

AGREEMENT

29880

THIS AGREEMENT is made and entered, in duplicate, as of October 10, 2006 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 October 10, 2006, by and between SULLY-MILLER CONTRACTING COMPANY, a Delaware corporation, whose address is 1100 E. Orangethorpe Avenue, Suite 200, Anaheim California 92801 (Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a notice inviting bids for the Annual Contract for Supply of Asphalt in the City of Long Beach, California on June 30, 2006 bids were opened and declared on August 23, 2006; and

WHEREAS, the City Manager accepted the bid of the Contractor; and

WHEREAS, the City Council authorized the City Manager to enter a contract with Contractor for the materials listed on Exhibit "A";

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

1. Contractor shall sell, furnish, and deliver to City materials listed on Exhibit "A", the notice inviting bids, and Contractor's Bid, all of which are on file in the office of the City Engineer.

2. The notice inviting bids and Contractor's Bid are incorporated by this reference. These documents together with this Agreement constitute the contract between the parties.

3. City shall pay to Contractor for the materials the prices set forth on Exhibit "A" attached to this Agreement and incorporated by this reference.

The foregoing prices do not include federal excise tax from which municipalities are exempt, and none shall be charged to the City. California sales or use taxes, or any municipal or county sales taxes shall be added where applicable.

The prices in Exhibit "A" shall be firm and no price adjustments shall be

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 made.

2 4. Payment shall be made in due course of payments of the City after
3 delivery of the materials and receipt of an invoice from Contractor.

4 5. Any notice shall be in writing and personally delivered or deposited in the
5 U.S. Postal Service, first class, postage prepaid, to Contractor at the address first stated
6 above, and to the City at 333 West Ocean Boulevard, Long Beach, California 90802 Attn:
7 City Manager. Notice of change of address shall be given in the same manner as stated
8 for other notices. Notice shall be deemed given on the date deposited in the mail or on the
9 date personal delivery is made, whichever occurs first.

10 6. Neither this Agreement nor any of the moneys which may become due to
11 Contractor under it may be assigned by Contractor without the prior written consent of the
12 City.

13 7. The acceptance of materials by the City or the payment of any money by
14 the City shall not operate as a waiver of any provision of this Agreement, or of any power
15 of the City, or of any right to damages. The waiver of any breach or default shall not be
16 held to be a waiver of any other or subsequent breach or default.

17 8. This Agreement shall commence on January 1, 2007 and shall terminate
18 at midnight on December 31, 2007.

19 IN WITNESS WHEREOF, the parties have caused this document to be duly

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executed with all formalities required by law as of the date first written above.

SULLY-MILLER CONTRACTING COMPANY, a
Delaware corporation

November 27, 2006

By 
President
Victor Serri
(Type or Print Name)

November 27, 2006

By 
Secretary
George Aldrich
(Type or Print Name)

"Contractor"

CITY OF LONG BEACH, a municipal
corporation

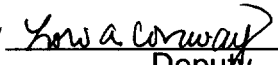
12.8., 2006

By 
City Manager

"City"

This Contract is approved as to form on 12/1, 2006.

ROBERT E. SHANNON, City Attorney

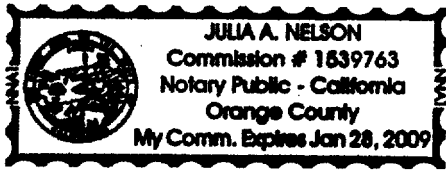
By 
Deputy

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CALIFORNIA ALL PURPOSE ACKNOWLEDGEMENT

State of California
County of Orange

On November 28, 2006 before me, Julia A. Nelson, Notary Public, personally appeared Victor A. Serri, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or entity upon behalf of which the person acted, executed the instrument.



Witness my hand and official seal

Julia A. Nelson

Julia A. Nelson, Notary Public

OPTIONAL

Though law does not require the information below, it may prove valuable to persons relying on the document and could prevent fraudulent removal of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement

Document Date: November 27, 2006 Number of Pages: 3

Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer

Signer's Name: VICTOR A. SERRI

- Individual
- Corporate Officer – Title(s): **PRESIDENT**
- Partner – Limited / General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other:

Signer is Representing: SULLY-MILLER CONTRACTING COMPANY

CALIFORNIA ALL PURPOSE ACKNOWLEDGEMENT

State of California
County of Orange

On November 28, 2006 before me, Julia A. Nelson, Notary Public, personally appeared George Aldrich, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or entity upon behalf of which the person acted, executed the instrument.



Witness my hand and official seal

Julia A. Nelson

Julia A. Nelson/Notary Public

OPTIONAL

Though law does not require the information below, it may prove valuable to persons relying on the document and could prevent fraudulent removal of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement
Document Date: November 27, 2006 Number of Pages: 3
Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer

Signer's Name: GEORGE ALDRICH

- Individual
- Corporate Officer – Title(s): **ASSISTANT SECRETARY**
- Partner – Limited / General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other:

Signer is Representing: SULLY-MILLER CONTRACTING COMPANY

EXHIBIT "A"

Admin Header



Main Menu	Vencor Site	Help Desk	Logout
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Add/Update Items

Bid Detail

Item No.	Item Code	Item	Unit of Measure	PRICE	N/A Action
1	43	Type B or Equivalent	Ton	156.00	
2	44	Type C-1 or Equivalent	Ton	156.00	
3	46	Type D-1 or Equivalent	Ton	156.00	
4	48	Type E or Equivalent	Ton	156.00	
5	45	Type C-2 or Equivalent	Ton	156.00	
6	47	Type D-2 or Equivalent	Ton	156.00	
7	49	Type F or Equivalent	Ton	161.50	
8	9	SC800 Asphalt Concrete or Equivalent	Ton	166.00	
9		Emergency Work Surcharge	EA	1800	
10					

When you are done with entering line items, simply click [Done]

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Date: 07-28-2006

1-1-07 TO 12-31-07
 FOB Inglewood BATCH PLANT
 OR SOUTH GATE* DRUM PLANT
 PRICES DO NOT INCLUDE SALES TAX.
 PICKED UP BY THE CITY OF LONG BEACH
 AT OUR LOCAL PLANT FACILITIES

* PLEASE NOTE - SOUTH GATE DOES NOT MANUFACTURE
 MIXES FINER THAN ITEM CODE 47
 D-2 3/8". NO CODE 48(E) OR 49(F)
 MIXES ARE MADE THERE. WE ALSO DO NOT
 MAKE (9) SC800 COLD MIX AT SOUTH GATE.