

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 THIRD AMENDMENT TO CONTRACT NO. 33031

2 **33031**

3 THIS THIRD AMENDMENT TO CONTRACT NO. 33031 is made and
4 entered, in duplicate, as of May 15, 2014 for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting held on
6 May 13, 2014, by and between ALL AMERICAN ASPHALT, a California corporation
7 ("Contractor"), whose address is 400 E. Sixth Street, Corona, California 92879, and the
8 CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, pursuant to a "Notice Inviting Bids for Annual Contract for
10 Street Improvements in the City of Long Beach, California," dated January 23, 2013, and
11 published by City, bids were received, publicly opened and declared on the date specified
12 in said Notice; and

13 WHEREAS, the parties entered into Contract No. 33031 for the work
14 described in the bid documents; and

15 WHEREAS, the parties desire to extend the term and increase the Contract
16 amount by \$15,000,000 for a total not to exceed amount of \$45,000,000;

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

19 1. Section 2.A of Contract No. 33031 is hereby amended to read as
20 follows:

21 "A. City shall pay to Contractor the amount(s) for materials and work
22 identified in Contractor's "Bid for Annual Contract for Street Improvements in the City of
23 Long Beach, California," attached hereto as Exhibit "A", in a total amount not to exceed
24 Forty-Five Million Dollars (\$45,000,000)."

25 2. Section 4 of Contract No. 33031 is hereby amended to read as
26 follows:

27 "4. TIME FOR CONTRACT. The term of this Agreement shall
28 commence at midnight on March 1, 2013, and shall terminate at 11:59 p.m. on February

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1 26, 2016, unless sooner terminated as provided in this Contract, or unless the services or
2 the Project is completed sooner. Time is of the essence hereunder. City will suffer
3 damage if the work is not completed within the time stated, but those damages would be
4 difficult or impractical to determine. So, Contractor shall pay to City, as liquidated
5 damages, the amount stated in the Contract Documents."

6 3. Except as expressly modified herein, all of the terms and conditions
7 contained in Contract No. 33031 are ratified and confirmed and shall remain in full force
8 and effect.

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

11 ALL AMERICAN ASPHALT, a California
12 corporation

13 May 28, 2014

14 By [Signature]
15 Name Robert Bradley
16 Title Vice President

17 May 28, 2014

18 By [Signature]
19 Name Michael Parkas
20 Title Secretary

21 "Consultant"

22 CITY OF LONG BEACH, a municipal
23 corporation

24 6.26, 2014

25 By [Signature] Assistant City Manager
26 City Manager

27 "City"

28 EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

This Third Amendment to Contract No. 33031 is approved as to form on

6/2, 2014.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Riverside

On May 28, 2014 before me, Rebecca Angela Parra, Notary Public
Date Here Insert name and Title of the Officer

personally appeared Robert Bradley and Michael Farkas

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 forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rebecca Angela Parra
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to person 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 Third Amendment

Document Date: 5/15/2014 Number of Pages: Two (2)

Signer(s) Other Than Named Above: City of Long Beach

Capacity(ies) Claimed by Signer(s)

Signer's Name: Robert Bradley

- Individual
- Corporate Officer – Title(s): Vice President
- Partner Limited General
- Attorney in Fact
- Trustee
- Other: _____

Signer is Representing:

All American Asphalt

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer's Name: Michael Farkas

- Individual
- Corporate Officer – Title(s): Secretary
- Partner Limited General
- Attorney in Fact
- Trustee
- Other: _____

Signer is Representing:

All American Asphalt

RIGHT THUMBPRINT OF SIGNER

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