## 9/198

TWENTY-THIRD AMENDMENT TO LIGHTING CONTRACT NO. 24289

THIS TWENTY-THIRD AMENDMENT is made and entered, in duplicate, as of July 6, 2009 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on November 21, 1995, by and between WS LIGHT & POWER, INC., a California corporation ("WS"), assignee of CITY LIGHT & POWER, INC., a Colorado corporation ("CLP"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the parties entered Lighting Contract No. 24289 whereby CLP agreed to convert the City's Street Light System and said Contract contained a provision whereby the City could choose to include Other Lights in the conversion; and

WHEREAS, the City desires the WS perform such additional work as provided in the Contract;

NOW, THEREFORE, in consideration of the mutual terms and conditions contained in Lighting Contract No. 24289 and herein, the parties agree as follows:

1. Sections 49 and 50 are hereby added to Lighting Contract No. 24289 to read as follows:

### "49. W. ESTHER STREET LIGHTING UPGRADE

"49.1. Scope of Work. WS shall install seven (7) new 53-watt LED fixtures, 190-watt solar arrays, prewired lockable enclosures with battery bank promoting daily dusk to dawn operation, and charge controllers and circuit breakers for the solar and battery banks. WS shall install the fixtures and arrays on existing 26-foot concrete poles. WS shall run any necessary conduit and wire for the operation of the street lights and poles located on W. Esther Street between Judson Avenue and Hayes Avenue, and more particularly described in the proposal and approvals attached hereto as Exhibit "Y". The work done hereunder shall be known as 'W. Esther Street Lighting Upgrade'.

"49.2 <u>Compensation</u>. For the services and work relating to the W. Esther Street Lighting Upgrade, City shall pay to WS upon completion of the services, an

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amount up to Sixty-Seven Thousand One Hundred Dollars (\$67,100), and a fifteen percent (15%) contingency in an amount up to Ten Thousand Sixty-Five Dollars (\$10,065). No contingency funds shall be paid by City unless WS has received City's prior approval to perform such additional work.

49.3 To the extent applicable, any and all terms and Conditions. conditions relating to the Street Light System in Lighting Contract No. 24289, including all exhibits, shall apply to the W. Esther Street Lighting Upgrade."

#### **"**50. COWLES ALLEY STREET LIGHTING UPGRADE

Scope of Work. WS shall install three (3) new 26-foot concrete poles, 53-watt LED fixtures, 190-watt solar arrays, prewired lockable enclosures with battery bank promoting daily dusk to dawn operation, and charge controllers and circuit breakers for the solar and battery banks. WS shall run any necessary conduit and wire for the operation of the street lights and poles located on the alley immediately south of Cowles Street between Hayes Avenue and Seabright Avenue, and more particularly described in the proposal and approvals attached hereto as Exhibit "Y". The work done hereunder shall be known as 'Cowles Street Alley Lighting Upgrade'.

"50.2 Compensation. For the services and work relating to the Cowles Street Alley Lighting Upgrade, City shall pay to WS upon completion of the services, an amount up to Forty-One Thousand Five Hundred Dollars (\$41,500), and a fifteen percent (15%) contingency in the amount of up to Six Thousand Two Hundred Twenty-Five Dollars (\$6,225). No contingency funds shall be paid by City unless WS has received City's prior approval to perform such additional work.

**"50.3** To the extent applicable, any and all terms and Conditions. conditions relating to the Street Light System in Lighting Contract No. 24289, including all exhibits, shall apply to the Cowles Street Alley Lighting Upgrade."

2. The proposals attached hereto as Exhibit "Y" shall be attached to Lighting Contract No. 24289 as Exhibit "Y" thereto.

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3. Except as expressly amended herein, all of the terms and conditions 1 in Lighting Contract No. 24289, as previously amended, are ratified and confirmed and 2 3 shall remain in full force and effect. IN WITNESS WHEREOF, the parties have caused this document to be duly 4 5 executed with all formalities required by law as of the date first stated above. 6 WS POWER & LIGHT, INC., a California corporation 7 8 9 10 "WS" 11 CITY OF LONG BEACH, a municipal 12 corporation Assistant City Manager 13 Βy Manager **EXECUTED PURSUANT** 14 TO SECTION 301 OF "City" THE CITY CHARTER 15 This Twenty-Third Amendment to Lighting Contract No. 24289 is approved as to form on 16 2009. 17 SHANNON, City Attorney 18 Ву 19 20 21 A09-00050 22 23 24 25 26 27 28

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WS POWER & LIGHT, INC., a California corporation

By Siecretary

"WS"

CITY OF LONG BEACH, a municipal

Corporation

Assistant City Manager

"City" Manager

EXECUTED PURSUANT TO SECTION SO! OF THE CITY CHARTER.

This Twenty-Third Amendment to Lighting Contract No. 24289 is approved as to form on 9.5., 2009.

ROBERT E. SHANNON City Attorney

By

A09-00050



# EXHIBIT Y

City Light & Power, Inc.
2961 Redondo Avenue
Loin g Beach
California 90806
Tel 562 983 2000
Fax 562 983 7870

April 24, 2009

Timothy Hou Westside Development Analyst Long Beach Redevelopment Agency 333 West Ocean Bivd., 3<sup>rd</sup> Floor Long Beach, CA 90802

RE: West Long Beach Industrial Solar Lighting Project

Dear Mr. Hou:

Per our discussions, City Light & Power, Inc. (CLP) is pleased to submit an estimate to install a solar street light solution in the west Long Beach industrial area. A detailed scope of work for is described below.

## PROJECT #1 - W. Esther St. Between Judson Ave. and Hayes Ave.

CLP would purchase and install seven (7) 53 Watt LED fixtures, 190 Watt solar arrays, prewired lockable enclosures with battery bank promoting daily dusk to dawn operation, charge controllers and circuit breakers for the solar and battery banks. The fixtures and solar arrays will be installed on the seven (7) 26' existing concrete poles. The estimated budget cost to complete the installation would be sixty seven thousand one hundred dollars (\$67,100).

## PROJECT #2 - Alley South of Cowles St. Between Hayes Ave. & Seabright Ave.

CLP would purchase and install three (3) 26' concrete poles and arms with bases, 53 Watt LED fixtures, 190 Watt solar arrays, prewired lockable enclosures with battery bank promoting daily dusk to dawn operation, charge controllers and circuit breakers for the solar and battery banks. The estimated budget cost to complete the installation would be forty one thousand five hundred dollars (\$41,500).

The solar system manufacturer has reviewed detailed drawings of the both existing and proposed street light poles. They do not see any load issues by installing the system to these poles. For an additional cost, CLP can have a professional engineer (PE) run load calculations of the proposed solar system on the poles. Please review and call me at (562) 216-2153 if you have any questions.

Sincerely,

Anthony E/Dercara Project Manager