

33071

AMENDMENT NO. SEVEN TO CONTRACT NO. 33071

RE: **Amendment No. Seven of Contract No. 33071 (PA-00413) for providing grounds maintenance services to the City of Long Beach (BPPR14000002)**

This Amendment to Contract No. 33071 is made and entered as of July 10, 2017, by and between the CITY OF LONG BEACH, a municipal corporation, and **Azteca Landscape, Inc.** (Contractor)

Contract No. 33071 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:

- 1. Extending the contract term to 02/28/2018.
- 2. \$1,838,429.72 has been added to the contract per Council Action taken 05/23/17.
- 3. Prices during this period shall remain firm.
- 4. The price breakdown for certain items shall be shown on Exhibit "A", which is attached hereto and incorporated herein by this reference.
- 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 items or 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:

Arna M Lopez
(Signature)

Rosa M Lopez
(Print / Type Name)

President Vice President Secretary / Treasurer
(circle one)

CONTRACTOR:

Noé Farias
(Signature)

Noé Farias
(Print / Type Name)

President / Vice President Secretary / Treasurer
(circle one)

THE CITY OF LONG BEACH:

By: TRM
City Manager

Tom Modica
Assistant City Manager

Approved as to form:
CHARLES PARKIN, City Attorney

By: [Signature]
Deputy

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.



CONTINUATION CERTIFICATE

The Ohio Casualty Insurance Company

Keene, NH

, Surety upon

a certain Bond No. 024050962

Cross Ref:

dated effective June 1st, 2014 (MONTH-DAY-YEAR)

on behalf of Azteca Landscape (PRINCIPAL)

and in favor of City of Long Beach (OBLIGEE)

does hereby continue said bond in force for the further period

beginning on June 1st, 2017 (MONTH-DAY-YEAR)

and ending on February 28th, 2018 (MONTH-DAY-YEAR)

Amount of bond \$1,838,429.72

Description of bond Grounds Maintenance Services for Areas 1, 2 and 3 for the Departments of Parks, Recreation and Marine in Accordance with Bid #PA-00413

PROVIDED: That this continuation certificate does not create a new obligation and is executed upon the express condition and provision that the Surety's liability under said bond and this and all Continuation Certificates issued in connection therewith shall not be cumulative and that the said Surety's aggregate liability under said bond and this and all such Continuation Certificates on account of all defaults committed during the period (regardless of the number of years) said bond had been and shall be in force, shall not in any event exceed the amount of said bond as hereinbefore set forth.

Signed and dated on July 17th, 2017 (MONTH-DAY-YEAR)

The Ohio Casualty Insurance Company 62 Maple Avenue, Keene, New Hampshire 03431 513-867-3624

By [Signature] Attorney-in-Fact Andrew Waterbury

Turner Surety and Insurance Brokerage, Inc. Agent

5 Hutton Centre Dr., Suite 730, Santa Ana, CA 92707 Address of Agent

(714) 955-4032 Telephone Number of Agent



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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

On July 17, 2017 before me, Joe D. Lowell, Notary Public
(insert name and title of the officer)

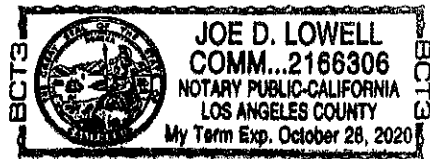
personally appeared Andrew Waterbury
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) 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 

(Seal)



Liberty Mutual Insurance Company
 The Ohio Casualty Insurance Company West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Andrew Waterbury

all of the city of Santa Ana, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 31st day of March, 2017



The Ohio Casualty Insurance Company
 Liberty Mutual Insurance Company
 West American Insurance Company
 By: David M. Carey
 David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
 COUNTY OF MONTGOMERY

On this 31st day of March, 2017, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
 Notarial Seal
 Teresa Pastella, Notary Public
 Upper Merion Twp., Montgomery County
 My Commission Expires March 28, 2021
 Member, Pennsylvania Association of Notaries

By: Teresa Pastella
 Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 17th day of July, 2017



By: Renee C. Llewellyn
 Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.