

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

FIRST AMENDMENT TO CONTRACT NO. 35239

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THIS FIRST AMENDMENT TO CONTRACT NO. 35239 is made and entered, in duplicate, as of February 7, 2020 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on April 23, 2019, by and between ALL AMERICAN ASPHALT, a California corporation ("Contractor"), whose address is 400 E. Sixth Street, Pomona, California 92879, and the CITY OF LONG BEACH, a municipal corporation ("City").

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

WHEREAS, the Parties desire to extend the term one (1) additional one year period and add \$5,000,000 to the Contract;

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

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

"A. City shall pay to Contractor the amount(s) for materials and work identified in Contractor's Bid for Annual Contract for Major and Secondary Highway (Arterial) Improvements in the City of Long Beach, California, attached hereto as Exhibit "A"; provided, however, that the total compensation to Contractor shall not exceed Fifteen Million Dollars (\$15,000,000) during the term of this Contract."

2. Section 4 of the Contract is hereby amended to read as follows:

"4. TIME FOR CONTRACT. The term of this Contract shall commence at midnight on May 1, 2019, and shall terminate at 11:59 p.m. on April 30, 2021, unless sooner terminated as provided in this Contract, or unless the services or the Project is completed sooner. The Parties have the option to extend the term one (1) additional one-

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1 year period. Time is of the essence hereunder. City will suffer damage if the work is not
2 completed within the time stated, but those damages would be difficult or impractical to
3 determine. So, Contractor shall pay to City, as liquidated damages, the amount stated in
4 the Contract Documents.”

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

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

9 ALL AMERICAN ASPHALT, a California
10 corporation
11 February 24th, 2020 By [Signature]
12 Name Mark Luer
13 Title President

14 February 24th, 2020 By [Signature]
15 Name Michael Farkas
16 Title Secretary

17 “Contractor”

18 CITY OF LONG BEACH, a municipal
19 corporation
20 March 10, 2020 By [Signature]
21 Name Rebecca G. Lauer
22 Title City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

23 This First Amendment to Contract No. 35239 is approved as to form on
24 March 9, 2020.

25 CHARLES PARKIN, City Attorney
26 By [Signature]
27 Deputy
28

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

CIVIL CODE § 1189

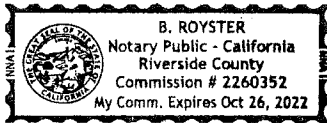
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

On February 24, 2020 before me, B. Royster, Notary Public,
Date Here Insert name and Title of the Officer

personally appeared Mark Luer and Michael Farkas
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature B. Royster
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to person relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document First Amendment to Contract No. 35239- City of Long Beach

Document Date: February 24, 2020 Number of Pages: 2

Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Mark Luer

- Individual
- Corporate Officer – Title(s): President
- Partner Limited General
- Attorney in Fact
- Trustee
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer is Representing:
All American Asphalt

Signer's Name: Michael Farkas

- Individual
- Corporate Officer – Title(s): Secretary
- Partner Limited General
- Attorney in Fact
- Trustee
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer is Representing:
All American Asphalt



ALL AMERICAN ASPHALT
ALL AMERICAN AGGREGATES

T 951-736-7600 F 951-739-4671
P.O. BOX 2229, CORONA, CA 92628-2229
CONTRACTORS LICENSE #267073 AC12
DIR #1000001051

February 24, 2020

Teri A. Luce
City of Long Beach
Dept. of Public Works
411 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802

RE: First Amendment to Contract #35239
AAA Job# 31486

Teri,

Please find attached notarized wet signature hard copies of the second amendment to contract #35239 to extend the term to April 30, 2021

If you should have any questions please call me at (951) 736-7600 Ext. 263.

Thank you,

Emily Hornung,
Public Works Contract Administrator
emily.hornung@allamericanasphalt.com