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

## FIRST AMENDMENT TO AGREEMENT NO. 33682

THIS FIRST AMENDMENT TO AGREEMENT NO. 33682 is made and entered, in duplicate, as of November 23, 2016, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on November 18, 2014, by and between MERRIMAC PETROLEUM, INC., dba MERRIMAC ENERGY GROUP, a California corporation ("Consultant"), with a place of business at 1240 E. Wardlow Road, Long Beach, California 90807, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the City desires to purchase unleaded and diesel fuel; and WHEREAS, the parties entered Agreement No. 33682 whereby Consultant agreed to provide these services; and

WHEREAS, the parties desire to exercise their first and final extension of the contract term; and

WHEREAS, the parties desire to add the additional amount of \$3,000,000 for a total contract amount not to exceed \$10,500,000;

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

- 1. Section 1.B. of Agreement No. 33682 is hereby amended to read as follows:
  - "B. Contractor shall sell, furnish and deliver to the City unleaded and diesel fuel of substantially the same type and kind purchased by the City of Glendora on the same terms and conditions offered to the City of Glendora, except as modified by Exhibit "B" attached hereto and incorporated in this Agreement, for the total contract amount not to exceed Ten Million Five Hundred Thousand Dollars (\$10,500,000), including tax and shipping. To the extent that the Glendora Merrimac Agreement and this Agreement are inconsistent, the following priority shall govern: (1) this Agreement and (2) the Glendora Merrimac Agreement."

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2. Section 2. Of Agreen	nent No. 33682 is hereby amended to read as
follows:	
"2. <u>TERM.</u> T	he term of this Contract shall commence on
January 1, 2015, and shall terminate at	midnight on June 30, 2017. The parties may
terminate this Agreement by giving thirty (30) days prior notice of termination."	
<ol><li>Except as expressly r</li></ol>	modified herein, all of the terms and conditions
contained in Agreement No. 33682 are ratified and confirmed and shall remain in full	
force and effect.	
IN WITNESS WHEREOF, th	e parties have caused this document to be duly
executed with all formalities required by law as of the date first stated above.	
	MERRIMAC PETROLEUM, INC., dba MERRIMAC ENERGY GROUP, a California corporation
December 5, 2016	By My Jaylly Name Mary Hazelrigg () Title President
December 5 , 2016	By Name Mary Hazelrigg Title Secretary/ Treasurer
	"Consultant"
December 15, 2016	CITY OF LONG BEACH, a municipal corporation  By  City Manager  EXECUTED PURSUAN Solid City"  City"
THE CITY CHARTEI  This First Amendment to Agreement No. 33682 is approved as to form on	
<u>December 13</u> , 2016.	
	CHARLES PARKIN, City Attorney

Deputy