

1 AGREEMENT

2 **29801**

3 THIS AGREEMENT is made and entered, in duplicate, as of October
4 10, 2006 for reference purposes only, pursuant to Resolution No. RES-06-0120 adopted
5 by the City Council of the City of Long Beach at its meeting on October 10, 2006, by and
6 between J.K. MIKLIN, INC., doing business as YAMADA ENTERPRISES, agent for
7 MONTEL AETNASTAK, INC., ("Contractor"), located at 16552 Burke Lane, Huntington
8 Beach, California 92647-4538 and the CITY OF LONG BEACH ("City"), a municipal
9 corporation.

10 WHEREAS, Section 1802 of the Long Beach City Charter permits the City
11 to make purchases under the purchasing contracts of other governmental agencies when
12 authorized to do so by a resolution; and

13 WHEREAS, the City desires to purchase approximately 358 units of shelving
14 and stacks for the MacArthur Park Library; and

15 WHEREAS, the United States General Services Administration ("GSA") has
16 contracts for the purchase of these items from J.K. Miklin, Inc., doing business as Yamada
17 Enterprises, agent for the manufacturer, Montel Aetnastak, Inc., ("GSA Contract GS-28F-
18 0017M"); and

19 WHEREAS, Resolution No. RES-06-0120 authorizes the City Purchasing
20 Agent to purchase these items from GSA by virtue of the GSA Contract;

21 NOW, THEREFORE, in consideration of the terms and conditions contained
22 in this Agreement, the parties agree as follows:

23 1. The GSA Contract with Contractor is incorporated by this reference as if
24 fully set forth, and the same terms and conditions contained in the United States General
25 Services Administration Contract shall be applicable here except as follows:

26 a. Wherever the GSA Contract refers to the United States General Services
27 Administration, it shall be deemed to refer to the City of Long Beach;

28 b. Contractor shall sell, furnish and deliver to the City equipment of
substantially the same type and kind purchased by GSA and on the same terms and

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333 West Ocean Boulevard
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1 conditions offered to the United States General Services Administration, except as
2 modified by Exhibit "A" attached to and incorporated in this Agreement, for an amount not
3 to exceed \$83,040 plus 2% of that amount including tax, extending until the warranty on
4 the 358 units of shelving and stacks expire. To the extent that the GSA Contract and this
5 Agreement are inconsistent, the following priority shall govern: (1) this Agreement and (2)
6 the GSA Contract.

7 c. Payment for the equipment purchased from Contractor by City shall be
8 made by the City on delivery to and acceptance of the equipment by the City and submittal
9 of an invoice to the City. Payment is due thirty (30) days after the date of the invoice.

10 d. All warranties shall accrue to the City of Long Beach.

11 e. The parties may, by mutual agreement, amend this Agreement with the
12 approval of the City's City Council.

13 2. Neither this Agreement nor any money that becomes due to Contractor
14 under this Agreement may be assigned by Contractor without the prior written consent of
15 the City Manager or his designee.

16 3. Any notice given under this Agreement shall be in writing and personally
17 delivered or deposited in the U.S. Postal Service, return receipt, and shall be delivered or
18 mailed to Contractor at the relevant address first stated above, and to the City at 333 West
19 Ocean Boulevard, Long Beach, California 90802 Attn: City Manager. Notice shall be
20 deemed given three days after deposit in the mail.

21 4. The terms appearing on the GSA Contract are incorporated in this
22 Agreement. Contractor is called "Vendor" in the United States General Services
23 Administration Contract.


24 5. Contractor shall cooperate with the City in all matters relating to
25 self-accrual of use tax. Contractor shall contact the City Treasurer for additional
26 information regarding self-accrual.

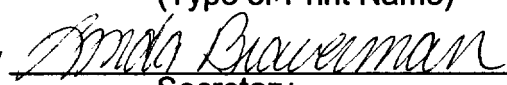
27 6. This Agreement and all documents which are incorporated by reference
28 in this Agreement constitute the entire understanding between the parties and supersede


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1 all other agreements, oral or written, with respect to the subject matter of this Agreement.
2 If there is any legal proceeding between the parties to enforce or interpret this Agreement,
3 or to protect or establish any rights or remedies, the prevailing party shall be entitled to its
4 costs and expenses, including reasonable attorney's fees.

5 IN WITNESS WHEREOF, the parties have caused this document to be duly
6 executed with all formalities required by law as of the date first stated above.

7 J.K. MIKLIN, INC., doing business as YAMADA
8 ENTERPRISES, agent for MONTEL
AETNASTAK, INC.
9 10-17-_____, 2006 By 
10 President
Michael Scheffler
(Type or Print Name)

11 10-17-_____, 2006 By 
12 Secretary
Linda Braverman
(Type or Print Name)

13 CITY OF LONG BEACH, a municipal corporation
14
15
16 10.27_____, 2006 By 
City Manager
17 "City"

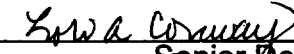
18
19 This Agreement is approved as to form on _____ 10/20, 2006.
20 ROBERT E. SHANNON, City Attorney
21
22 By 
Senior Deputy
23
24
25
26

EXHIBIT “A”



16552 Burke Lane, Huntington Beach, CA 92647-4538
 (714) 843-9882 • (800) 444-4594 • FAX (714) 843-9202

To: City of Long Beach
 Re: MacArthur Park Library-
 Book Stacks

Date: 8/9/2006
Job Location: Long Beach, CA
Est. Lead Time: 90-120 Days
Freight: Incl.
F.O.B.: Destination
Terms: Net 30

Attn: Rich Suit
FAX:

| ITEM | QTY. | PART NO. | DESCRIPTION | UNIT PRICE | EXTENSION |
|------|------|----------|---|------------|---------------|
| | | | Montel | | |
| 1 | 1 | | List Price-Aetnastak Steel Library Book Stacks. See Material list for components required with the associated unit list price. | | \$ 141,047.65 |
| 2 | 1 | | List Price-Smartshelf 4-Post shelving. See Material list for components required with the associated unit list price. | | \$ 1,453.20 |
| | | | | | |
| | | | | | |

NOTES:

Pricing based on specifications and drawings provided by 3D/1 on 5/17/06.
 Light fixtures and electrical connections by others.
 Yamada Enterprises to coordinate installation of stacks with owner's electrician.

| | | | | | |
|--|--|--|--------------------------|----|------------------|
| | | | LIST PRICE | \$ | 142,500.85 |
| | | | 61.80% DISCOUNT | \$ | 88,065.53 |
| | | | COST OF MATERIALS | \$ | 54,435.32 |
| | | | 8.25% SALES TAX | \$ | 4,490.91 |
| | | | CALCULATIONS | \$ | 2,000.00 |
| | | | FREIGHT | \$ | 6,200.00 |
| | | | INSTALLATION | \$ | 15,500.00 |
| | | | TOTAL | \$ | 82,626.24 |

1. This quotation is subject to change unless accepted within 60 days from the above date.
2. Shipping dates are approximate and are based upon receipt of all necessary information.
3. Prices quoted do not include direct taxes imposed by Federal, State or Municipal authorities unless stated.
4. A service charge of 1½% per month (18% annum) will be charged on all past due accounts.

Linda Braverman

Linda Braverman
 linda@yamadaenterprises.com



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QUOTATION
 # 06329-MR1

To: 3DI
 12100 Wilshire Blvd.
 Los Angeles, Ca. 90025
 Re: MacArthur Park P.L.
 Add'l Book Stack Items
Attn: Danny Kaye
FAX: Email: kaye@3di.com

Date: 9/7/2006
Job Location: Long Beach, Ca.
Est. Lead Time: 75 Days A.R.O.
Freight: Included
F.O.B.: Destination
Terms: Net 30

| ITEM | QTY. | PART NO. | DESCRIPTION | UNIT PRICE | EXTENSION |
|---------------------------------|------|----------|---|------------|-------------------|
| | | | Mfg: Montel Inc. Product: Aetnastak Library Shelving | | |
| 1 | 10 | L3612SRA | 36"W x 12"D sliding reference shelf | 100.00 | 1,000.00 |
| MANUFACTURERS LIST PRICE | | | | | \$1,000.00 |
| G.S.A. DISCOUNT 61.8% | | | | | (618.00) |
| NET COST | | | | | \$382.00 |
| SALES TAX 8.25% | | | | | \$31.51 |
| FREIGHT | | | | | N/C |
| INSTALLATION | | | | | N/C |
| TOTAL | | | | | \$413.51 |

1. This quotation is subject to change unless accepted within 60 days from the above date.
2. Shipping dates are approximate and are based upon receipt of all necessary information.
3. Prices quoted do not include direct taxes imposed by Federal, State or Municipal authorities unless stated.
4. A service charge of 1½% per month (18% annum) will be charged on all past due accounts.

 Michael Scheffler
 mike@yamadaenterprises.com

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RESOLUTION NO. RES-06-0120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER TO PURCHASE LIBRARY SHELVING AND STACKS THROUGH THE CONTRACT BETWEEN THE GENERAL SERVICES ADMINISTRATION (GSA) AND J. K. MIKLIN, INC. DOING BUSINESS AS YAMADA ENTERPRISES, AGENT FOR MONTEL AETNASTAK, INC.

WHEREAS, the Charter of the City of Long Beach, Section 1802, permits the City to purchase services, supplies, materials, equipment and labor with other government agencies by purchasing under their contracts on a voluntary and selective basis when authorized by resolution; and

WHEREAS, the City of Long Beach desires to purchase approximately 358 units of shelving and stacks for the MacArthur Park Library; and

WHEREAS, the United States General Services Administration ("GSA") has contracts for the purchase of these items from J. K. Miklin, Inc., doing business as Yamada Enterprises, agent for the manufacturer, Montel Aetnastak, Inc. ("GSA Contract GS-28F-0017M"); and

WHEREAS, City's participation in the GSA Contract GS-28F-0017M will facilitate acquisition of these items as well as provide considerable costs benefits to the City; and

WHEREAS, if the City had to go to formal bid rather than participate in the GSA Contract GS-28F-0017M considerably more funds would be required;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. The above recitals are true and correct and are incorporated by

