

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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FIRST AMENDMENT TO AGREEMENT NO. 36426

36426

THIS FIRST AMENDMENT TO AGREEMENT NO. 36426 is made and entered, in duplicate, as of August 31, 2023, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on July 19, 2022, by and between HORIZONS CONSTRUCTION COMPANY INTERNATIONAL, INC., a California corporation ("Consultant"), with a place of business at 432 West Meats Avenue, Orange, California 92865, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for Job Order Contract (JOC) in the City of Long Beach, California," bids were received, publicly opened on March 4, 2022, and declared on the date specified in said Notice; and

WHEREAS, the parties entered into Contract No. 36426 ("Contract") for the work described in the bid documents to furnish all necessary labor, supervision, tools, materials, supplies, appliances, equipment and transportation for the work described in each Work Order, as defined in Specification No. R-7193, said work to be performed according to the Contract Documents; and

WHEREAS, in accordance with Long Beach Municipal Code ("LBMC") section 2.84.100 and the terms of Contract No. 36426, the City is required to pay Contractor the amount(s) for each Work Order based on the adjustment factor in Contractor's Bid, provided, however, that the city shall not pay more than Two Million Dollars (\$2,000,000) for the term of the Contract. Furthermore, no individual Work Order project shall exceed Seven Hundred and Fifty Thousand Dollars (\$750,000); and

WHEREAS, the Parties desire add Four Million Dollars (\$4,000,000) to the authority amount, extend the term of the Contract by one (1) additional one-year term, and add updated Construction Task Catalog information;

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

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411 West Ocean Boulevard, 9th Floor
Irvine, CA 92612-4664

1 1. Section 3 of the Contract is hereby amended to read as follows.
2 "3. PRICE AND PAYMENT. City shall pay to Contractor the amount(s) for
3 each Work Order based on the adjustment factor in Contractor's Bid, attached hereto as
4 Exhibit "A"; provided, however, that City shall not pay more than Six Million Dollars
5 (\$6,000,000) for the term of the Contract. Furthermore, no individual Work Order project
6 shall exceed Seven Hundred Fifty Thousand Dollars (\$750,000)."

7 2. Section 5.A. of the Contract is hereby amended to read as follows.
8 "A. The term of this Contract shall begin on November 1, 2022 and shall
9 end on October 31, 2024, or on city's payment of the not-to exceed dollar amount
10 hereunder to Contractor as specified in section 3, whichever occurs first. The term may be
11 extended for one (1) additional one-year period, at the discretion of the City Manager."

12 3. Exhibit "G" to this Amendment amends Section 79 "PRICE
13 ADJUSTMENTS" of Division H of Specifications R-7193, and is hereby incorporated herein
14 by reference and is attached as Exhibit "G" to the Contract.

15 4. Except as expressly modified herein, all of the terms and conditions
16 contained in Agreement No. 36426 are ratified and confirmed and shall remain in full force
17 and effect.

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

HORIZONS CONSTRUCTION COMPANY INTERNATIONAL, INC., a California corporation

9/28, 2023

By [Signature]
Name HATEM IBRAHIM
Title PRESIDENT

9/28, 2023

By [Signature]
Name Kinan Kotrash
Title v. president.

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"Consultant"

CITY OF LONG BEACH, a municipal corporation

October 24, 2023

By [Signature]
City Manager

"City"

This First Amendment to Agreement No. 36426 is approved as to form on October 19, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy

EXHIBIT "G"

EXHIBIT "G"

The language in this exhibit shall replace Division H Section 79, Price Adjustments of the original specifications, R-7193. This section shall also apply to all subsequent contract amendments, unless indicated otherwise by the City in writing.

1. Adjustment Factors

1.1. The Adjustment Factors submitted with the Bid shall be in effect for the full term of the contract including the Base Term and any contract amendments.

2. Construction Task Catalog®

2.1. Upon contract renewal, the City shall provide the Contractor with the new Construction Task Catalog® (CTC) for review and acceptance prior to accepting new work. The CTC issued with this Solicitation will be in effect for the contract term.

2.2. In general, the Contractor shall use the CTC in effect on the date that the Job Order Contract process is initiated (i.e. Joint Scope Meeting Invitation). However, the Contractor cannot delay the initiation of the Job Order Contract process to take advantage of a scheduled update of the CTC. In that event, the Contractor shall use the CTC that was in effect prior to the update.

2.3. The new CTC will be effective for the twelve (12) month period after the anniversary of the award date. The CTC that accompanies each anniversary shall only apply to Job Orders initiated after the effective date of that specific renewal option and shall have no impact on the Job Orders initiated prior to the effective date of that specific renewal option.

2.4. The new CTC shall be available in the Gordian Group Software.