

AMENDMENT NO. TWO TO CONTRACT NO. 30916 30916

RE: Renewal No. Two of Contract No. 30916 (RES-08-0118) for Furnishing and Delivering Unleaded, Diesel, Bio-diesel and Jet A Fuel to the City of Long Beach (BPLB09000008)

This Amendment to Contract No. 30916 is made and entered as of September 29, 2010 by and between the CITY OF LONG BEACH, a municipal corporation, and **MERRIMAC PETROLEUM, INC DBA MERRIMAC ENERGY GROUP (Contractor)**.

Contract No. 30916 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:

- 1. 2nd renewal option to extend term to 09/30/2011
- 2. \$ 5,000,0000 has been added for the term of 10/01/2010 to 09/30/2011
- 3. Prices during this period shall remain firm.
- 4. See Exhibit A
- 5. The price for certain items shall be increased as shown on Exhibit "B", 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 "C", which is attached hereto and incorporated herein by this reference, are hereby deleted from the Contract.
- 8. The locations identified on Exhibit "C", 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 enclosed 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:

Mary Hazelrigg
(Signature)

Mary Hazelrigg
(Print / Type Name)

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


CONTRACTOR:

Mary Hazelrigg
(Signature)

Mary Hazelrigg
(Print / Type Name)

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

THE CITY OF LONG BEACH: Assistant City Manager

By: 
EXECUTED PURSUANT
TO SECTION 301 OF
City Manager THE CITY CHARTER.

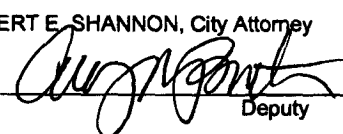
Approved as to form:
ROBERT E. SHANNON, City Attorney
By: 
Deputy

Exhibit A

Amendment #2 to Contract Agreement 30916 with Merrimac Energy Group

Merrimac to list cost to City:

- Pump Charge for Aboveground Tank Delivery (Wet Hosing) \$ 195⁰⁰/hr portal to portal

Merrimac to list cost to City:

- Biodiesel, CARB ULS on date of delivery + \$.16624 = 1,300 gallons & above
 - (shall include freight charges)

Invoicing

The City shall not pay invoices that reflect different prices and Contractor shall resubmit corrected invoices within one business day.

1. The original delivery ticket(s) and an invoice plus two copies shall be transmitted to the appropriate addresses listed above, within three (3) working days after the delivery.
2. A copy of Oil Price Information Service (OPIS) will accompany each invoice for pricing verification.
3. The average daily OPIS rack price shall be used for billing fuel delivered as a result of monitoring fuel sites.
4. The OPIS price at time of ordering shall be used for billing for fuel ordered by the City.

Special Delivery of Fuel to LBUSD

The Contractor shall make deliveries or provide delivery of fuel by monitoring fuel sites via (1) their own system or (2) the City's contracted vendor for UST fuel site monitoring services (currently iiFuels with Fuel Sight system) with the permission of the City and its contracted vendor or (3) whichever system the City may provide access to the fuel sites monitoring system based on the ordering levels provided in Attachment A to the designated locations within the City as listed on attachment A. The exception to the previous statement is site 38 (2400 E. Spring St.), wherein fuel at this site is separately monitored and ordered by both the City and Long Beach Unified School District (LBUSD) either through the Contractor or LBUSD. The City reserves the right to resume ordering fuel should the City determine that the Contractor's monitoring system is not capable of monitoring accurate fuel data.