

**AMENDMENT NO. THREE TO CONTRACT NO. 29936**

**29936**

**RE: Renewal No. Three of PA-01107, Contract No. 29936 for Providing Queensway Bay Landscape Maintenance for the City of Long Beach (BPPR07000020)**

This Amendment to Contract No. 29936 is made and entered as of February 3, 2010, by and between the CITY OF LONG BEACH, a municipal corporation, and Azteca Landscape (Contractor)

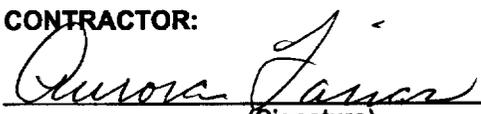
Contract No. 29936 is amended by mutual agreement of the parties and as indicated below by a check or other mark preceding the appropriate amendment:

- 1. The term is extended to March 1, 2011
- 2. \$685,461 has been added to the 3rd renewal term for a total ("not to exceed") amount of \$2,741,844.
- 3. Prices during this period shall remain firm.
- 4. The price for certain items shall be increased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference.
- 5. The price for certain items shall be decreased as shown on Exhibit "A", which is attached hereto and incorporated herein by this reference.
- 6. The discount offered to the City is increased by \_\_\_\_ %
- 7. The items or locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby deleted from the Contract.
- 8. The locations identified on Exhibit "B", which is attached hereto and incorporated herein by this reference, are hereby added to the Contract.
- 9. Current permits, licenses, insurance and other required information are attached as Addendum No. 1.

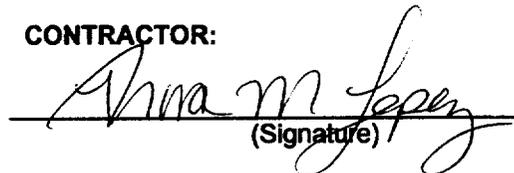
Except as expressly amended above, all terms and conditions in this Contract are ratified and confirmed and remain in full force and effect. Executed with all formalities required by law as of the date first stated above.

**Attach Notary if Out-of-State Contractor**

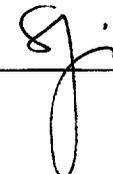
**CONTRACTOR:**

  
 \_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 Aurora Farias  
 (Print / Type Name)  
 President  
 \_\_\_\_\_  
 President / Vice President / Secretary / Treasurer  
 (circle one)

**CONTRACTOR:**

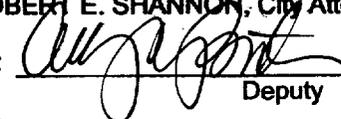
  
 \_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 Rosa M. Lopez  
 (Print / Type Name)  
 Vice President  
 \_\_\_\_\_  
 President / Vice President / Secretary / Treasurer  
 (circle one)

**THE CITY OF LONG BEACH:**

By:  Assistant City Manager  
 \_\_\_\_\_  
 City Manager

**EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER**

Approved as to form:  
ROBERT E. SHANNON, City Attorney

By:   
 \_\_\_\_\_  
 Deputy

BID NO: N/A  
BOND NO: 6676043  
Premium: \$8,814.00

BOND FOR FAITHFUL PERFORMANCE

KNOW ALL MEN BY THESE PRESENTS: That we, Azteca Landscape  
as PRINCIPAL, and First National Insurance Company of America, located at 1001 4th Avenue,  
Suite 1700, Seattle, WA 98154, a corporation, incorporated under the laws of the  
State of Washington, admitted as a surety in the State of California and authorized to transact business in the State of California, as  
SURETY, are held and firmly bound unto the CITY OF LONG BEACH, CALIFORNIA, a municipal corporation, in the sum of  
Three Hundred Forty-two Thousand Two Hundred Thirty and 00/100 DOLLARS  
(\$ 342,230.00), lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind  
ourselves, our respective heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal has been awarded and is about to enter the annexed contract (incorporated herein by this reference) with  
said City of Long Beach for the Ground and Landscape Maintenance Services in the Queensway Bay Area (District 2)  
and  
is required by said City to give this bond in connection with the execution of said contract;

NOW, THEREFORE, if said Principal shall well and truly keep and faithfully perform all of the covenants, conditions, agreements and  
obligations of said contract on said Principal's part to be kept, done and performed, at the times and in the manner specified therein, then this  
obligation shall be null and void, otherwise it shall be and remain in full force and effect;

PROVIDED, that any modifications, alterations, or changes which may be made in said contract, or in the work to be done, or in the  
services to be rendered, or in any materials or articles to be furnished pursuant to said contract, or the giving by the City of any extension of  
time for the performance of said contract, or the giving of any other forbearance upon the part of either the City or the Principal to the other,  
shall not in any way release the Principal or the Surety, or either of them, or their respective heirs, administrators, executors, successors or  
assigns, from any liability arising hereunder, and notice to the Surety of any such modifications, alterations, changes, extensions or  
forbearances is hereby waived. No premature payment by said City to said Principal shall release or exonerate the Surety, unless the officer of  
said City ordering the payment shall have actual notice at the time the order is made that such payment is in fact premature, and then only to  
the extent that such payment shall result in actual loss to the Surety, but in no event in an amount more than the amount of such premature  
payment.

IN WITNESS WHEREOF, the above named Principal and Surety have executed, or caused to be executed, this instrument with all  
of the formalities required by law on this 28th day of February, 2010.

Azteca Landscape  
CONTRACTOR / PRINCIPAL  
By: Aurora Farias  
Name: Aurora Farias  
Title: President  
By: Ana M Lopez  
Title Name: Vice-President  
Name Title: Rosa M. Lopez

First National Insurance Company of America  
SURETY  
By: Jessica L. Nowlin  
Name: Jessica L. Nowlin  
Title: Attorney-in-fact  
Telephone: 415-892-1080

Approved as to form this 22nd day of February 2010  
ROBERT E. BRANNON, City Attorney  
By: Craig Smith Deputy

Approved as to sufficiency this 1 day of March 2010  
Assistant City Manager  
By: [Signature] City Manager / ~~City Engineer~~

EXECUTED PURSUANT  
TO SECTION 301 OF  
THE CITY CHARTER.

NOTE: 1. Execution of this bond must be acknowledged by both PRINCIPAL and SURETY before a Notary Public and a Notary's  
certificate of acknowledgment must be attached.  
2. A corporation must execute the bond by 2 authorized officers and, if executed by a person not listed in Sec. 313, Calif.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of MARIN

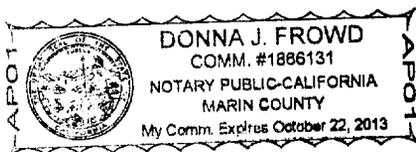
On February 28, 2010 before me, Donna J. Frowd, Notary Public, personally appeared Jessica L. Nowlin who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same 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 foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(seal)

Signature Donna J. Frowd





POWER OF ATTORNEY

First National Insurance Company of America  
1001 4th Avenue  
Suite 1700  
Seattle, WA 98154

KNOW ALL BY THESE PRESENTS:

No. 10460

That FIRST NATIONAL INSURANCE COMPANY OF AMERICA, a Washington corporation, does hereby appoint

\*\*\*\*\*DONNA J. FROWD; MICHAEL B. MCGOWAN; SUSAN J. MCGOWAN; JESSICA L. NOWLIN; MICHELLE L. SWEENEY; DEBBIE L. WELSH; DONNA L. WELSH: Novato, CA\*\*\*\*\*

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind FIRST NATIONAL INSURANCE COMPANY OF AMERICA thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, FIRST NATIONAL INSURANCE COMPANY OF AMERICA has executed and attested these presents

this 21st day of March, 2009

Dexter R. Legg, Secretary

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of FIRST NATIONAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of FIRST NATIONAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of FIRST NATIONAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 28th day of February, 2010



Dexter R. Legg, Secretary