

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

CONTRACT

31104

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3 THIS CONTRACT is made and entered, in duplicate, as of April 27, 2009
4 for reference purposes only, pursuant to Resolution No. RES-09-0023, adopted by the
5 City Council of the City of Long Beach at its meeting on March 24, 2009, by and between
6 WELLS SIGNS MANUFACTURING & DISTRIBUTING, INC., a Washington corporation
7 ("Contractor"), whose address is 109 Brothers Road, Woodland, Washington 98674 and
8 the CITY OF LONG BEACH ("City"), a municipal corporation.

9 WHEREAS, the Los Angeles County Metropolitan Transportation Authority
10 ("MTA") has issued a work order to the City of Long Beach ("City") in connection with the
11 Metro Blue Line LED Train Warning Signs and Countdown Pedestrian Signs Project for
12 the purchase and installation of electronic signs on side street approaches to the Metro
13 Blue Line; and

14 WHEREAS, these signs are to provide additional warning to drivers that a
15 train is approaching; and

16 WHEREAS, the City previously installed forth-six (46) signs in 2002 as part
17 of a MTA grant funded upgrade to reduce the number of car versus train collisions.
18 There have been no collisions at these sites since the signs were installed; and

19 WHEREAS, in 2002, the LED train warning signs were custom
20 manufactured using City of Los Angeles Specifications and were purchased from Wells
21 Signs Manufacturing & Distributing, Inc. ("WSMD"); and

22 WHEREAS, WSMD is the sole manufacturer and distributor for the customs
23 designed hardware and repair parts for these signs; and

24 WHEREAS, City did by Resolution No. RES-09-0023 determine that the
25 City's need to purchase these LED train warning signs could only be met by Contractor
26 and, by reason of the foregoing, no useful purpose would be served by advertising for
27 bids to purchase such LED train warning signs;

28 NOW, THEREFORE, in consideration of the mutual terms and conditions

1 contained herein, the parties agree as follows:

2 1. Contractor shall sell, furnish and deliver to LED train warning signs
3 and related supplies as authorized by Resolution No. RES-09-0023.

4 2. City shall pay Contractor in due course of payments for the LED train
5 warning signs and related supplies a sum not to exceed One Hundred Sixty-Four
6 Thousand Dollars (\$164,000), including tax.

7 3. The term of this Contract shall commence at midnight on March 24,
8 2009, and shall terminate on March 23, 2010.

9 4. Neither this Contract nor any of the moneys that may become due
10 Contractor hereunder may be assigned without the prior written consent of City.

11 5. Any notices required hereunder or desired to be given by either party
12 shall be in writing and personally delivered or deposited in the U.S. Postal Service, first
13 class postage prepaid, addressed to Contractor at the address stated herein, and to City
14 at 333 West Ocean Boulevard, Long Beach, California 90802 Attn: City Manager. Notice
15 shall be deemed given on the date personal delivery is made or on the date of deposit in
16 the mail, whichever first occurs.

17 6. City shall have the benefit of any warranty from the manufacturer on
18 the LED train warning signs and related supplies supplied and Contractor warrants that
19 the LED train warning signs and related supplies are in good working order and free from
20 defect at the time of delivery.

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IN WITNESS WHEREOF, the parties have signed this document with all the formalities required by law as of the date first stated above.

WELLS SIGNS MANUFACTURING & DISTRIBUTING, INC., a Washington corporation

5-6-09, 2009

By Randall L Wells Pres
President

Randall L Wells
Type or Print Name

5-6-09, 2009

By Bonnie Wells
Secretary

Bonnie Wells
Type or Print Name

"Contractor"

CITY OF LONG BEACH, a municipal corporation

May 19, 2009

By [Signature] Assistant City Manager
City Manager

"City"

EXHIBIT PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

This Contract is approved as to form on May 11, 2009.

ROBERT E. SHANNON, City Attorney

By [Signature]
Deputy