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

FIRST AMENDMENT TO AGREEMENT NO. 36431 36431

THIS FIRST AMENDMENT TO AGREEMENT NO. 36431 is made and entered, in duplicate, as of June 30, 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 PUB CONSTRUCTION, INC., a California corporation, whose address is 23545 Palomino Drive, #104, Diamond Bar, California 91765 ("Contractor"), 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. 36431 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. 36431, 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 to reduce One Million Dollars (\$1,000,000) to the Contract, for a total amount of One Million Dollars (\$1,000,000);

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

1. Section 3 of Contract No. 36431 is hereby amended to read as follows:

"PRICE AND PAYMENT. City shall pay to Contractor the amount(s) for each Work Order based on the adjustment factor in Contractor's Bid, attached hereto as Exhibit "A"; provided, however, that City shall not pay more than One Million Dollars (\$1,000,000.00) for the term of the Contract. Furthermore, no individual Work Order project shall exceed Seven Hundred and Fifty Thousand Dollars (\$750,000)."

 Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 36431 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.

		PUB CONSTRUCTION, INC., a California corporation
July 5th,	2023	By Shape Chuis Y: Title pus. Luf
	2023	By Name Title
		"Consultant"
		CITY OF LONG BEACH, a municipal corporation
EXECUTED PURSUANT TO SECTION 301 OF	2023	By Sinda J. Jahrn City Manager
THE CITY CHARTER.		"City"
This First Amendment to Agreement No. 36431 is approved as to form on		
		DAWN MCINTOSH, City Attorney
		and the second s

Deputy