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

THIRD AMENDMENT TO CONTRACT NO. 32930

THIS THIRD AMENDMENT TO CONTRACT NO. 32930 is made and entered, in duplicate, as of January 20, 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 January 19, 2016, by and between PALP, INC. DBA EXCEL PAVING COMPANY, a California corporation ("Contractor"), whose address is 2230 Lemon Avenue, Long Beach, California 90806, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for the Annual Contract for Public Works Repairs and Minor Improvements in the City of Long Beach, California," dated September, 2012, and published by City, bids were received, publicly opened and declared on the date specified in said Notice; and

WHEREAS, the parties entered into Contract No. 32930 for the work described in the bid documents; and

WHEREAS, the parties now desire to extend the term;

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

- 1. Section 4 of Contract No. 32930 is hereby amended to read as follows:
- "4. <u>TIME FOR CONTRACT</u>. The term of this Contract shall commence at midnight on January 1, 2013, and shall terminate at 11:59 p.m. on December 30, 2016, unless sooner terminated as provided in this Contract, or unless the services or the Project is completed sooner. Time is of the essence hereunder. City will suffer damage if the work is not completed within the time stated, but those damages would be difficult or impractical to determine. So, Contractor shall pay to City, as liquidated damages, the amount stated in the Contract Documents."
 - 2. Except as expressly modified herein, all of the terms and conditions