

OFFICE OF THE CITY ATTORNEY  
DAWN MCINTOSH, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

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FIRST AMENDMENT TO CONTRACT NO. 36422

**36422**

THIS FIRST AMENDMENT TO CONTRACT NO. 36422 is made and entered, in duplicate, as of March 2, 2023, 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 July 19, 2022, by and between BITECH CONSTRUCTION COMPANY, INC., a California corporation ("Contractor"), whose address is 7371 Walnut Avenue, Buena Park, California 90620 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for Job Order Contract (JOC) in the City of Long Beach, California," bids were received, publicly opened on March 4, 2022, and declared on the date specified in said Notice; and

WHEREAS, the parties entered into Contract No. 36422 for the work described in the bid documents to furnish all necessary labor, supervision, tools, materials, supplies, appliances, equipment and transportation for the work described in each Work Order, as defined in Specification No. R-7193, said work to be performed according to the Contract Documents; and

WHEREAS, in accordance with Long Beach Municipal Code ("LBMC") section 2.84.100 and the terms of Contract No. 36422, the City is required to pay Contractor the amount(s) for each Work Order based on the adjustment factor in Contractor's Bid, provided, however, that the city shall not pay more than Two Million Dollars (\$2,000,000) for the term of the Contract. Furthermore, no individual Work Order project shall exceed Seven Hundred and Fifty Thousand Dollars (\$750,000).

WHEREAS, pursuant to a minute order adopted by the City Council at its meeting held on January 24, 2023, due to the recent emergency proclamation and the very stringent timelines required by grant funding from the State of California, the City Council temporarily removed the single job order threshold of Seven Hundred and Fifty Thousand Dollars (\$750,000) to utilize the JOC program to expedite projects in response

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1 to the proclaimed local emergency caused by homelessness, for a more efficient and  
2 timeller project delivery.

3 WHEREAS, the suspension of LBMC Ch 2.84 that pertains to a single job  
4 order threshold for projects which address the proclaimed local emergency caused by  
5 homelessness, shall expire on the later of (i) one hundred and eighty (180) days after its  
6 effective date, or (ii) with respect to projects begun prior to such date but not yet  
7 complete, on the date of completion of such project, unless further extended by the City  
8 Council in its discretion by an amendment to LBMC Ch. 2.84;

9 WHEREAS, the Parties desire to add Six Million Dollars (\$6,000,000) to the  
10 Contract, for a total amount of Eight Million Dollars (\$8,000,000); and

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

13 1. Section 3 of Contract No. 36422 is hereby amended to read as  
14 follows:

15 "3. PRICE AND PAYMENT.

16 A. City shall pay to Contractor the amount(s) for each Work Order  
17 based on the adjustment factor in Contractor's Bid, attached hereto as Exhibit "A";  
18 provided, however, that City shall not pay more than Eight Million Dollars (\$8,000,000.00)  
19 for the term of the Contract. Furthermore, no individual Work Order project shall exceed  
20 Seven Hundred and Fifty Thousand Dollars (\$750,000).

21 B. Notwithstanding Section 3.A., the single job order threshold of Seven  
22 Hundred and Fifty Thousand Dollars (\$750,000) shall not apply to projects, which  
23 address the proclaimed local emergency caused by homelessness as reasonably  
24 determined by the City. Said suspension of the single job order threshold of Seven  
25 Hundred and Fifty Thousand Dollars (\$750,000) shall expire on the later of (i) July 23,  
26 2023, or (ii) with respect to projects begun prior to such date but not yet complete, on the  
27 date of completion of such project."

28 2. Section 39 is hereby added to Contract No. 36422 to read as follows:

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**"39. PROJECT LABOR AGREEMENT.**

A. Work Order projects undertaken pursuant to Section 3.B. of this Contract which exceed the single job order threshold of Seven Hundred and Fifty Thousand Dollars (\$750,000) are covered by the Citywide Project Labor Agreement ("PLA") entered into by the City of Long Beach with the Los Angeles/Orange Counties Building and Construction Trades Council and the signatory Craft Unions, attached hereto as Exhibit "G" and incorporated by reference. The PLA contains a local hiring goal of 40%, calculated based on total hours worked. The local hire provision requires best efforts to utilize qualified workers residing in first tier zip codes (which include all of the City of Long Beach), then in second tier zip codes (which reflect the Gateway Cities), and finally in Los Angeles and Orange Counties. However, if Project is funded in full or in part by State of California Tidelands funds, then the local hire provision requires best efforts to utilize qualified workers residing within the Counties of Los Angeles or Orange. In addition, there is a provision with a goal of ten percent (10%) to hire Transitional Workers and Veterans. Contractor shall complete and deliver to City the form ("Letter of Asset") attached as an exhibit to the PLA and incorporated by reference, to comply with the PLA. Contractor agrees to work with the City and its selected Independent Jobs Coordinator, if applicable, to promote the local hiring goals and objectives of the PLA."

3. Exhibit "G" to this Amendment is hereby incorporated herein by reference and is attached as Exhibit "G" to the Contract.

4. Except as expressly amended in this First Amendment, all terms and conditions in Contract No. 36422 are ratified and confirmed and shall remain in full force and effect.

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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.

BITECH CONSTRUCTION COMPANY, INC., a California corporation

3/7, 2023

By [Signature]  
President

BENJAMIN KIM  
Type or Print Name

3/7, 2023

By [Signature]  
Secretary

BENJAMIN KIM  
Type or Print Name

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"Contractor"

CITY OF LONG BEACH, a municipal corporation

March 7, 2023

By [Signature]  
City Manager

"City"

This First Amendment to Contract No. 36422 is approved as to form on

MARCH 9, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]  
Deputy