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FIRST AMENDMENT TO CONTRACT NO. 31506

**31506**

THIS FIRST AMENDMENT TO CONTRACT NO. 31506 is made and entered, in duplicate, as of October 18, 2010 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 February 9, 2010, by and between SULLY-MILLER CONTRACTING COMPANY, a Delaware corporation ("Contractor"), whose address is 1100 E. Orangethorpe, Suite 200, Anaheim, California 92801, 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," bids were received, publicly opened on January 13, 2010 and declared on the date specified in said Notice; and

WHEREAS, the parties entered Contract No. 31506 for the work described in the bid documents; and

WHEREAS, the parties desire to extend the term;

NOW, THEREFORE, in consideration of the mutual terms and conditions in the Contract and in this First Amendment, the parties agree as follows:

1. Section 4 of Contract No. 31506 is hereby amended to read as follows:

“4. TIME FOR CONTRACT. The term of this Contract shall begin on February 10, 2010 and shall end on December 31, 2011 or on City's payment of the not-to exceed dollar amount hereunder to Contractor as specified in Section 2, whichever occurs first.”

2. Except as expressly amended in this First Amendment, all terms and conditions in Contract No. 31506 are ratified and confirmed and shall remain in full force and effect.

///

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

3 SULLY-MILLER CONTRACTING  
4 COMPANY, a Delaware corporation

5 NOVEMBER 3, 2010

By   
VICE President

MICHAEL EDWARDS

Type or Print Name

7 NOVEMBER 3, 2010

By   
ASSISTANT Secretary

GARY DOWNEY

Type or Print Name

9  
10 "Contractor"

11 CITY OF LONG BEACH, a municipal  
12 corporation

13 12/17, 2010

By   
City Manager

14 "City"

15 This First Amendment to Contract No. 31506 is approved as to form on

16 11/20, 2010.

17 ROBERT E. SHANNON, City Attorney

18 By   
19 Deputy

20 OFFICE OF THE CITY ATTORNEY  
21 ROBERT E. SHANNON, City Attorney  
22 333 West Ocean Boulevard, 11th Floor  
23 Long Beach, CA 90802-4664

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

STATE OF CALIFORNIA

COUNTY OF ORANGE



On November 3, 2010 before me, M. Hidalgo, personally appeared Michael Edwards and Gary Downey

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



Notary Seal

Signature

M. Hidalgo  
M. Hidalgo, Notary Public

**OPTIONAL**

**Description of Attached Document**

Title or Type of Document: First Amendment to Contract No. 31506

Document Date: November 3, 2010 Number of Pages: 1

Signer(s) Other Than Named Above: None

**Capacity(ies) Claimed by Signer(s):**

Signer's Name Michael Edwards

Signer's Name Gary Downey

Individual

Individual

Corporate Officer – Title(s) Vice President

Corporate Officer – Title(s) Assistant Secretary

Partner – Limited/General

Partner – Limited/General

Attorney In Fact Right Thumbprint  
of Signer

Attorney In Fact Right Thumbprint  
of Signer

Trustee

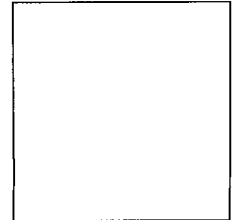
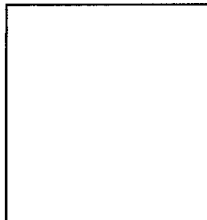
Trustee

Guardian or Conservator

Guardian or Conservator

Other

Other



Signer is Representing: SULLY-MILLER CONTRACTING COMPANY

**CERTIFICATE OF INCUMBENCY AND RESOLUTION**

I, Gary Downey, do hereby certify that I am the Assistant Secretary of Sully-Miller Contracting Company, a Delaware corporation, and that as such I have access to and custody of the corporate records and minute books of said corporation.

And I do hereby further certify that the following persons are duly elected officers of said corporation.

<u>TITLE</u>	<u>NAME</u>
Chairman of the Board	Gordon R. Crawley
President	David Martinez
Chief Financial Officer/Treasurer/Vice President	Timothy P. Orchard
Vice President/Assistant Secretary	Michael Edwards
Vice President	Scott Bottomley
Secretary	Anthony L. Martino II
Assistant Secretary	George Aldrich
Assistant Secretary	Gary Downey
Assistant Secretary	Dennis Gansen

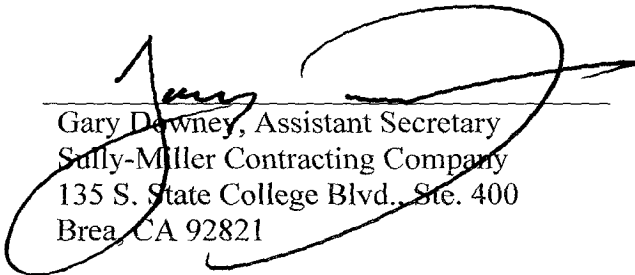
I further certify that the following is a true and correct copy of a resolution duly adopted by the Board of Directors of said Company at a meeting held on August 11, 2009, and that this resolution has not been in any way rescinded, annulled, or revoked but the same is still in full force and effect:

**“AUTHORITY TO EXECUTIVE BIDS AND CONTRACTS”**

Resolved, that any officer or assistant officer of this Company be and each of them is hereby authorized to execute in the name and on behalf of this Company under its corporate seal any and all proposals for the sale of products, merchandise and services of this Company and any bids and performance bonds required in connection therewith, to the United States, and of the State, territories and dependencies of the United States, the District of Columbia, cities, towns, townships, counties, school districts, and to the department, political subdivisions, agencies or wholly-owned corporations thereof, or to any other person.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 21<sup>st</sup> day of April 2010.

(SEAL)

  
\_\_\_\_\_  
Gary Downey, Assistant Secretary  
Sully-Miller Contracting Company  
135 S. State College Blvd., Ste. 400  
Brea, CA 92821