

31739

AMENDMENT NO. TWO TO CONTRACT NO. 31739

RE: **Renewal No. Two of Contract No. 31739 for Furnishing and Delivering Paint, Marine Paint and Supplies to the City of Long Beach (BPLB1000059)**

This Amendment to Contract No. 31739 is made and entered as of August 7, 2012, by and between the CITY OF LONG BEACH, a municipal corporation, and Vista Paint Corporation. (Contractor)

Contract No. 31739 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:


- 1. The term is extended to September 1, 2013.
- 2. \$185,000 has been added to the 2nd renewal term.
- 3. Prices during this period shall remain firm.
- 4. The price for certain items shall be increased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference. *5% increase as stipulated in contract.*
- 5. The price for certain items shall be decreased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference.
- 6. The discount offered to the City is increased by ____ %
- 7. The items or locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby deleted from the Contract.
- 8. The locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby added to the Contract.
- 9. Current permits, licenses, insurance and other required information are attached as Addendum No. 1.

Except as expressly amended above, all terms and conditions in this Contract are ratified and confirmed and remain in full force and effect. Executed with all formalities required by law as of the date first stated above.

Attach Notary if Out-of-State Contractor

CONTRACTOR: Vista Paint

CONTRACTOR:



 (Signature)
 Joseph Wittenberg

 (Print / Type Name)
 V.P. Sales/Mktg/Stores

 President / Vice President / Secretary / Treasurer
 (circle one)

certified resolution attached

 (Signature)

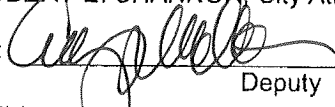
 (Print / Type Name)

 President / Vice President / Secretary / Treasurer
 (circle one)

THE CITY OF LONG BEACH:

By: 

 City Manager

Approved as to form:
 ROBERT E. SHANNON, City Attorney
 By: 

 Deputy

Vista Paint Corporation
2020 E. Orangethorpe Avenue, Suite 210
Fullerton, CA
(714) 680-3800
(714) 680-3340 Fax

Certified Resolution

I, Eddie R. Fischer, CEO and Secretary of the Vista Paint Corporation ("Vista"), do hereby certify that the following is a true and correct copy of a resolution duly adopted at the special meeting of the Board of Directors of Vista duly held and convened on January 13, 2010 at which meeting a duly constituted quorum of the Board of Directors was present and acting throughout and that such resolution has not been modified, rescinded, or revoked and is at present in full force and effect:

RESOLVED, that Eddie R. Fischer, CEO and Secretary of Vista, as the sole signatory, is empowered to execute and deliver in the name and on behalf of Vista any bid and/or contract for Vista to work as a contractor or supplier for any project, and any amendments or revisions related to any said bid or contract.

RESOLVED, that Joseph Wittenberg, Vice President of Sales/Stores/Marketing for Vista, as the sole signatory, is empowered to execute and deliver in the name and on behalf of Vista any bid and/or contract for Vista to work as a contractor or supplier for any project, and any amendments or revisions related to any said bid or contract.

IN WITNESS THEREOF, the undersigned has affixed his signature and the corporate seal of Vista this 13th day of January 2010.

Signature: Eddie R. Fischer CEO

Printed name: Eddie R. Fischer

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On Jan. 13, 2010 before me, Patricia Sue Hoag, Notary Public

personally appeared Eddie R. Fischer



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.

Signature

Patricia Sue Hoag

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Certified Resolution

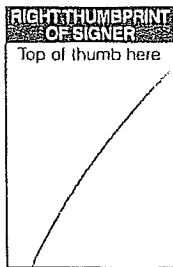
Document Date: Jan. 13, 2010 Number of Pages: 1

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Eddie R. Fischer

- Individual
- Corporate Officer — Title(s): CEO
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

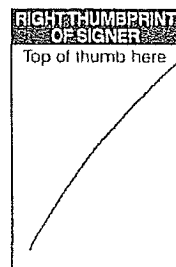


Signer Is Representing: _____

Vista Paint Corp.

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

LONG BEACH, CITY OF

Exhibit A

New Pricing Effective September 1, 2012

Product	Product Description	Current Price	5% Increase	2012 Activity
100004	DURAGLIDE FLAT 1000 1G	8.80	9.24	
100005	DURAGLIDE FLAT 1000 5G	44.00	46.20	
100105	ACRYLIC PRIMER 188 1G	10.36	10.88	No Sales
100182	ACRYLIC PRIMER 188 5G	51.81	54.40	No Sales
100006	ACRIBOND FLAT 3000 QT	8.66	9.09	No Sales
100027	ACRIPPOXY 400 1G	19.17	20.13	
100061	UNIPRIME 4000 1G	14.65	15.38	
100062	UNIPRIME 4000 5G	72.18	75.79	
100216	METAL PRO 4800 1G	29.35	30.82	
100032	ACRIGLO SG 7000 1G	11.47	12.04	
100033	ACRIGLO SG 7000 5G	57.33	60.20	
100056	COVERALL SEMIGLOSS 7400 1G	12.81	13.45	No Sales
100057	COVERALL SEMIGLOSS 7400 5G	62.77	65.91	No Sales
100222	PROTEC AE 9700 9800 1G	24.10	25.31	
100223	PROTEC AE 9700 9800 5G	118.13	124.04	
100224	PROTEC AE GLOSS 9900 1G	24.10	25.31	
100225	PROTEC AE GLOSS 9900 5G	118.13	124.04	
010997001	PROTEC AE GLS SAFETY BLUE	29.35	30.82	
010997501	PROTEC AE GLS SAFETY RED	29.35	30.82	
010997601	PROTEC AE GLS SAFETY ORANGE	29.35	30.82	No Sales
010997801	PROTEC AE GLS SAFETY GREEN	29.35	30.82	
101000036	RUSTO 4315 HI HEAT ALUMINUM 1G	97.64	102.52	No Sales
101000567	RUSTO 1692 IND/CH GLOSS WHITE S/C	3.52	3.70	
101000653	RUSTO SIERRA 208086 ACTI FOR S40/S51 1G C/O	25.49	26.76	No Sales
101000668	RUSTO SIERRA 208060 S40 GLS WH PASTEL 1G C/O	29.77	31.26	No Sales
111000061	CARBO 133HB URETH PART B SMALL (QUOTE)	10.95	11.50	No Sales
111000188	CARBO 890 EPOXY DEEP BASE PART A SMALL	49.76	52.25	No Sales
111000189	CARBO 890 EPOXY DEEP BASE PART A LARGE	234.78	246.52	No Sales
111000213	CARBO 890 LT ACTIVATOR PART B LARGE	225.96	237.26	No Sales
111000299	CARBO 890 LT ACTIVATOR PART B SMALL	46.36	48.68	No Sales
111000654	CARBO 133 LOW VOC RED PART A SMALL	82.14	86.25	No Sales
131000057	PRIMER COVER STAIN WHT SLR 16OZ 3609 S/C	3.70	3.89	
131000138	PRIMER COVER STAIN HIGH HIDE 3551 1G	16.68	17.51	No Sales
131000139	PRIMER COVER STAIN HIGH HIDE 3550 5G	81.53	85.61	No Sales
141000001	AERVOE 710 INV STRIPING TRAFFIC WHITE S/C	4.19	4.40	No Sales
141000002	AERVOE 720 INV STRIPING TRAFFIC YELLOW S/C	4.19	4.40	
141000054	MON DEX COAT 2700 TEXTURED WHITE 1G	28.49	29.91	No Sales
141000055	MON DEX COAT 2700 TEXTURED WHITE 5G	138.17	145.08	No Sales
141000096	MON FLOORCOAT 2400 SMOOTH CLEAR 1G	31.58	33.16	No Sales
141000139	AERVOE 226 INV MARKING FLUOR YELLOW S/C	4.19	4.40	
141000155	MON FLOORCOAT 2400 SMOOTH CLEAR 5G	161.00	169.05	No Sales
141000168	AERVOE 307 RUST PROOF SAFETY WHITE S/C	3.31	3.48	No Sales
141000184	AERVOE 312 RUST PROOF FLAT BLACK S/C	3.31	3.48	No Sales
141000235	AERVOE 361 RUST PROOF LIGHT GRAY S/C	3.31	3.48	No Sales
141000239	AERVOE 306 RUST PROOF SAFETY BLACK S/C	3.31	3.48	No Sales
141000296	AERVOE 117 CLEAR ACRYIC GLOSS S/C	2.88	3.02	No Sales
141000970	AERVOE 304 RUST PROOF SAFETY GREEN S/C	3.31	3.48	No Sales