

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

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SECOND AMENDMENT TO CONTRACT NO. 36429

36429

THIS SECOND AMENDMENT TO CONTRACT NO. 36429 is made and entered, in duplicate, as of June 29, 2023, 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 July 19, 2022, by and between ACCO ENGINEERED SYSTEMS, INC., a California corporation ("Contractor"), whose address is 888 East Walnut Street, Pasadena, California 91101 ("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. 36429 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. 36429, 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, pursuant to a minute order adopted by the City Council at its meeting held on January 24, 2023, due to the recent emergency proclamation and the very stringent timelines required by grant funding from the State of California, the City Council temporarily removed the single job order threshold of Seven Hundred and Fifty Thousand Dollars (\$750,000) to utilize the JOC program to expedite projects in response

1 to the proclaimed local emergency caused by homelessness, for a more efficient and
2 timelier project delivery; and

3 WHEREAS, the suspension of LBMC Ch 2.84 that pertains to a single job
4 order threshold for projects which address the proclaimed local emergency caused by
5 homelessness, shall expire on the later of (i) one hundred and eighty (180) days after its
6 effective date, or (ii) with respect to projects begun prior to such date but not yet
7 complete, on the date of completion of such project, unless further extended by the City
8 Council in its discretion; and

9 WHEREAS, the Parties entered into a First Amendment to increase the
10 Contract amount by Eleven Million Dollars (\$11,000,000), for a total contract amount of
11 Thirteen Million Dollars (\$13,000,000); and

12 WHEREAS, the Parties desire to reduce the Contract amount by Nine
13 Million Dollars (\$9,000,000), for a total Contract amount of Four Million Dollars
14 (\$4,000,000);

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

17 1. Section 3 of Contract No. 36429 is hereby amended to read as
18 follows:

19 "3. PRICE AND PAYMENT.

20 A. City shall pay to Contractor the amount(s) for each Work Order
21 based on the adjustment factor in Contractor's Bid, attached hereto as Exhibit "A";
22 provided, however, that City shall not pay more than Four Million Dollars (\$4,000,000.00)
23 for the term of the Contract. Furthermore, no individual Work Order project shall exceed
24 Seven Hundred and Fifty Thousand Dollars (\$750,000).


25 B. Notwithstanding Section 3.A., the single job order threshold of Seven
26 Hundred and Fifty Thousand Dollars (\$750,000) shall not apply to projects, which
27 address the proclaimed local emergency caused by homelessness as reasonably
28 determined by the City. Said suspension of the single job order threshold of Seven

1 Hundred and Fifty Thousand Dollars (\$750,000) shall expire on the later of (i) July 23,
2 2023, or (ii) with respect to projects begun prior to such date but not yet complete, on the
3 date of completion of such project."


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

6 ACCO ENGINEERED SYSTEMS, INC., a
7 California corporation

8 July 5th, 2023

By 
9 Name RONALD FALASCA, Sr. Vice President
10 Title _____

11 July 5th, 2023

By 
12 Name Hugh Palmer
13 Title Assistant Secretary

14 "Contractor"

15 July 11, 2023

16 CITY OF LONG BEACH, a municipal
17 corporation

18 EXECUTED PURSUANT
19 TO SECTION 301 OF
20 THE CITY CHARTER.

By 
21 City Manager

22 "City"

23 This Second Amendment to Contract No. 36429 is approved as to form on
24 July 6, 2023.

25 DAWN MCINTOSH, City Attorney

26 By 
27 Deputy

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