

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Lona Beach, CA 90802-4664

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FIRST AMENDMENT TO AGREEMENT NO. 36146

**36146**

THIS FIRST AMENDMENT TO AGREEMENT NO. 36146 is made and entered, as of June 30, 2022, for reference purposes only, pursuant to Resolution No. RES-21-0132 adopted by the City Council of the City of Long Beach at its meeting on November 9, 2021, by and between LDV, INC., a Wisconsin corporation ("Contractor"), with a place of business at 180 Industrial Drive, Burlington, WI 53105, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Contractor (the "Parties") entered into Agreement No. 36146 (the "Agreement") whereby Contractor agreed to sell, furnish and deliver to the City a 2022 Freightliner M2 106 truck chassis; and

WHEREAS, the Parties desire to amend the agreement to include additional language regarding the warranty;

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

1. Section 1.D. of the Agreement is hereby amended to read as follows:

D. All warranties shall accrue to the City of Long Beach.

Notwithstanding anything contained in the contract to the contrary, the Performance Bond shall not cover and Surety shall not be liable for any obligation of the principal under a warranty or maintenance agreement that extends beyond one year after final acceptance by the owner. The intent of this modification being to limit the obligation of the Surety for defective or warranty work under the contract to one year following final acceptance by owner.

2. Except as expressly amended herein, all terms and conditions in Agreement No. 36146 are ratified and confirmed and shall remain in full force and effect.

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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 LDV, INC., a Wisconsin corporation

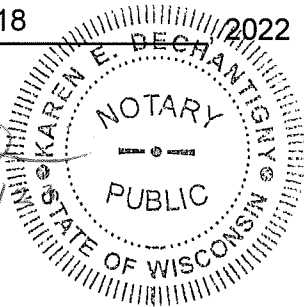
4  
5 July 18, 2022

By [Signature]  
Name Kurt Petrie  
Title President

6  
7 July 18, 2022

By [Signature]  
Name Mary Lynch  
Title Vice President

8  
9 [Signature]  
10 Exp. 1/25/2025



11 "Contractor"

12 CITY OF LONG BEACH, a municipal corporation

13 August 2, 2022

By [Signature]  
City Manager

14 "City"

15 EXECUTED PURSUANT  
16 TO SECTION 301 OF  
17 THE CITY CHARTER.

18 This First Amendment to Agreement No. 36146 is approved as to form on  
19 7/26, 2022.

20 CHARLES PARKIN, City Attorney

21 By [Signature]  
22 Deputy

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