

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

1 FIRST AMENDMENT TO AGREEMENT NO. 36261

2 **36261**

3 THIS FIRST AMENDMENT TO AGREEMENT NO. 36261 is made and
4 entered, in duplicate, as of May 22, 2023, for reference purposes only, pursuant to a minute
5 order adopted by the City Council of the City of Long Beach at its meeting on May 9, 2023,
6 by and between PETROCHEM MATERIALS INNOVATION, LLC, a Nevada limited liability
7 company ("Consultant"), with a place of business at 6168 Innovation Way, Carlsbad,
8 California 92009, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City requires specialized services requiring unique skills to be
10 performed in connection with furnishing and delivery of as-needed premix rubberized
11 emulsion slurry (REAS) and related equipment; and

12 WHEREAS, Section 1802 of the Long Beach City Charter permits the City to
13 make purchases under the existing purchasing contracts of other governmental agencies
14 on a voluntary and selective basis when authorized to do so by a resolution of the City
15 Council; and

16 WHEREAS, Petrochem Manufacturing, Inc., entered into a contract with the
17 City of Los Angeles, California, for as-needed REAS, under Contract No. 59680 -
18 Amendment No. 7 ("Los Angeles Contract"), which expired on December 31, 2022; and

19 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
20 36261 (the "Agreement") whereby Consultant agreed to provide these same services to
21 the City as offered under the Los Angeles Contract; and

22 WHEREAS, the Los Angeles Contract was amended on January 1, 2023
23 under Amendment No. 10, attached hereto as Exhibit "A-1", to extend the term of the
24 agreement to December 31, 2023; and

25 WHEREAS, the Parties desire to increase the contract amount by Three
26 Million Dollars (\$3,000,000), and extend the term to December 31, 2023;

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

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- 1 1. Section 1.B. of the Agreement is hereby amended to read as follows.
2 "Contractor shall sell, furnish and deliver to the City as-needed premix RAS
3 and related equipment of the same kind and on the same terms and conditions identified
4 in the Los Angeles Contract for a total annual contract amount not to exceed Four Million
5 Two Hundred Thousand Dollars (\$4,200,00), until the City of Los Angeles Contract expires
6 on December 31, 2023, with the option to renew for as long as the City of Los Angeles
7 Contract is in effect, at the discretion of the City Manager."
8 2. Section 1.D. of the Agreement is hereby amended to read as follows.
9 "The term of this Agreement shall commence at midnight on May 6, 2022,
10 and shall terminate at 11:59 p.m. on December 31, 2023, unless sooner terminated or
11 extended as provided in Paragraph B of this Agreement."
12 3. The Los Angeles Contract in Exhibit "A" to the Agreement is hereby
13 amended in accordance with Exhibit "A-1", attached hereto and incorporated by this
14 reference.
15 4. Except as expressly modified herein, all of the terms and conditions
16 contained in Agreement No. 36261 are ratified and confirmed and shall remain in full force
17 and effect.
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1 IN WITNESS WHEREOF, the parties have caused this document to be duly
2 executed with all formalities required by law as of the date first stated above.

3 PETROCHEM MATERIALS INNOVATION,
4 LLC, a Nevada limited liability company

5 MAY 23, 2023

By [Signature]
Name Leland D. Pace
Title CEO

7 MAY 23, 2023

By [Signature]
Name FRANK B. HOFFMAN
Title CFO

9 EXECUTED PURSUANT
10 TO SECTION 301 OF
11 THE CITY CHARTER.

"Consultant"

CITY OF LONG BEACH, a municipal
corporation

12 [Signature], 2023

By [Signature]
City Manager

"City"

15 This First Amendment to Agreement No. 36261 is approved as to form on

16 MAY 25, 2023.

18 DAWN MCINTOSH, City Attorney

19 By [Signature]
Deputy

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28

EXHIBIT "A-1"

CITY OF LOS ANGELES

City of Los Angeles Purchasing Agent
 111 E 1ST STREET
 ROOM 110
 LOS ANGELES CA 90012



ANNUAL REQUIREMENTS CONTRACT

Contract Number	Description	RFQ Number
ARC 40 59680 16	Slurry, Premix R.E.A.S.	
Contract Dates	Payment Terms	Delivery Days ARO
12-19-22 to 12-31-23	1% Net 30	1
Central Purchasing	Vendor	Bill To
Contact: Martha Medina Phone: (213) 928-9536 E-mail: Martha.Medina@lacity.org	000034616 PETROCHEM MATERIALS INNOVATION,LLC 6168 INNOVATION WAY CARLSBAD, CA 92009	City of Los Angeles Supply Svcs., Accounts Payable 555 Ramirez St., Space 312 Los Angeles CA 90012

Reason for Modification

Amendment 10 extend 1 yr 12/31/2023 add items, mmm

Renewal Period Options

Option	Effective Date	Expiration Date
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Line Items

Line	Commodity Code	CL Description	UOM	Unit Price	Markdown %	Markup %
1	30121601	Premix, Rubberized Emulsion Aggregated Slurry, Type I	GLL	\$2.8400		
Extended Description: Premix, Rubberized Emulsion, Aggregate Slurry, Type I:						
Slurry made in accordance with Standard Specifications for Public Works Construction 2012 Edition, Sections 203-3.4.4 to 203- 5.54, 302-4.6.4.1 to 302-5.1 and GSD/BSS Specifications for Modified Asphalts, Pavements and Processes, as well as any changes or updates going forward.						
Prices reflect asphalt prices at 1/1/2016 to \$355/ton (liquid)						
2	30121601	Premix, Rubberized Emulsion Aggregated Slurry, Type II	GLL	\$2.3400		
Extended Description: Premix, Rubberized Emulsion, Aggregate Slurry, Type II:						
All in accordance with Standard Specifications for Public Works Construction 2012 Edition, Sections 203-3.4.4 to 203- 5.54, 302-4.6.4.1 to 302-5.1 and GSD/BSS Specifications for Modified Asphalts, Pavements and Processes, as well as any changes or updates going forward.						
3	30121601	Premix, Rubberized Emulsion Aggregated Slurry, Type III	GLL	\$2.3400		
*** THIS LINE IS NOT ACTIVE ***						
Extended Description: Premix, Rubberized Emulsion Aggregated Slurry, Type III						

Line	Commodity Code	CL Description	UOM	Unit Price	Markdown %	Markup %
4	30121400	Service, Regular Time Labor only (application of Central Pla	HUR	\$95.0000		
<p>Extended Description: SERVICE, LABOR, PER PERSON: Labor for work performed in accordance with the RFQ/Contract specifications and requirements attached.</p> <p>Regular rate: \$ 95.00</p> <p>Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.</p>						
5	30121400	Service, Overtime Labor only (application of Central Plant M	HUR	\$142.0000		
<p>Extended Description: SERVICE, LABOR, PER PERSON: Labor for work performed in accordance with the RFQ/Contract specifications and requirements attached.</p> <p>Overtime rate: \$ 142.50</p> <p>Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.</p>						
6	721417	Rental, Service/Haul Trucks (Bare)	DAY	\$200.0000		
<p>Extended Description: Rental, Service/Haul Trucks (Bare)</p> <p>DAILY, WEEKLY & MONTHLY RENTAL RATES: (Bare) Daily: \$200.00 Minimum rental time: 1 Day Number of units available: 9</p>						
7	721417	Rental, Application Trucks (Bare).	HUR	\$252.0000		
<p>Extended Description: APPLICATION TRUCKS: (Bare)</p> <p>HOURLY RENTAL RATES: Within the City of Los Angeles, City Limits</p> <p>Hourly: \$252.00 Overtime: \$252.00 Sunday/Holiday: \$252.00</p> <p>**Minimum rental time: 4 Hours** Number of units available: 22</p> <p>APPLICATION TRUCKS: (Bare)</p> <p>HOURLY RENTAL RATES: NOT Within the City of Los Angeles, City Limits Hourly: \$252.00</p>						
8	721417	Job Tankers, for delivery of Premix, R.E.A.S in trailer moun	EA	\$550.0000		
<p>Extended Description: Job Tankers, for delivery of Premix, R.E.A.S. in trailer mounted 4,000 gallon tank to any location within the City of Los Angeles.</p> <p>JOB TANKER: As needed Delivery of Premix, R.E.A.S in trailer mounted 4,000 gallon tank to any location within the City of Los Angeles.</p> <p>\$600 Per Load</p>						
9	301216	Asphalt Binder, Heavy Traffic, Structurally Modified Binder	STN	\$800.0000		
<p>Extended Description: Heavy Traffic Binder: Structurally Modified Binder PG 76-10 (City of Los Angeles Custom Mix)</p> <p>Specifications as called in Attachment B of EV 4672, as provided by GSD Bureau of Standards.</p>						

Line	Commodity Code	CL Description	UOM	Unit Price	Markdown %	Markup %
10	78121603	Delivery, Trucking to AP1 Asphalt Binder, PG 76-10	STN	\$17.0000		
Extended Description: Delivery, Trucking to Asphalt Plant 1 of Asphalt Binder, Heavy Traffic, Structural Modified PG-10 (City of Los Angeles Custom Mix).						
Delivery, Trucking to Asphalt Plant I of Custom Blend, Heavy Traffic Asphalt Binder, Structural Modified PG-10.						
11	78121603	Delivery, Trucking - AP2, Asphalt Binder, PG 76-10	STN	\$19.0000		
Extended Description: Delivery, Trucking to Asphalt Plant II Asphalt Binder, Heavy Traffic, Structural Modified PG-10 (City of Los Angeles Custom Mix).						
Delivery, Trucking to Asphalt Plant II of Custom Blend, Heavy Traffic Asphalt Binder, Structural Modified PG 10.						
12	721417	Rental, of Job Tankers, for Delivery of Premix, R.E.A.S. not	SMI	\$3.0000		
Extended Description: Rental, of Job Tankers, for Delivery of Premix, R.E.A.S. not within the City of L.A., (price to include delivery fee and mileage from PMI's shipping Plant).						
For any location outside the City of L.A., delivery change from PMI Shipping Plant						
\$3.00 per mile (\$600.00 Minimum)						
For any location outside the City of L.A., delivery change from PMI Shipping Plant \$3.00 per mile (\$600.00 Minimum)						
13	301216	Fine Aggregate Slurry Mix: Premixed REAS.	GLL	\$3.0000		
Extended Description: Fine Aggregate Slurry Mix: Premixed REAS.						
Specifications as called in Attachment B of EV 4672, as provided by GSD Bureau of Standards.						
14	721417	Pump Rental, Specialized Slurry Pump, (pump capable of 250	DAY	\$500.0000		
Extended Description: Pump Rental, Specialized Slurry Pump.						
(Pump capable of 250 gallons centralized mix slurry/minute).						
DAILY RENTAL RATES:						
Daily: \$500.00						
Minimum rental time: 1 day						
Number of units available: 12						
15	78121603	Delivery, Trucking (common carrier) AP1, Asphalt, Hvy Bndr	STN	\$17.0000		
Extended Description: Delivery, Trucking (common carrier) to Asphalt Plant I of Asphalt, Heavy Traffic Binder, (City of LA Custom Mix)						
Note* Please include Proof of Delivery/Bill of Lading from common carrier trucking along with their invoice to ensure prompt payment.						
16	78121603	Delivery, Trucking (common carrier) to AP2 of Asphalt, Heavy	STN	\$19.0000		
Extended Description: Delivery, Trucking (common carrier) to Asphalt Plant II of Asphalt, Heavy Traffic Binder, (City of LA Custom Mix).						
Note* Please include Proof of Delivery/Bill of Lading from common carrier trucking along with their invoice to ensure prompt payment.						

Line	Commodity Code	CL Description	UOM	Unit Price	Markdown %	Markup %
17	721116	Plant Opening	EA	\$1,500.0000		
Extended Description: Plant Opening: For, Saturday, Sunday or Holidays						
Saturday \$ 1,500						
Sunday \$ 1,500						
Holiday \$ 1,500						
18	801116	Per Diem for Los Angeles.	DAY	\$150.0000		
Extended Description: Per Diem for Temp Los Angeles personnel						
19	721417	Rental, Storage Tank Portable for Jobsite Work.	DAY	\$1,000.0000		
Extended Description: Rental, Storage Tank Portable for Jobsite Work.						
PORTABLE STORAGE TANK RENTAL:						
DAILY, RENTAL RATES:						
Daily: \$ 1,000.00						
Minimum rental time: 1 Day						
Number of units available: 5						
20	721417	Rental, Slurry Box	DAY	\$250.0000		
Extended Description: SLURRY BOX RENTAL:						
DAILY, RENTAL RATES:						
Daily: \$ 250.00						
Minimum rental time: 1 Day						
Number of units available: 5						
21	721417	Rental, Delivery, Tanker - Bare, each load.	EA	\$200.0000		
Extended Description: TANKER (Bare) DELIVERY, RENTAL:						
DAILY, RENTAL RATES:						
\$ 200.00 per load						
Number of units available: 28						
22	801116	Labor, Posting & Notifying Affected Traffic Disruptions	HUR	\$0.0100		
*** THIS LINE IS NOT ACTIVE ***						
Extended Description: NOTE: THIS LINE IS BEING REPLACED BY LINES 26 (REG.RATE) & LINES 27 (OVERTIME RATE)						
LABOR:						
Labor for work performed in accordance with the RFQ/Contract specifications and requirements attached.						
Regular rate: \$95.00						
Overtime rate: \$142.50						
Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.						

Line	Commodity Code	CL Description	UOM	Unit Price	Markdown %	Markup %
23	551215	Hangtag/Doorknob Notices of Affected Traffic Disruptions	EA	\$0.3000		
Extended Description: HANG TAG NOTICES: \$0.30 Per Hang Tag Notice \$300.00 Minimum per job = (1,000 hang tags)						
24	55121710	Traffic Control, To furnish, place/maintain traffic signage,	DAY	\$1,500.0000		
Extended Description: Traffic Control, To furnish, place/maintain traffic signage, excluding electronic, of affected areas, (NO LABOR INVOLVED).						
25	721417	Rental, Sweeper, Mobile Units.(only if no showCity Sweepers)	HUR	\$0.0100		
*** THIS LINE IS NOT ACTIVE ***						
Extended Description: NOTE: THIS LINE IS BEING REPLACED BY LINES 28 (REG.RATE), LINES 29 (OVERTIME RATE) & LINES 30 (SUNDAY & HOLIDAY) HOURLY RENTAL RATES: Regular Rate Hourly: \$ 200.00 Overtime Rate Hourly: \$ 300.00 Sunday/Holiday Rate Hourly: \$ 400.00 Minimum rental time: 8 Hours Number of units available: 2						
26	801116	Labor, Reg .Rate, Posting & Notify Affected TrafficDisrupt	HUR	\$95.0000		
Extended Description: NOTE: THIS LINE IS REPLACEMENT FOR LINES 22 (REG.RATE)LABOR: Labor, Posting and Notifying of Affected Traffic Disruptions Labor for work performed in accordance with the RFQ/Contract specifications and requirements attached. Regular rate: \$95.00 Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.						
27	801116	Labor, Overtime Rate, Posting & Notify Affected Traffic	HUR	\$142.5000		
Extended Description: NOTE: THIS LINE IS REPLACEMENT FOR LINES 22 (Overtime Rate) LABOR: Labor, Posting and Notifying of Affected Traffic Disruptions Labor for work performed in accordance with the RFQ/Contract specifications and requirements attached. Overtime rate: \$142.50 Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.						
28	721417	Rental, Sweeper, Mobile Unit, Regular rate	HUR	\$200.0000		
Extended Description: NOTE: THIS LINE REPLACES LINES 25 (REG.RATE), Rental, Sweeper, Mobile Units, to be used "only" should City Sweepers not show up. HOURLY RENTAL RATES: Regular Rate Hourly: \$ 200.00 Minimum rental time: 8 Hours Number of units available: 2						

Line	Commodity Code	CL Description	UOM	Unit Price	Markdown %	Markup %
29	721417	Rental, Sweeper, Mobile Units, Overtime Rate.	HUR	\$300.0000		
Extended Description: NOTE: THIS LINE REPLACES LINES 25 (OVERTIME RATE) Rental, Sweeper, Mobile Units, to be used "only" should City Sweepers not show up. HOURLY RENTAL RATES: Overtime Rate Hourly: \$ 300.00 Minimum rental time: 8 Hours Number of units available: 2						
30	721417	Rental, Sweeper, Mobile Units, Sunday/ Holiday Rate.	HUR	\$400.0000		
Extended Description: NOTE: THIS LINE REPLACES LINES 25 (Sunday & HOLIDAY RATE) Rental, Sweeper, Mobile Units, to be used "only" should City Sweepers not show up. HOURLY RENTAL RATES: Overtime Rate Hourly: \$ 400.00 Minimum rental time: 8 Hours Number of units available: 2						
31	30121601	1781 Slurry, Pilot Program	GLL	\$2.1100		
Extended Description: Pilot Program: 1781 Slurry						
32	30121601	Cold in Place Recycling, CIR, Pilot Program	GLL	\$3.6500		
Extended Description: Pilot Program: CIR						
33	30121601	Reclaimed Asphalt Pavement RAP, Central Mixed Slurry, Pilot	GLL	\$2.0100		
Extended Description: Pilot Program: Reclaimed Asphalt Pavement RAP, Centrally Mixed Slurry						
34	30121601	Emulsion, Cold Patch, Modified Emulsion, Pilot Program	GLL	\$3.6500		
Extended Description: Pilot Program: Emulsion Cold Patch, Modified Emulsion						
35	30121601	Premix, REAS, Type II (76-22 Binder)	GLL	\$2.3500		
Extended Description: Premix, Rubberized Emulsion Aggregate Slurry, Type II(76-22 Binder)						
36	30121601	1781-LA (76-22 Binder)	GLL	\$2.3000		
Extended Description: 1781-LA (76-22 Binder)						
37	721417	Rental, Pneumatic Rubber Tire Roller	DAY	\$500.0000		
Extended Description: Rental, Pneumatic Rubber Tire Roller						
38	78121603	Delivery Fee, Job Trailer for delivery of Equipment	EA	\$600.0000		
Extended Description: Delivery Fee, Job Trailer for delivery of Equipment to any location within the City of Los Angeles						
39	30121601	Asphalt Rubber Binder (delivered)	STN	\$975.0000		
Extended Description: Asphalt						
40	30121601	3/8" Pre-coated Chip (delivered)	STN	\$105.0000		
Extended Description: Asphalt						
41	801116	Operating Engineer (regular time)	HUR	\$125.0000		
Extended Description: Temporary personnel services						
42	801116	Operating Engineer (Overtime)	HUR	\$156.5000		
Extended Description: Temporary personnel services						
43	3012	Chip Spreader (Bare)	DAY	\$1,500.0000		
Extended Description: Roads and landscape						

Line	Commodity Code	CL Description	UOM	Unit Price	Markdown %	Markup %
44	721417	Chip Spreader (Bare)	DAY	\$1,500.0000		
Extended Description: CONSTRUCTION MACHINERY AND EQUIPMENT RENTAL OR LEASING SERVICES						
45	721417	Steel Drum Roller (Bare)	DAY	\$500.0000		
Extended Description: CONSTRUCTION MACHINERY AND EQUIPMENT RENTAL OR LEASING SERVICES						
46	721417	Chip Spreader (delivery)	DAY	\$600.0000		
Extended Description: CONSTRUCTION MACHINERY AND EQUIPMENT RENTAL OR LEASING SERVICES						

Authorized By

Annual Requirements Contract Clauses, Terms, and Conditions

Line Item Provisions

Clauses and Comments on PDF

Document Provisions

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Supporting Documents

CONTRACT COMMENTS

Document ID 59680	Document Phase Final	Document Description Slurry, Premix R.E.A.S.	Page 9 of 12
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INTENTIONALLY LEFT BLANK TO ADD CLAUSES AND COMMENTS.

Document ID	Document Phase	Document Description	Page
Procurement Analyst: Martha Medina E-mail Address: Martha.Medina@lacity.org		Phone Number: 213-928-9536 Slurry, Pre-Mix R.E.A.S. RFQ Number: 213-928-9511	10 of 12

Requirements Contract for: ****Slurry, Pre-Mix R.E.A.S. **** Award No. 59680

Payment Terms: 1.88% net 30 days Delivery: 1 Days ARO RFQ No.:EV4672 Previous Contract: 59180

Renewal Options: 5 Option Date 1 = --/--/-- Option Date 2 = --/--/-- Option Date 3 = --/--/--
Options Granted: 0 Option Date 4 = --/--/-- Option Date 5 = --/--/--

You are hereby notified of the award of this contract with the City of Los Angeles in accordance with RFQ Number EV4672, to furnish the City's annual requirements for the items and/or services identified in this document. The entire RFQ (including Attachment A and specifications) or any items thereof, addendums, and general conditions comprise the contract. The Quotation document signed by the appropriate contractor and by duly authorized City officials is on file in the Purchasing Agent's office.

NOTE: SALES TAX WILL BE ADDED AT TIME OF ORDER.

The following listed item(s) cover the only product(s) or service(s) approved for purchase under this contract. Products or services requested by the City and not listed in the contract require a separate City Purchase Order in order for the supplier to receive payment.

SUPPLIER CONTACT:

Contact Person: Frank B. Hoffman, Title: C. F. O.
Telephone No.: 760-603-0961
Fax No.: 760-603-0962
E-Mail Address: frank@pmitechnology.com
24 Hour Contact No.: 760-271-0197

CONTRACT PURCHASE ORDERS:

Contract Purchase Orders will be issued during the contract period for materials or services as required. Supplier shall deliver no goods or services until a City department issues a Contract Purchase Order.

APPROVED CONTRACT ITEM PURCHASES:

The listed items cover the only products approved for purchase under this contract. The City of Los Angeles will not pay any invoice covering the delivery of any merchandise that is not explicitly authorized by this contract. Any products requested by the City not listed in the contract require a separate City Purchase Order in order for the supplier to receive payment.

RENEWAL OPTION:

The City reserves the right to renew this contract for 5 additional one (1) year period(s). All renewals shall be on an annual basis and under the same terms and conditions of the original contract.

ANNUAL PRICE ADJUSTMENT FOR LONG TERM FIXED PRICE CONTRACTS:

Unit Prices for each line item shall be fixed for one year from the contract start date. On contract anniversaries and renewals, unit prices may be adjusted for the next year in accordance with manufacturer's published price adjustments. Any price adjustments shall be mutually agreed upon by the City Purchasing Agent and the supplier. Price increases will not exceed a reasonable amount, supported by written documentation as indicated in the paragraph below and as determined by the City Purchasing Agent, for any price adjustment. Price reductions may be issued at any time.

The City reserves the right to terminate contract without further obligation by either party in event price increases are not acceptable. Escalating factors will not be automatically granted. Requests for price increases shall be in writing and accompanied by each manufacturer(s) price list(s) with appropriate supporting documents acceptable to the City. Such documents shall include, but not be limited to manufacturer/distributor/dealer invoices, insurance bills, utility

Document ID	Document Phase	Document Description	Page
55660	Final	Slurry, Premix R.E.A.S.	11 of 12

bills, freight bills, payroll records, etc. The request shall state the percentage increase and the revised price for each affected contract item.

No increases will be granted without prior approval of the City Purchasing Agent. ESTIMATED EXPENDITURES AND THRESHOLD ADJUSTMENT:
 Total expenditures for the life of this contract, including the initial term and all renewals or extensions, are estimated to be \$67,788,010. No guarantee can be given that this total will be reached or that it will not be exceeded. Supplier agrees to furnish more or less in accordance with actual contract requirements.

AUTHORIZED DISTRIBUTOR/DEALER:

The supplier indicates it is an authorized factory distributor/dealer for the manufacturer quoted, or has provided a formal Letter of Certification from the manufacturer, stating that the manufacturer will honor any warranty claims by the City for equipment, parts, and/or materials provided by the supplier.

The manufacturer will be responsible for any default of the supplier that is not corrected by the supplier in a timely and efficient manner. This responsibility includes replacing incorrect or defective parts, trouble shooting, and correcting problems that are traceable to the manufacturer.

ANNUAL PRICE ADJUSTMENT FOR LONG TERM FIXED PRICE CONTRACTS:

Unit Prices for each line item shall be fixed for one year from the contract start date. On contract anniversaries and renewals, unit prices may be adjusted for the next year in accordance with manufacturer's published price adjustments. Any price adjustments shall be mutually agreed upon by the City Purchasing Agent and the supplier. Price increases will not exceed a reasonable amount, supported by written documentation as indicated in the paragraph below and as determined by the City Purchasing Agent, for any price adjustment. Price reductions may be issued at any time.

The City reserves the right to terminate contract without further obligation by either party in event price increases are not acceptable. Escalating factors will not be automatically granted. Requests for price increases shall be in writing and accompanied by each manufacturer(s) price list(s) with appropriate supporting documents acceptable to the City. Such documents shall include, but not be limited to manufacturer/distributor/dealer invoices, insurance bills, utility bills, freight bills, payroll records, etc. The request shall state the percentage increase and the revised price for each affected contract item.

No increases will be granted without prior approval of the City Purchasing Agent.

LIQUIDATED DAMAGES FOR LATE DELIVERY:

Delivery delays beyond the Contract/Purchase Order delivery date will result in added expense to the City. The City of Los Angeles shall be paid damages for such delay. Inasmuch as the amount of damage is extremely difficult to ascertain, the supplier agrees to compensate the City in the amount of \$100.00 per calendar day beyond the delivery date specified. This amount shall be fixed as liquidated damages that the City will suffer by reason of such delay, and not as a penalty. The City shall have the right to deduct and retain the amount of such liquidated damages from any monies due the supplier.

The supplier shall be entitled to a reasonable extension of time for unavoidable delay in delivery due to causes not reasonably foreseeable by the parties at the time of the Contract/Purchase Order execution, and that are entirely beyond the control and without the fault or negligence of the supplier, including, but not limited to, acts of God or the public enemy, war or other national emergency making delivery temporarily impossible or illegal, acts or omissions of other suppliers, strikes and labor disputes not brought on by any act or omission of the supplier, fire, flood, epidemics, quarantines, or freight embargoes.

INSURANCE:

The suppliers General Liability and Workers Compensation Insurance Certificates are recorded in the City Administrative Officer's Risk Management Track4LA database.

Document ID	Document Phase	Document Description	Page
REPRESENTATIVE SAMPLE TESTING:			12
Representative samples may be taken from each delivery and tested for compliance with specifications. Testing costs will be paid by the City for samples that comply. If samples do not comply with requirements, the expense of testing will be charged to the supplier, and delivery will be rejected. The supplier will be required to pick up the rejected material and to make a new delivery within 5 days of notification by the City. Notification will be made by the most effective means to the supplier's designated representative.			of 12

SALES/USE TAX PAID DIRECTLY TO STATE:

Since the supplier has not indicated it has a permit to collect California State sales tax, the City will pay use tax directly to the State of California. No sales tax will be paid to the supplier.

REPRESENTATIVE SAMPLE TESTING:

Representative samples may be taken from each delivery and tested for compliance with specifications. Testing costs will be paid by the City for samples that comply. If samples do not comply with requirements, the expense of testing will be charged to the supplier, and delivery will be rejected. The supplier will be required to pick up the rejected material and to make a new delivery within 5 days of notification by the City. Notification will be made by the most effective means to the supplier's designated representative.

SALES/USE TAX PAID DIRECTLY TO STATE:

Since the supplier has not indicated it has a permit to collect California State sales tax, the City will pay use tax directly to the State of California. No sales tax will be paid to the supplier.

OTHER GOVERNMENT AGENCY PURCHASES:

Other government agencies may make purchases using the prices, terms and conditions of this contract.

CITY OF LOS ANGELES

CALIFORNIA

TONY M. ROYSTER
GENERAL MANAGER
AND
CITY PURCHASING AGENT



KAREN BASS
MAYOR

DEPARTMENT OF
GENERAL SERVICES
ROOM 701
CITY HALL SOUTH
111 EAST FIRST STREET
LOS ANGELES, CA 90012
(213) 928-9555
FAX NO. (213) 928-9515

December 19, 2022

Petrochem Manufacturing, Inc.
6168 Innovation Way
Carlsbad, CA 92009

SUBJECT: CITY OF LOS ANGELES SUPPLY CONTRACT 59680 -AMENDMENT 10
SLURRY, PREMIX RE.AS.

The subject contract is hereby extended to December 31, 2023

The following items are being added, effective 01/01/2023:

<u>Line#</u>	<u>Description</u>	<u>Price</u>
39	Asphalt Rubber Binder (Delivered)	\$975/Ton
40	3/8" Precoated Chip (Delivered)	\$105/Ton
41	Operating Engineer (Regular Time)	\$125.00/Hour
42	Operating Engineer (Overtime)	\$156.50/Hour
43	Chip Spreader (Bare)	\$1,500.00/Day
44	Distributor Truck (Bare)	\$2,000.00/Day
45	Steel Drum Roller (Bare)	\$500.00/Day
46	Chip Spreader (Delivery)	\$600/Each

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All other contract terms and conditions remain unchanged and in force. Questions regarding this contract modification should be addressed to Martha Medina, at 213-928-9536, or via e-mail to Martha.Medina@lacity.org.

Tony M. Royster *MM*
General Manager and
City Purchasing Agent

By: Troy A. Lee
Supply Services Manager

Approved as to Form
Hydee Feldstein Soto
City Attorney

By: Kimberly Miera
Kimberly D. Miera
Deputy City Attorney

CITY OF LOS ANGELES

CALIFORNIA

TONY M. ROYSTER
GENERAL MANAGER
AND
CITY PURCHASING AGENT



KAREN BASS
MAYOR

DEPARTMENT OF
GENERAL SERVICES
ROOM 701
CITY HALL SOUTH
111 EAST FIRST STREET
LOS ANGELES, CA 90012
(213) 928-9555
FAX No. (213) 928-9515

February 14, 2023

Petrochem Manufacturing, Inc.
6168 Innovation Way
Carlsbad, CA 92009

SUBJECT: CITY OF LOS ANGELES SUPPLY CONTRACT 59081 – AMENDMENT 11
SLURRY, PREMIX R.E.A.S.

The following price changes are effective 02/13/2023:

<u>Line #</u>	<u>Description</u>	<u>Old Price</u>	<u>New Price</u>
4	Service, Regular Time, Labor Only, Per Person	\$ 95.00/hour	\$110.00/hour
5	Service, Overtime, Labor Only, Per Person	\$142.50/hour	\$161.50/hour
18	Per Diem for Los Angeles Personnel	\$150.00/day	\$256.00/day
26	Labor, Regular Rate, Labor, Posting & Notify of Affected Traffic Disruptions	\$ 95.00/hour	\$110.00/hour
27	Labor, Overtime Rate, Labor, Posting & Notify of Affected Traffic Disruptions	\$142.50/hour	\$161.50/hour
28	Rental, Sweeper, Mobile Unit, Regular Rate	\$200.00/hour	\$300.00/hour

The following items are being added effective 02/13/2023:

<u>Line #</u>	<u>Description</u>	<u>Price</u>
47	Traffic Control Plans	\$200.00/each
48	Traffic Control, Changeable Message Signs	\$225.00/each

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Tony M. Royster *MM*
General Manager and *CC*
City Purchasing Agent

By: *Connie Capinoza* ^{f/TAL}
Supply Services Manager

Approved as to Form
Hydee Feldstein Soto
City Attorney

By: *Kimberly Miera*
Kimberly D. Miera
Deputy City Attorney

CITY OF LOS ANGELES

CALIFORNIA

TONY M. ROYSTER
GENERAL MANAGER
AND
CITY PURCHASING AGENT



KAREN BASS
MAYOR

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LOS ANGELES, CA 90012
(213) 928-9555
FAX No. (213) 928-9515

March 24, 2023

Petrochem Manufacturing, Inc.
6168 Innovation Way
Carlsbad, CA 92009

SUBJECT: CITY OF LOS ANGELES SUPPLY CONTRACT 59081 – AMENDMENT 12
SLURRY, PREMIX R.E.A.S.

The following price changes are effective 03/20/2023:

Line #	Description	Old Price	New Price
1	Premix REAS Type I	\$2.84	\$2.67
2	Premix REAS Type II	\$2.34	\$2.22
3	Premix REAS Type III	\$2.34	\$2.22

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Tony M. Royster *CC MRM*
General Manager and
City Purchasing Agent

By: _____
Supply Services Manager

Approved as to Form
Hydee Feldstein Soto
City Attorney

By: _____
Kimberly D. Miera
Deputy City Attorney



CITY OF LOS ANGELES

CALIFORNIA

TONY M. ROYSTER
GENERAL MANAGER
AND
CITY PURCHASING AGENT



KAREN BASS

MAYOR

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LOS ANGELES, CA 90012
(213) 928-9555
FAX No. (213) 928-9515

April 3, 2023

Petrochem Manufacturing, Inc.
6168 Innovation Way
Carlsbad, CA 92009

SUBJECT: CITY OF LOS ANGELES SUPPLY CONTRACT 59680 – AMENDMENT 13
SLURRY, PREMIX R.E.A.S.

The following items are being added effective 04/3/2023:

Item #	Description	Price
49	Planer/Grinder attachment, Bobcat. Delivery included	\$1950.00/day


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Tony M. Royster
General Manager and
City Purchasing Agent

Approved as to Form
Hydee Feldstein Soto
City Attorney

f/TAL
By: 
Supply Services Manager

By: 
Kimberly D. Miera
Deputy City Attorney

