

FIRST AMENDMENT TO CONTRACT NO. 34811

**34811**

THIS FIRST AMENDMENT TO CONTRACT NO. 34811 is made and entered, in duplicate, as of September 21, 2018 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 September 18, 2018, by and between SULLY-MILLER CONTRACTING COMPANY, a Delaware corporation ("Contractor"), whose address is 135 S. State College Blvd., Suite 400, Brea, California 92821, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Contractor (the "Parties") entered into Contract No. 34811 whereby Contractor agreed to provide the work described in Project Plans and Specifications No. R-7080, the Daisy-Myrtle Bicycle Boulevard Project; and

WHEREAS, the Parties desire to amend Contract No. 34811 to provide additional improvements to the Daisy-Myrtle Bicycle Boulevard Project and increase the Contract amount by \$934,039;

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

1. Section 2.A of Contract No. 34811 is hereby amended to read as follows:

"A. City shall pay to Contractor the amount(s) for materials and work identified in Contractor's Bid for Daisy-Myrtle Bicycle Boulevards in the City of Long Beach, California, attached hereto as Exhibit "A"; provided, however, that the total compensation to Contractor shall not exceed the maximum cumulative amount of Four Million Eight Hundred Sixty-Six Thousand Six Hundred Eighty-Three Dollars (\$4,866,683) for the estimated quantities established in the Bid, subject to additions or deductions as provided in the Contract Documents."

2. Contractor's Bid in Exhibit "A" to the Contract is hereby amended to include additional work more particularly described in Exhibit "A-1", attached hereto and

1 incorporated by this reference.

2 3. Except as expressly modified herein, all of the terms and conditions  
3 contained in Contract No. 34811 are ratified and confirmed and shall remain in full force  
4 and effect.

5 IN WITNESS WHEREOF, the Parties have caused this document to be duly  
6 executed with all formalities required by law as of the date first stated above.

7 SULLY-MILLER CONTRACTING  
8 COMPANY, a Delaware corporation

9 OCTOBER 11, 2018

By W.G.T. Boyd  
Name William Boyd  
Title VP-operations

11 \_\_\_\_\_, 2018

\*SEE ATTACHED CORPORATE RESOLUTION\*  
By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

13 Tom Modica  
14 Assistant City Manager

"Contractor"

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

CITY OF LONG BEACH, a municipal  
corporation

18 Oct 26, 2018

By [Signature]  
City Manager

"City"

19 This First Amendment to Contract No. 34811 is approved as to form on

20 10/16, 2018.

21 CHARLES PARKIN, City Attorney

22 By [Signature]  
23 Deputy

## CERTIFICATE OF INCUMBENCY AND RESOLUTION

I, Anthony L. Martino, II, do hereby certify that I am the Secretary of Sully-Miller Contracting Company, a Delaware corporation, and that as such I have access to and custody of the corporate records and minute books of said corporation.

And I do hereby further certify that the following persons are duly elected officers of said corporation.

<u>TITLE</u>	<u>NAME</u>
Chairman Of The Board	John Harrington
President	John Harrington
Vice President, CFO & Treasurer	Christian Ransinangue
Vice President of Operations	William Joseph Thomas Boyd
Vice President	Scott Bottomley
Vice President	Dennis Gansen
Secretary	Anthony L. Martino II
Assistant Secretary	Raymond Sanchez


I further certify that the following is a true and correct copy of a resolution duly adopted by the Board of Directors of said Company at a meeting held on December 9, 2016, and that this resolution has not been in any way rescinded, annulled, or revoked but the same is still in full force and effect:

### "BID TENDERS: GENERAL

RESOLVED, that any officer of the Corporation be and they hereby are authorized in the name and on behalf of the Corporation, under its corporate seal or otherwise (i) to prepare proposals and bids for the supplying of construction materials and the performance by itself or in joint venture, of work of whatsoever nature in connection with the construction or paving of highways, roads and airports and in connection with earthworks and civil engineering projects of all kinds, together with all work incidental thereto, (ii) to execute and submit any and all such proposals and bids to any governmental authority, instrumentality, or agency of the United States, its several states, territories and possessions, including without limitation, any municipality or other political or corporate subdivision thereof, and to any corporation, partnership, sole proprietorship, or other business entity, (iii) in connection with any such submission, to deliver bid deposits or bonds as may be required and (iv) to execute and deliver definitive agreements binding the Corporation to perform work in accordance with any proposals and bids authorized hereby."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 2nd day of May 2017.

(SEAL)

  
\_\_\_\_\_  
Anthony L. Martino, II  
Secretary  
Sully-Miller Contracting Company  
135 S. State College Blvd., Ste. 400  
Brea, CA 92821

# EXHIBIT “A-1”

Contractor’s Bid

	Item	Cost
1	The discovery of impacted materials at almost every intersection. The discovery of materials impacted by TPH (Diesel fuels) required the Contractor to stockpile and haul excavated material to Simi Valley rather than to the nearby landfills.	\$160,000
2	A design issue which had the new curb and gutter of roundabouts installed below the edge of existing AC and no provisions for the road section to be removed and rebuilt at the new lower elevations. This is probably the most significant issue we have to deal with; the plans only called for a 2" cold mill and cap at all the intersections, yet the new curb and gutter was called out to be installed in places up to 14" lower than the existing pavement.	\$624,039
3	Numerous "Way Finding" and street name signs need to be added to the route to better define it.	\$25,000
4	Video Detection had to be added to the intersection of Anaheim and Magnolia so that Bike Detection could be accomplished. Field conditions were different than the plans	\$30,000
5	Numerous pull boxes not identified on the plans had to be adjusted	\$25,000
6	Additional ramp work and truncated domes for ADA compliance	\$20,000
7	Other minor field conditions that had to be dealt with that were not shown on the plans, such as additional C&G repairs, sidewalk replacements, additional street light, pads for object markers, tree removals, etc	\$50,000
	Total	934,039