

**AMENDMENT NO. FIVE TO CONTRACT NO. 33259**

**33259**

Amendment No. Five AT  
RE: ~~Renewal No. Two~~ of Contract No. 33259 (PA-00413) for providing grounds maintenance services to the City of Long Beach (BPPR14000003 & BPPR15000002)

This Amendment to Contract No. 33259 is made and entered as of May 31, 2016, by and between the CITY OF LONG BEACH, a municipal corporation, and **Merchants Landscape Services, Inc.** (Contractor)

Contract No. 33259 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:

- 1. 2<sup>nd</sup> Renewal option extending term to 5/31/17.
- 2. \$1,062,698.77 has been added for the 2<sup>nd</sup> renewal option for an amount not to exceed \$3,797,570.03.
- 3. Prices during this period shall remain firm.
- 4. The price for certain items shall be increased as 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:**

  
(Signature)

MARK BROWER

(Print / Type Name)

PRESIDENT

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

**CONTRACTOR:**

  
(Signature)

Donna Brower

(Print / Type Name)

Secretary

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

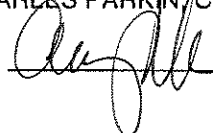
**THE CITY OF LONG BEACH:**

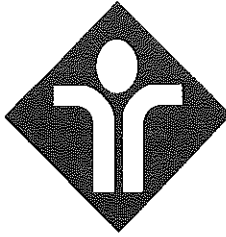
By:   
City Manager

EXECUTED PURSUANT  
TO SECTION 301 OF  
THE CITY CHARTER.

Assistant City Manager

Approved as to form:  
CHARLES PARKIN, City Attorney

By:   
Deputy



**merchants**  
landscape services, inc.

June 22, 2016

Anne Taki  
City of Long Beach  
333 West Ocean Blvd., 7<sup>th</sup> Floor  
Long Beach, CA. 90802

Regarding: Continuation Certificates

Dear Anne,

Enclosed please find the continuation certificate riders for landscape services at the above reference locations.

Should you have any questions or if we can be of further assistance, please do not hesitate to contact our office.

Sincerely,

Nadine Rodriguez  
Merchants Landscape Services

ANNUAL PREMIUM: \$13,893.00

**HARTFORD FIRE INSURANCE COMPANY**  
One Pointe Drive, Brea, CA 92821

**CONTINUATION CERTIFICATE/RIDER**

Merchants Landscape Services, Inc. as principal, and Hartford Fire Insurance Company a Connecticut corporation authorized to transact surety business in CA, as Surety, hereby notifies the City of Long Beach, as Obligee, that the above named Principal's Bond No. 72BSBGN8847 is in force effective June 1, 2016 to May 31, 2017 for:

Amendment No. Four of Contract No. 33259 (PA-00413) Providing Grounds Maintenance Services (BPPR14000003 and BPPR15000002 (\$126,612.52 and \$200,000.00) and;

Amendment No. Five of Contract No. 33259 (PA-00413) Providing Grounds Maintenance Services (BPPR14000003 and BPPR15000002 (\$1,062,698.77)

The annual contract amount has increased:

FROM: SEVEN HUNDRED THIRTY SIX THOUSAND EIGHTY SIX AND NO/100  
(\$736,086.00)

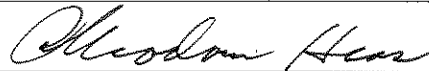
TO: ONE MILLION THREE HUNDRED EIGHTY NINE THOUSAND THREE  
HUNDRED ELEVEN AND 29/100 (\$1,389,311.29)

The aggregate liability of the Surety shall not exceed the amount of this certificate. The liability of the Surety shall not cumulate by reason of this certificate, any future continuation certificate, any change rider, endorsement, modification, new bond, reinstatement, reissue, renewal, replacement, substitution, or any other extension of suretyship.

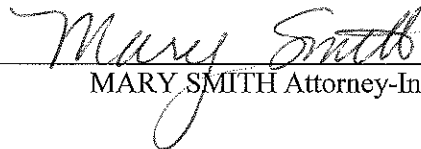
If this bond is required to be filed with any agency, this certificate shall be void if the Principal does not file this certificate with the required agency within THIRTY (30) days of the effective date of the certificate.

IN WITNESS OF THIS CONTRACT, the Principal and the Surety have affixed their hand and seals this 14th day June of 2016.

Merchants Landscape Services, Inc.



Hartford Fire Insurance Company



MARY SMITH Attorney-In-Fact

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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 Los Angeles )

On June 14, 2016 before me, Emily Preciado, Notary Public

Date Here Insert Name and Title of the Officer

personally appeared MARY SMITH

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 *Emily Preciado*  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Document Date:

Number of Pages: Signer(s) Other Than Named Above:

**Capacity(ies) Claimed by Signer(s)**

Signer's Name:

Corporate Officer — Title(s):

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other:

Signer Is Representing:

Signer's Name:

Corporate Officer — Title(s):

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other:

Signer Is Representing:

# POWER OF ATTORNEY

Direct Inquiries/Claims to:

**THE HARTFORD**

Bond T-4

One Hartford Plaza

Hartford, Connecticut 06155

call: 888-266-3488 or fax: 860-757-5835)

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Code: 72-183250

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of Unlimited**

Steven L. Brockmeyer, Keith Dinwiddie, Barbara Doering, Donna M. Green, Mary Smith, Ronald C. Wanglin of PASADENA, California

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on August 1, 2009, the Companies have caused these presents to be signed by its Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Wesley W. Cowling*

Wesley W. Cowling, Assistant Secretary

*M. Ross Fisher*

M. Ross Fisher, Vice President

STATE OF CONNECTICUT }  
 COUNTY OF HARTFORD } ss. Hartford

On this 12th day of July, 2012, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Kathleen T. Maynard*

Kathleen T. Maynard  
 Notary Public

My Commission Expires July 31, 2016

I, the undersigned, Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of June 14, 2016

Signed and sealed at the City of Hartford.



*Gary W. Stumper*

Gary W. Stumper, Vice President

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California

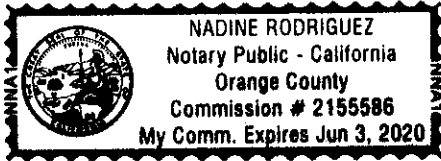
County of Orange

On June 22, 2016  
Date

before me, Nadine Rodriguez, Notary Public  
Here Insert Name and Title of the Officer

personally appeared Theodore Haas  
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/hier/their authorized capacity(ies); and that by his/hier/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: Nadine Rodriguez  
Signature of Notary Public

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: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_  Corporate Officer — Title(s): \_\_\_\_\_

Individual  Individual

Partner —  Limited  General  Partner —  Limited  General

Attorney in Fact  Attorney in Fact

Trustee  Trustee

Guardian or Conservator  Guardian or Conservator

Other: \_\_\_\_\_  Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

