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

FOURTH AMENDMENT TO CONTRACT NO. 33031

THIS FOURTH AMENDMENT TO CONTRACT NO. 33031 is made and entered, in duplicate, as of November 4, 2015 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 November 3, 2015, by and between ALL AMERICAN ASPHALT, a California corporation ("Contractor"), whose address is 400 E. Sixth Street, Corona, California 92879, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for Annual Contract for Street Improvements in the City of Long Beach, California," dated January 23, 2013, 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. 33031 for the work described in the bid documents; and

WHEREAS, the parties desire to extend the term and increase the Contract amount by \$13,000,000 for a total not to exceed amount of \$58,000,000;

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

- 1. Section 2.A of Contract No. 33031 is hereby amended to read as follows:
- "A. City shall pay to Contractor the amount(s) for materials and work identified in Contractor's "Bid for Annual Contract for Street Improvements in the City of Long Beach, California," attached hereto as Exhibit "A", in a total amount not to exceed Fifty-Eight Million Dollars (\$58,000,000)."
- 2. Section 4 of Contract No. 33031 is hereby amended to read as follows:
- "4. <u>TIME FOR CONTRACT</u>. The term of this Agreement shall commence at midnight on March 1, 2013, and shall terminate at 11:59 p.m. on February

28, 2017, 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."

3. Except as expressly modified herein, all of the terms and conditions contained in Contract No. 33031 are ratified and confirmed and shall remain in full force and effect.

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

	ALL AMERICAN ASPHALT, a California corporation
November 17 , 2015	Name Edward J. Carlson Title Vice President
November 17, 2015	By
	"Consultant"
	CITY OF LONG BEACH, a municipal corporation
Dec. 17, 2015	By City Manager EXECUTED PURSUAN TO SECTION 301 CONTINUE CITY CHARTER
	"City" Assistant City Manager
This Fourth Amendment to	Contract No. 33031 is approved as to form on
12/4 , 20/5.	
	CHARLES PARKIN, City Attorney
	By Deputy

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California	
County of Riverside	
On <u>11/17/2015</u>	Rebecca Angela Parra, Notary Public Here Insert name and Title of the Officer
personally appearedEdwa	rd J. Carlson and Michael Farkas Name(s) of Signer(s)
REBECCA ANGELA PARRA Commission # 2024944 Notary Public - California Riverside County My Comm. Expires May 17, 2017	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 forgoing paragraph is true and correct. WITNESS my hand and official seal. Signature
Place Notary Seal Above	Signature of Notary Public
Though the information below is not re and could prevent fraudulent Description of Attached Document Title or Type of Document Fourth Am	Control Contro
Document Date: 11/17/2015 Number of	of Pages: 1wo (2)
Signer(s) Other Than Named Above: <u>City</u>	of Long Beach
Capacity(ies) Claimed by Signer(s)	
□ Attorney in Fact ors	Signer's Name: Michael Farkas Individual X Corporate Officer — Title(s): Secretary Partner □ Limited □ General OF SIGNER Top of thumb here Other:
Signer is Representing: All American Asphalt	Signer is Representing: All American Asphalt