

1 FIFTH AMENDMENT TO CONTRACT NO. 35239

2 35239

3 THIS FIFTH AMENDMENT TO CONTRACT NO. 35239 is made and  
4 entered, in duplicate, as of June 8, 2022 for reference purposes only, pursuant to minute  
5 orders adopted by the City Council of the City of Long Beach at its meetings held on April  
6 23, 2019 and May 10, 2022, by and between ALL AMERICAN ASPHALT, a California  
7 corporation ("Contractor"), whose address is 400 E. Sixth Street, Pomona, California  
8 92879, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City and Contractor (the "Parties") entered into Contract No.  
10 35239 (the "Contract") whereby Contractor agreed to provide as-needed major and  
11 secondary highway construction services, as described in Project Plans and Specifications  
12 No. R-7131; and

13 WHEREAS, the Parties entered into a First Amendment to the Contract to  
14 extend the term to April 30, 2021 and add \$5,000,000 for a total not to exceed amount of  
15 \$15,000,000; and

16 WHEREAS, the Parties entered into a Second Amendment to the Contract  
17 to extend the term to April 30, 2022, add \$5,000,000 for a total not to exceed amount of  
18 \$20,000,000 and attach an updated rate sheet; and

19 WHEREAS, the Parties entered into a Third Amendment to the Contract to  
20 add \$5,000,000 for a total not to exceed amount of \$25,000,000; and

21 WHEREAS, the Parties entered into a Fourth Amendment to the Contract to  
22 extend the term to April 30, 2023, attach an updated rate sheet and update prevailing wage  
23 language; and

24 WHEREAS, the Parties desire to add \$20,000,000 to the Contract for a total  
25 not to exceed amount of \$45,000,000;

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

- 28 1. Section 2.A. of the Contract is hereby amended to read as follows:

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4084


1            "A. City shall pay to Contractor the amount(s) for materials and work  
2 identified in Contractor's Bid for Annual Contract for Major and Secondary Highway  
3 (Arterial) Improvements in the City of Long Beach, California, attached hereto as Exhibit  
4 "A"; provided, however, that the total compensation to Contractor shall not exceed Forty  
5 Five Million Dollars (\$45,000,000) during the term of this Contract."

6            2. Except as expressly amended herein, all terms and conditions in  
7 Contract No. 35239 are ratified and confirmed and shall remain in full force and effect.

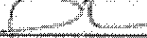
8            IN WITNESS WHEREOF, the Parties have caused this document to be duly  
9 executed with all formalities required by law as of the date first stated above.

10 ALL AMERICAN ASPHALT, a California  
11 corporation

12 \_\_\_\_\_, 2022

12 By   
13 Name Edward J. Carlson  
14 Title Vice President

15 \_\_\_\_\_, 2022

15 By   
16 Name Michael Farkas  
17 Title Secretary

18 "Contractor"

19 CITY OF LONG BEACH, a municipal  
20 corporation

21 June 13, 2022

21 By Brandon J. Jackson  
22 City Manager

23 "City"

24 This Fifth Amendment to Contract No. 35239 is approved as to form on

25 June 9, 2022.

26 EXECUTED PURSUANT  
27 TO SECTION 301 OF  
28 THE CITY CHARTER

29 CHARLES PARKIN, City Attorney

30 By   
31 Deputy