

AMENDMENT NO. ONE TO CONTRACT NO. 33071

33071

RE: Amendment No. One of PA-00413 to Contract No. 33071 for providing grounds maintenance services to the City of Long Beach

This Amendment to Contract No. 33071 is made and entered as of September 26, 2013, 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. The term ends 5/31/15.
- 2. \$1,176,795 annually has been added per additional locations in Areas 1, and 3 for a total ("not to exceed") amount of \$2,219,178 annually.
- 3. Prices during this period shall remain firm.
- 4. The price for certain items shall be increased as shown on Exhibit "B", which is attached hereto and incorporated herein by this reference.
- 5. The price for certain items shall be decreased 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 "A", which is attached hereto and incorporated herein by this reference, are hereby deleted from the Contract.
- 8. The locations identified on Exhibit "A", 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:

Anna M Lopez
(Signature)

Rosa M Lopez
(Print / Type Name)

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

CONTRACTOR:

Noe Farias
(Signature)

Noe Farias
(Print / Type Name)

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

THE CITY OF LONG BEACH:

By: [Signature] Assistant City Manager
City Manager

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

Approved as to form:
CHARLES PARKIN, Acting City Attorney

By: [Signature]
Deputy

EXHIBIT A

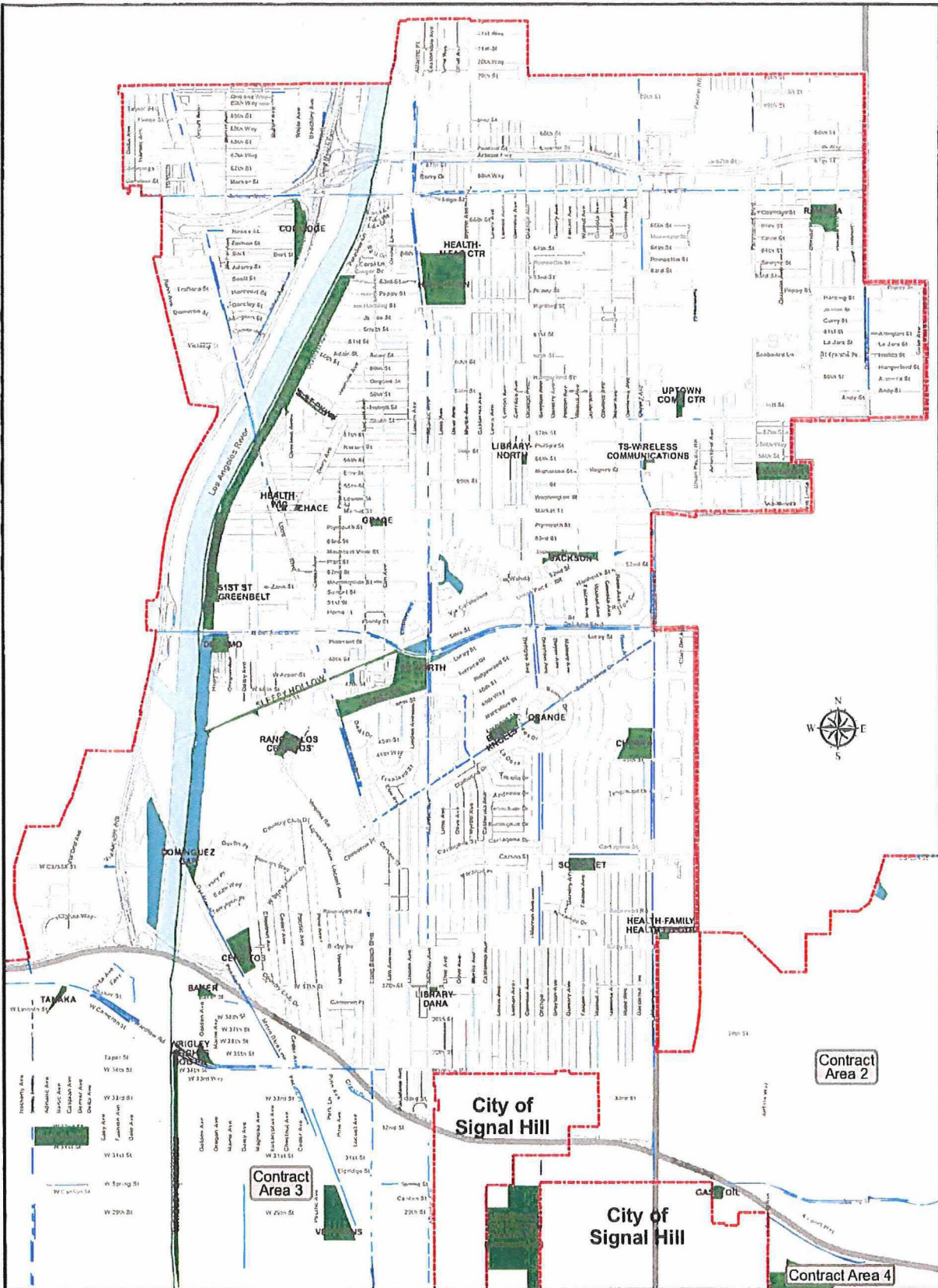
- 1) Addition of Area 1: \$400,200 plus \$60,030 (15%) for a total of \$460,230.
- 2) Addition of Area 3: \$623,100 plus \$93,465 (15%) for a total of \$716,565.

Total amount being added: \$1,023,300 plus \$153,495 (15%) for a total of \$1,176,795.

New amount on contract:

\$1,929,720 plus \$289,458 (15% supplemental) for a new grand total of \$2,219,178

See attached maps for Areas 1, 2 and 3.

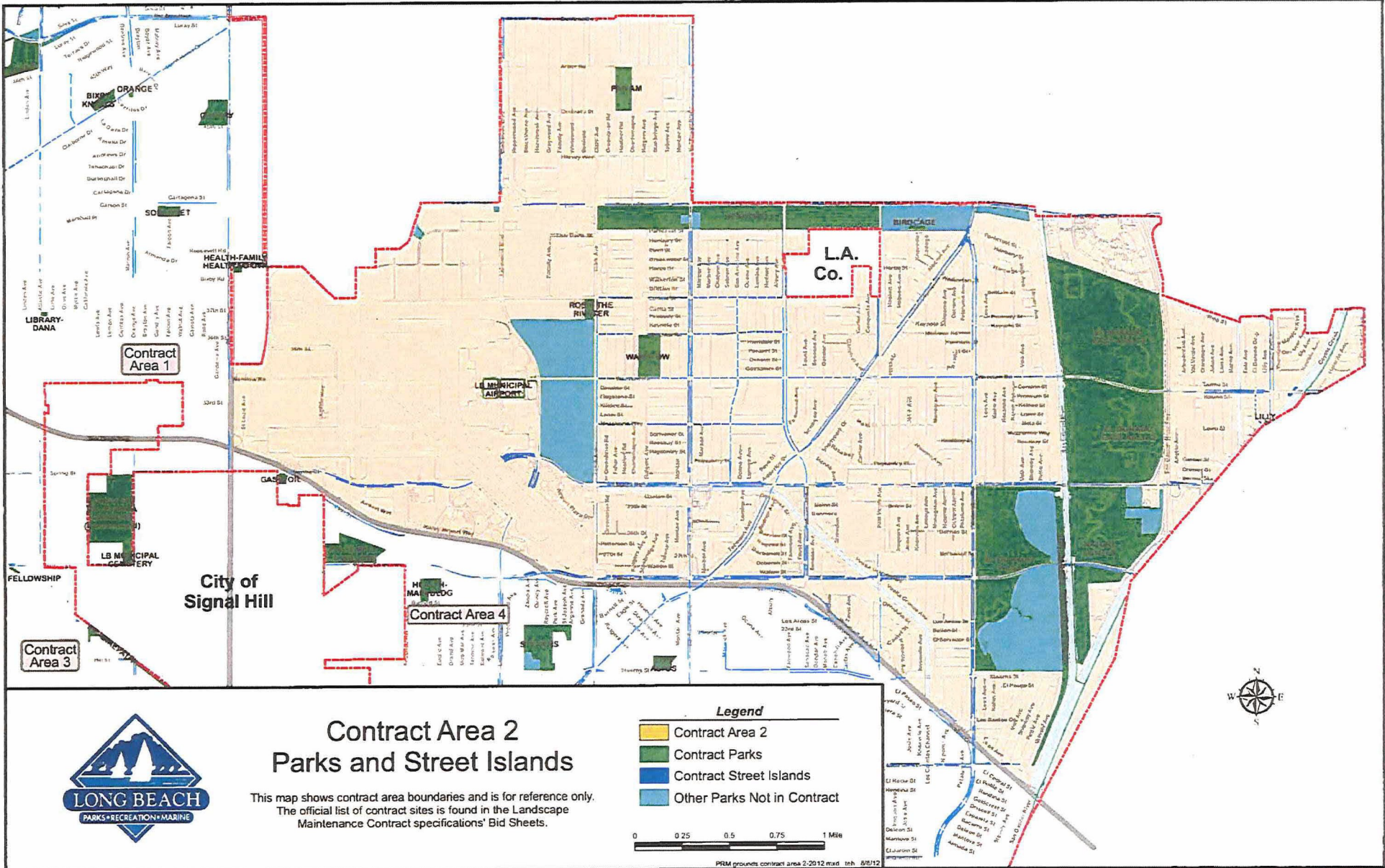


CONTRACT AREA 1 PARKS AND STREET ISLANDS

This map shows contract area boundaries and is for reference only. The official list of contract sites is found in the Landscape Maintenance Contract specifications' Bid Sheets.

- Legend**
- Contract Area 1
 - Contract Parks
 - Contract Street Islands
 - Other Parks Not in Contract





Contract Area 2 Parks and Street Islands

This map shows contract area boundaries and is for reference only. The official list of contract sites is found in the Landscape Maintenance Contract specifications' Bid Sheets.

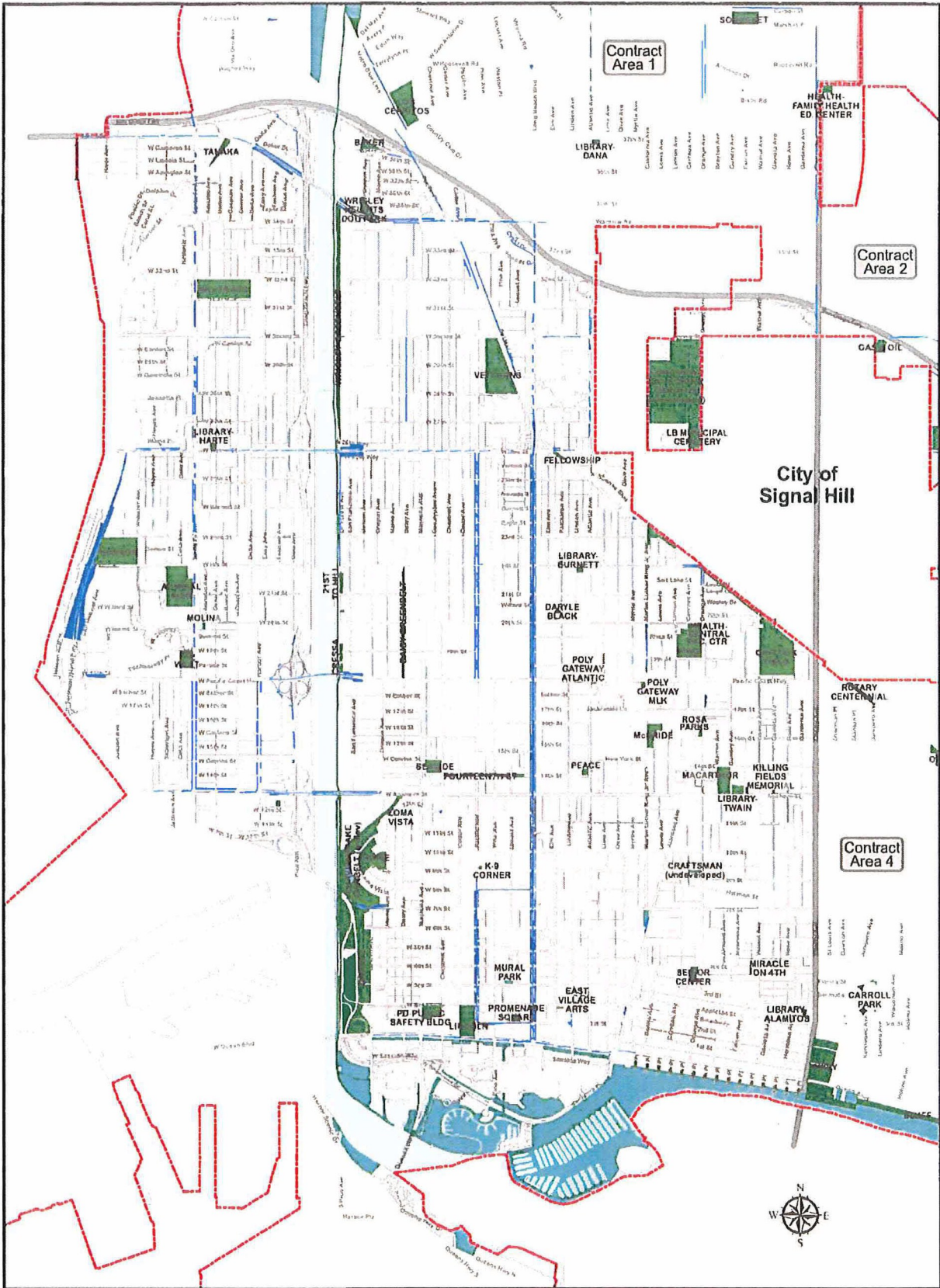
Legend

- Contract Area 2
- Contract Parks
- Contract Street Islands
- Other Parks Not in Contract

0 0.25 0.5 0.75 1 Mile

PRM provides contract area 2-2012.mxd 1/8/12

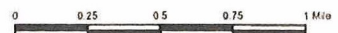




Contract Area 3 Parks and Street Islands

This map shows contract area boundaries and is for reference only. The official list of contract sites is found in the Landscape Maintenance Contract specifications' Bid Sheets.

- Legend**
- Contract Area 3
 - Contract Parks
 - Contract Street Islands
 - Other Parks Not in Contract





SURETY RIDER

To be attached to and form a part of

Bond No. 024050962

Cross Ref:

Type of

Bond: Bond For Faithful Performance

dated

effective September 17th, 2013
(MONTH-DAY-YEAR)

executed by Azteca Landscape
(PRINCIPAL)

, as Principal,

and by The Ohio Casualty Insurance Company, as Surety,

in favor of City of Long Beach
(OBLIGEE)

in consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing

1.) Increase the Bond Amount From: \$1,042,383.00

To: \$2,219,178.00

2.) Add to Job Description for PA-00413, Contract No. 33071: Areas 1 and 3

APPROVED AS TO FORM

10-17, 2013

CHARLES PARKIN, City Attorney

By: *[Signature]*

AMY R. WEBBER
DEPUTY CITY ATTORNEY

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.

This rider

is effective September 17th, 2013
(MONTH-DAY-YEAR)

Signed and Sealed October 3rd, 2013
(MONTH-DAY-YEAR)

Azteca Landscape
(PRINCIPAL)

By: *[Signature]*
(PRINCIPAL)

The Ohio Casualty Insurance Company
(SURETY)

By: *[Signature]*
(ATTORNEY-IN-FACT) Arturo Ayala



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Riverside }

On 10/3/13 before me, Andrew Waterbury, Notary Public,
Date Here Insert Name and Title of the Officer

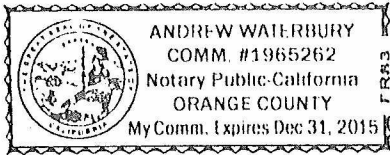
personally appeared Arturo Ayala
Name(s) of Signer(s)

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 [Handwritten Signature]
Signature of Notary Public Andrew Waterbury



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons 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: Surety Rider

Document Date: 10/3/13 Number of Pages: One

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Arturo Ayala

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 6137460

American Fire and Casualty Company
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

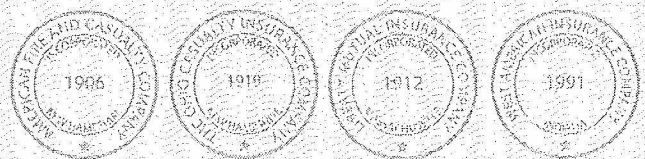
KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, 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; Arturo Ayala; Daniel Huckabay; Dwight Reilly

all of the city of Orange, 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 23rd day of May, 2013.

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

By: Gregory W. Davenport
Gregory W. Davenport, Assistant Secretary



STATE OF WASHINGTON ss
COUNTY OF KING

On this 23rd day of May, 2013, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, 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 Seattle, Washington, on the day and year first above written.



By: KD Riley
KD Riley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, 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 Gregory W. Davenport, 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, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, 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 3rd day of October, 20 13.



By: David M. Carey
David M. Carey, 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.

State of California

County of San Bernardino

On October 14, 2013 before me, Yesenia Farias Ramirez, Notary Public,
(Insert name and title of the officer)

personally appeared Aurora Farias

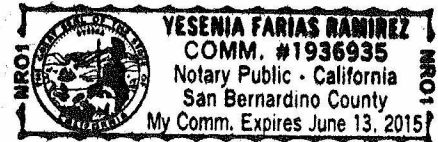
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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



Description of Attached Document

Title or Type of Document: Surety Rider

Document Date: September 17, 2013 Number of Pages: 3

Signer Other Than Named Above: Arturo Ayala

Capacity(ies) Claimed by Signer

Signers Name:

- Individual
- Corporate Officers (Title): President
- Partner Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer is Representing: Azteca Landscape