101000036 | RUSTO 4315 HI HEAT ALUMINUM 1G                           | 92.99           | 97.64                        |
| 101000567 | RUSTO 1692 IND/CH GLOSS WHITE S/C                        | 3.35            | 3.52                         |
| 101000653 | RUSTO SIERRA 208086 ACTI FOR S40/S51 1G C/O              | 24.28           | 25.49                        |
| 101000668 | RUSTO SIERRA 208060 S40 GLS WH PASTEL 1G C/O             | 28.35           | 29.77                        |
| 111000061 | CARBO 133HB URETH PART B SMALL (QUOTE)                   | 10.43           | 10.95                        |
| 111000188 | CARBO 890 EPOXY DEEP BASE PART A SMALL                   | 47.39           | 49.76                        |
| 111000189 | CARBO 890 EPOXY DEEP BASE PART A LARGE                   | 223.60          | 234.78                       |
| 111000213 | CARBO 890 LT ACTIVATOR PART B LARGE                      | 215.20          | 225.96                       |
| 111000299 | CARBO 890 LT ACTIVATOR PART B SMALL                      | 44.15           | 46.36                        |
| 111000654 | CARBO 133 LOW VOC RED PART A SMALL                       | 78.23           | 82.14                        |
| 131000057 | PRIMER COVER STAIN WHT SLR 16OZ 3609 S/C                 | 3.52            | 3.70                         |
| 131000138 | PRIMER COVER STAIN HIGH HIDE 3551 1G                     | 15.89           | 16.68                        |
| 131000139 | PRIMER COVER STAIN HIGH HIDE 3550 5G                     | 77.65           | 81.53                        |
| 141000001 | AERVOE 710 INV STRIPING TRAFFIC WHITE S/C                | 3.99            | 4.19                         |
| 141000002 | AERVOE 720 INV STRIPING TRAFFIC YELLOW S/C               | 3.99            | 4.19                         |
| 141000054 | MON DEX COAT 2700 TEXTURED WHITE 1G                      | 27.13           | 28.49                        |
| 141000055 | MON DEX COAT 2700 TEXTURED WHITE 5G                      | 131.59          | 138.17                       |
| 141000096 | MON FLOORCOAT 2400 SMOOTH CLEAR 1G                       | 30.08           | 31.58                        |
| 141000139 | AERVOE 226 INV MARKING FLUORESCENT YELLOW S/C            | 3.99            | 4.19                         |
| 141000155 | MON FLOORCOAT 2400 SMOOTH CLEAR 5G                       | 153.33          | 161.00                       |
| 141000168 | AERVOE 307 WHITE S/C                                     | 3.15            | 3.31                         |
| 141000176 | AERVOE 178 FLEET SCHOOL BUS YELLOW S/C                   | 3.37            | 3.54                         |
| 141000184 | AERVOE 312 RUST PROOF FLAT BLACK S/C                     | 3.15            | 3.31                         |
| 141000235 | AERVOE 361 RUST PROOF LIGHT GRAY S/C                     | 3.15            | 3.31                         |
| 141000239 | AERVOE 306 RUST PROOF SAFETY BLACK S/C                   | 3.15            | 3.31                         |
| 141000296 | AERVOE 117 CLEAR ACRYIC GLOSS S/C                        | 2.74            | 2.88                         |
| 141000970 | AERVOE 304 RUST PROOF SAFETY GREEN S/C                   | 3.15            | 3.31                         |
| 141000972 | AERVOE 308 RUST PROOF BRITE RED S/C                      | 3.15            | 3.31                         |
| 141000973 | AERVOE 309 RUST PROOF ALUMINUM S/C                       | 3.15            | 3.31                         |
| 141000975 | AERVOE 313 RUST PROOF FLAT WHITE S/C                     | 3.15            | 3.31                         |
| 141001091 | AERVOE 514 ENGINE BLACK S/C                              | 3.19            | 3.35                         |
| 141001117 | AERVOE 570 ENGINE UNIVERSAL SILVER S/C                   | 3.19            | 3.35                         |
| 151000010 | DEFT DEFTHANE GLOSS 21-01 1G                             | 30.71           | 32.25                        |
| 151000022 | MCCLOS MAN O WAR SATIN VARNISH 6535 QT                   | 17.49           | 18.36                        |
| 151000024 | MCCLOS MAN O WAR GLOSS VARNISH 6539 QT                   | 18.39           | 19.31                        |
| 151000124 | FLOOD CWF UV CLEAR WOOD FINISH FLO442 1G C/O             | 18.40           | 19.32                        |
| 151000125 | CWF UV CLEAR WOOD FINISH FLOOD 5G                        | 92.28           | 96.89                        |
| 151000939 | STAIN OIL VWS0256 NATURAL OAK QT                         | 14.00           | 14.70                        |
| 151002329 | OLD MASTERS 80116 GEL STAIN NATURAL / TINT BASE 1/2 PINT | 6.69            | 7.02                         |
| 161000058 | MON AQUASEAL 1 REGULAR 4500 5G                           | 51.93           | 54.53                        |
| 161000059 | MON AQUASEAL 1 REGULAR 4500 1G                           | 11.28           | 11.84                        |
| 161000060 | BREAKTHRU SATIN CLEAR 56-0 1G                            | 23.20           | 24.36                        |
| 161000066 | BREAKTHRU GLOSS CLEAR 76-0 1G                            | 23.20           | 24.36                        |

# EXHIBIT A

| Product   | Product Description                                  | Current Pricing | 5% Increase Proposed Pricing |
|-----------|--|-----------------|------------------------------|
| 161000111 | STRIPPABLE BOOTH COATING VSP0122 1G DISC PER MFG     | 26.87           | 28.21                        |
| 161000183 | AERVOE ZYNO 8072 LT GRY PRIMR S/C                    | 2.69            | 2.82                         |
| 161000186 | AERVOE ZYNO 0190 SPRAY MATE GLOSS BLK S/C            | 1.99            | 2.09                         |
| 161000191 | AERVOE ZYNO 0186 SPRAY MATE FLAT BLACK S/C           | 2.05            | 2.15                         |
| 161000242 | CHALKBOARD PAINT GREEN 222-26 1G                     | 37.07           | 38.92                        |
| 161000350 | CHALKBOARD PAINT BLACK 222-30 1G                     | 37.07           | 38.92                        |
| 161000352 | ROOFMATE ACRYLIC ROOF COATING WHITE 5G               | 95.87           | 100.66                       |
| 161000359 | NELSONITE CR POOL CTG ELE BLUE 41-403 1G             | 38.40           | 40.32                        |
| 161000494 | CAL WESTERN CHROME ALUMINUM 91-500 1G                | 18.67           | 19.60                        |
| 161000691 | BREAKTHRU GLOSS PASTEL BASE 70-00 5G                 | 118.00          | 123.90                       |
| 161000996 | BREAKTHRU GLOSS DEEP BASE 70-200 5G DISC PER MFG     | 118.00          | 123.90                       |
| 161001063 | BREAKTHRU SATIN PASTEL BASE 57-00 5G                 | 134.06          | 140.76                       |
| 161001097 | STAYS CLEAR HI GLOSS 36-352 1G                       | 38.67           | 40.60                        |
| 161001099 | CAL WESTERN CHROME ALUMINUM 91-500 5G                | 92.67           | 97.30                        |
| 171000019 | FLOOD ADDITIVE FLOETROL CONDITIONER FLO6 1G          | 9.77            | 10.26                        |
| 171000025 | REMOVER JASCO PREMIUM 0203 1G                        | 19.45           | 20.42                        |
| 171000045 | THINNER LACQUER VP2 VISTA MED DRY 1G C/O             | 9.60            | 10.08                        |
| 171000235 | ADDITIVE XIM LATEX EXTENDER FLOW LEVELING 11071 1G   | 9.95            | 10.45                        |
| 171000356 | REMOVER GRAFFITI CONCENTRATED 32 OZ BOTTLE 620412013 | 14.50           | 15.23                        |
| 191000048 | COLORANT 844-2555 LF MEDIUM YELLOW QT                | 40.04           | 42.04                        |
| 191000068 | COLORANT MACHINE KX TITANIUM WHITE QT                | 8.25            | 8.66                         |
| 191000069 | COLORANT MACHINE AXN YELLOW QT                       | 14.53           | 15.26                        |
| 191000071 | COLORANT MACHINE D THALO GREEN QT                    | 13.75           | 14.44                        |
| 191000072 | COLORANT MACHINE E THALO BLUE QT                     | 11.95           | 12.55                        |
| 191000073 | COLORANT MACHINE F RED OXIDE QT                      | 8.70            | 9.14                         |
| 191000074 | COLORANT MACHINE S RED QT                            | 18.36           | 19.28                        |
| 191000075 | COLORANT MACHINE C YELLOW OXIDE QT                   | 7.69            | 8.07                         |
| 191000076 | COLORANT MACHINE M MAGENTA QT                        | 16.20           | 17.01                        |
| 191000077 | COLORANT MACHINE L RAW UMBER QT                      | 5.28            | 5.54                         |
| 191000078 | COLORANT MACHINE B LAMP BLACK QT                     | 4.70            | 4.94                         |
| 191000079 | COLORANT MACHINE I BROWN OXIDE QT                    | 7.00            | 7.35                         |
| 191000113 | COLORANT MACHINE B LAMP BLACK 1G                     | 18.25           | 19.16                        |
| 191000114 | COLORANT MACHINE C YELLOW OXIDE 1G                   | 25.27           | 26.53                        |
| 191000116 | COLORANT MACHINE F RED OXIDE 1G                      | 33.29           | 34.95                        |
| 191000117 | COLORANT MACHINE I BROWN OXIDE 1G                    | 20.95           | 22.00                        |
| 191000118 | COLORANT MACHINE KX WHITE 1G                         | 28.64           | 30.07                        |
| 191000119 | COLORANT MACHINE L RAW UMBER 1G                      | 20.84           | 21.88                        |
| 191000168 | COLORANT MACHINE AXN YELLOW 1G                       | 36.75           | 38.59                        |
| 191000169 | COLORANT MACHINE D THALO GREEN 1G                    | 39.81           | 41.80                        |
| 191000171 | COLORANT MACHINE G MAGENTA 1G                        | 56.83           | 59.67                        |
| 191000172 | COLORANT MACHINE S RED 1G                            | 63.97           | 67.17                        |
| 191000173 | COLORANT MACHINE T MEDIUM YELLOW 1G                  | 58.13           | 61.04                        |
| 191000199 | COLORANT MACHINE 40 J VIOLET QT                      | 10.73           | 11.27                        |
| 191000212 | PPG COLORANT CARBAZOLE VIOLET 4257-P3203/01 1G       | 162.31          | 170.43                       |
| 191000214 | PPG COLORANT HE PHTHALO BLUE 4257-L8850/01 1G        | 80.01           | 84.01                        |
| 201000016 | SPACKLE CRAWFORDS VINYL PASTE 1G                     | 19.36           | 20.33                        |
| 201000083 | JOINT COMP RED DOT ALL PURP 47LB BOX 18040           | 7.81            | 8.20                         |
| 201000086 | FASTSET 20 MINUTE 22105 25LB                         | 6.40            | 6.72                         |
| 211000007 | TAPE 1 1/2 2090 BLUE 3M                              | 4.64            | 4.87                         |
| 211000008 | TAPE 2 2090 BLUE 3M                                  | 6.18            | 6.49                         |
| 211000028 | TAPE 24MM 2020 MASKING 3M                            | 1.06            | 1.11                         |
| 211000030 | TAPE 48MM 2020 MASKING 3M                            | 2.13            | 2.24                         |
| 211000080 | TAPE 24MM PAINTERS MATE GREEN                        | 6.18            | 6.49                         |
| 241000076 | BRUSH 1 STINGRAY ANG SASH VISTA                      | 4.14            | 4.35                         |
| 241000082 | BRUSH 2 SHARK ANG SASH VISTA                         | 6.46            | 6.78                         |
| 241000083 | BRUSH 2 1/2 SHARK ANG SASH VISTA                     | 8.23            | 8.64                         |
| 241000085 | BRUSH 2 STRIPER FLAT SASH VISTA                      | 6.65            | 6.98                         |
| 241000087 | BRUSH 3 STRIPER FLAT SASH VISTA                      | 10.72           | 11.26                        |
| 241000094 | BRUSH 2 1/2 CHIP WHITE                               | 0.59            | 0.62                         |
| 241000095 | BRUSH 3 CHIP WHITE                                   | 0.61            | 0.64                         |
| 241000096 | BRUSH 4 CHIP WHITE                                   | 1.60            | 1.68                         |
| 251000058 | FRAME 9 1695/FRO1296 5WIRE CAGE                      | 2.39            | 2.51                         |
| 251000081 | COVER 9 X 3/8 PROMO                                  | 1.10            | 1.16                         |
| 251000121 | TRAY 9 METAL DEEPWELL 1089                           | 5.37            | 5.64                         |
| 251000122 | TRAY LINER DEEP WELL 11260                           | 0.47            | 0.49                         |
| 251000169 | COVER 9 X 1/2 WHITE DOVE 670093 PURDY                | 2.85            | 2.99                         |
| 251000174 | COVER 9 X 3/4 GOLDEN EAGLE 608094 PURDY              | 2.91            | 3.06                         |
| 251000192 | GRID 5 GALLON 501 3105                               | 1.32            | 1.39                         |
| 281000004 | BUCKET 2G PLASTIC NO LID VISTA                       | 1.58            | 1.66                         |
| 281000005 | LID 2G PLASTIC                                       | 0.84            | 0.88                         |
| 281000011 | BUCKET WHITE PLASTIC 5G NO LID                       | 3.99            | 4.19                         |

# EXHIBIT A

| Product   | Product Description                     | Current Pricing | 5% Increase Proposed Pricing |
|-----------|---|-----------------|------------------------------|
| 281000012 | LID 5 GALLON PLASTIC PLAIN              | 1.25            | 1.31                         |
| 281000019 | LID GALLON CAN                          | 0.28            | 0.29                         |
| 281000047 | BUCKET 1 GALLON PLASTIC NO LID          | 1.50            | 1.58                         |
| 281000048 | LID 1 GALLON PLASTIC                    | 0.70            | 0.74                         |
| 281000063 | CAN GALLON ROUND NO LID 36 PACK / STORE | 1.00            | 1.05                         |

Vista Paint Corporation  
2020 E. Orangethorpe Avenue, Suite 210  
Fullerton, CA  
(714) 680-3800  
(714) 680-3340 Fax

## Certified Resolution

I, Eddie R. Fischer, CEO and Secretary of the Vista Paint Corporation ("Vista"), do hereby certify that the following is a true and correct copy of a resolution duly adopted at the special meeting of the Board of Directors of Vista duly held and convened on January 13, 2010 at which meeting a duly constituted quorum of the Board of Directors was present and acting throughout and that such resolution has not been modified, rescinded, or revoked and is at present in full force and effect:

**RESOLVED**, that Eddie R. Fischer, CEO and Secretary of Vista, as the sole signatory, is empowered to execute and deliver in the name and on behalf of Vista any bid and/or contract for Vista to work as a contractor or supplier for any project, and any amendments or revisions related to any said bid or contract.

**RESOLVED**, that Joseph Wittenberg, Vice President of Sales/Stores/Marketing for Vista, as the sole signatory, is empowered to execute and deliver in the name and on behalf of Vista any bid and/or contract for Vista to work as a contractor or supplier for any project, and any amendments or revisions related to any said bid or contract.

**IN WITNESS THEREOF**, the undersigned has affixed his signature and the corporate seal of Vista this 13<sup>th</sup> day of January 2010.

Signature: Eddie R. Fischer CEO

Printed name: Eddie R. Fischer

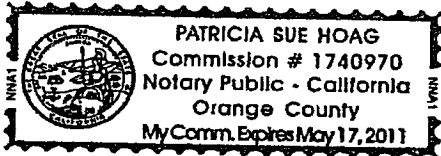
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Orange }

On Jan. 13, 2010 before me, Patricia Sue Hoag, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Eddie R. Fischer  
Name(s) of Signer(s)



who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patricia Sue Hoag  
Signature of Notary Public

Place Notary Seal Above

**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: Certified Resolution

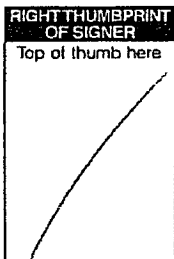
Document Date: Jan. 13, 2010 Number of Pages: 1

Signer(s) Other Than Named Above: N/A

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Eddie R. Fischer

- Individual
- Corporate Officer — Title(s): CEO
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

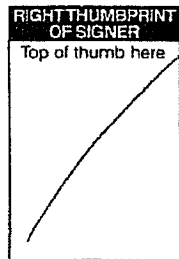


Signer Is Representing: \_\_\_\_\_

Vista Paint Corp.

Signer's Name: \_\_\_\_\_

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



Signer Is Representing: \_\_\_\_\_