

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

FIFTH AMENDMENT TO CONTRACT NO. 33031

33031

THIS FIFTH AMENDMENT TO CONTRACT NO. 33031 is made and entered, in duplicate, as of December 19, 2016 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 December 13, 2016, by and between ALL AMERICAN ASPHALT, a California corporation ("Contractor"), whose address is 400 E. Sixth Street, Corona, California 92879, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a Notice Inviting Bids for Annual Contract for Street Improvements in the City of Long Beach, California, dated January 23, 2013, and published by City, bids were received, publicly opened and declared on the date specified in said Notice; and

WHEREAS, City and Contractor entered into Contract No. 33031 (the "Contract") for the work described in the bid documents; and

WHEREAS, City and Contractor entered into a First Amendment to the Contract to add additional services; and

WHEREAS, City and Contractor entered into a Second Amendment to the Contract to extend the term to February 28, 2015 and increase the not to exceed amount to \$30,000,000; and

WHEREAS, City and Contractor entered into a Third Amendment to the Contract to extend the term to February 28, 2016 and increase the not to exceed amount to \$45,000,000; and

WHEREAS, City and Contractor entered into a Fourth Amendment to the Contract to extend the term to February 28, 2017 and increase the not to exceed amount to \$58,000,000; and

WHEREAS, City and Contractor again desire to extend the term;

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

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Lana Beach, CA 90802-4664

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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.

ALL AMERICAN ASPHALT, a California corporation

December 27, 2016

By [Signature]
Name Edward J. Carlson
Title Vice President

December 27, 2016

By [Signature]
Name Michael Farkas
Title Secretary

"Consultant"

CITY OF LONG BEACH, a municipal corporation

1/5, 2017

By [Signature]
City Manager

"City"

This Fifth Amendment to Contract No. 33031 is approved as to form on

12/29, 2016

CHARLES PARKIN, City Attorney

By [Signature]
Deputy

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

On 12/27/2016 before me, Rebecca Angela Parra, Notary Public
Date Here Insert name and Title of the Officer

personally appeared Edward J. Carlson and Michael Farkas
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 Rebecca Angela Parra
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

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

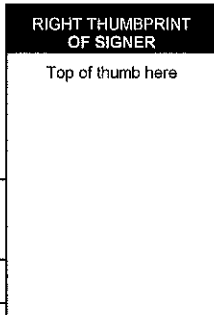
Description of Attached Document

Title or Type of Document Fifth Amendment to Contract 33031
Document Date: 12/19/2016 Number of Pages: Three (3)

Signer(s) Other Than Named Above: City of Long Beach

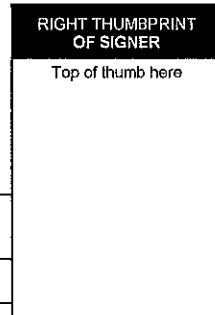
Capacity(ies) Claimed by Signer(s)

Signer's Name: Edward J. Carlson
 Individual
 Corporate Officer — Title(s): Vice President
 Partner Limited General
 Attorney in Fact
 Trustee
 Other: _____



Signer is Representing:
All American Asphalt

Signer's Name: Michael Farkas
 Individual
 Corporate Officer — Title(s): Secretary
 Partner Limited General
 Attorney in Fact
 Trustee
 Other: _____



Signer is Representing:
All American Asphalt