

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

1 THIRD AMENDMENT TO CONTRACT NO. 35239

2 **35239**

3 THIS THIRD AMENDMENT TO CONTRACT NO. 35239 is made and
4 entered, in duplicate, as of December 16, 2021 for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting held on
6 April 23, 2019, by and between ALL AMERICAN ASPHALT, a California corporation
7 (“Contractor”), whose address is 400 E. Sixth Street, Pomona, California 92879, and the
8 CITY OF LONG BEACH, a municipal corporation (“City”).

9 WHEREAS, City and Contractor (the “Parties”) entered into Contract No.
10 35239 (the “Contract”) whereby Contractor agreed to provide as-needed major and
11 secondary highway construction services, as described in Project Plans and Specifications
12 No. R-7131; and

13 WHEREAS, the Parties entered into a First Amendment to the Contract to
14 extend the term to April 30, 2021 and add \$5,000,000 for a total not to exceed amount of
15 \$15,000,000; and

16 WHEREAS, the Parties entered into a Second Amendment to the Contract
17 to extend the term to April 30, 2022, add \$5,000,000 for a total not to exceed amount of
18 \$20,000,000 and attach an updated rate sheet; and

19 WHEREAS, the Parties desire to add \$5,000,000 to the Contract for a total
20 not to exceed amount of \$25,000,000;

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

23 1. Section 2.A. of the Contract is hereby amended to read as follows:

24 “A. City shall pay to Contractor the amount(s) for materials and
25 work identified in Contractor’s Bid for Annual Contract for Major and Secondary
26 Highway (Arterial) Improvements in the City of Long Beach, California, attached
27 hereto as Exhibit “A”; provided, however, that the total compensation to Contractor
28 shall not exceed Twenty Five Million Dollars (\$25,000,000) during the term of this

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Contract."

2. Except as expressly amended herein, all terms and conditions in Contract No. 35239 are ratified and confirmed and shall remain in full force and effect.

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.

ALL AMERICAN ASPHALT, a California corporation

_____, 2021

By [Signature]
Name Edward J. Carlson
Title Vice President

_____, 2021

By [Signature]
Name Micheal Farkas
Title Secretary

"Contractor"

CITY OF LONG BEACH, a municipal corporation

1/13/ ~~2021~~ ²⁰²²

By [Signature]
City Manager

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"City"

This Third Amendment to Contract No. 35239 is approved as to form on

January 11, ²²2021.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy