

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

1 FIRST AMENDMENT TO AGREEMENT NO. 34080

2 **34080**

3 THIS FIRST AMENDMENT TO AGREEMENT NO. 34080 is made and
4 entered, in duplicate, as of December 15, 2015 for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting on
6 December 15, 2015 by and between ENVIRONMENTAL CONSTRUCTION GROUP, INC.,
7 a California corporation ("Contractor"), and the CITY OF LONG BEACH, a municipal
8 corporation ("City").

9 WHEREAS, the parties entered into Agreement No. 34080 on November 10,
10 2015 ("Agreement"), wherein Contractor agreed to perform hazardous abatement work to
11 the Old Courthouse Building;

12 WHEREAS, in connection with the City's authorization to demolish the Old
13 Courthouse Building, the parties wish to increase the scope of work under the Agreement
14 and to increase the authorized amount of City expenditures under the Agreement;

15 NOW, THEREFORE, in consideration of the mutual terms and conditions
16 herein, the parties agree as follows:

17 1. Contractor shall furnish all necessary labor, supervision, tools,
18 materials, supplies, appliances, equipment and transportation for all of the work described
19 in "Project Plans and Specifications No. R-7043 for City of Long Beach Old Court House
20 Demolition in the City of Long Beach, California," (including the base bid and all additive
21 bid items described therein) said work to be performed according to the Contract
22 Documents identified below. However, this Contract is intended to provide to City complete
23 and finished work and, to that end, Contractor shall do everything necessary to complete
24 the work, whether or not specifically described in the Contract Documents.

25 2. City shall pay to Contractor the amount(s) for materials and work
26 attributable to all of the work (including the base bid and all additive bid items described
27 therein) as identified in Contractor's "Bid for City of Long Beach Old Court House
28 Demolition in the City of Long Beach, California," attached to the Agreement as Exhibit "A".

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1 3. The Time for Contract described in Section 4 of the Agreement is
2 hereby extended so that all work required by the Agreement shall be completed on or
3 before May 31, 2016.

4 4. Except for as specifically amended hereby, the Agreement remains in
5 full force and effect without amendment.

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

8
9 ENVIRONMENTAL CONSTRUCTION
GROUP, INC., a California corporation

10 DECEMBER 23, 2015

11 By _____
12 Name DARREN McLELLIN
13 Title PRESIDENT

14 DECEMBER 23, 2015

15 By _____
16 Name MUR SHIMET
17 Title VICE PRESIDENT

18 "Contractor"

19 CITY OF LONG BEACH, a municipal
20 corporation

21 December 31, 2015

22 By T. ABELL
23 **Assistant City Manager**
24 City Manager

25 "City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

26 This First Amendment to Agreement No. 34080 is approved as to form on

27 December 23, 2015.

28 CHARLES PARKIN, City Attorney

By _____
Deputy

GENERAL PURPOSE RIDER

To be attached to and form part of Bond Number 0690801 effective 11/16/2015 issued by the International Fidelity Insurance Company in the amount of Three Million Six Hundred Ninety Thousand and 00/100 (\$3,690,000) DOLLARS. on behalf of Environmental Construction Group, Inc. as Principal and in favor of The City of Long Beach as Obligee:

Now, Therefore, it is agreed that:
The Penal sum of the bond shall be increased from \$3,690,000 to \$6,609,604.

APPROVED AS TO FORM
12-31, 2015
~~CHARLES PARKIN, City Attorney~~
By *[Signature]*
RICHARD ANTHONY
DEPUTY CITY ATTORNEY

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 11th day of November, 2015

Signed, sealed and dated this 28th day of December, 2015

Environmental Construction Group, Inc.

By: *[Signature]* (Principal)
VILE PRESIDENT

International Fidelity Insurance Company (Surety)
By: *[Signature]* Attorney-in-Fact
Jase Hamilton

Accepted By: Assistant City Manager
[Signature]
City Manager - City of Long Beach

POWER OF ATTORNEY

INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY a corporation organized and existing under the laws of the State of Pennsylvania, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

THERESA LUU, JASE HAMILTON, JAMES P. SCHABARUM, II, JEFFREY W. CAVIGNAC

San Diego, CA.

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 15th day of August, 2000:

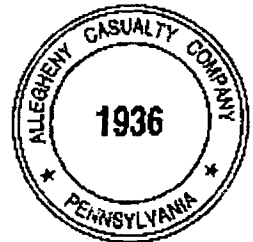
"RESOLVED, that (1) the President, Vice President, Chief Executive Officer or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 22nd day of July, 2014.



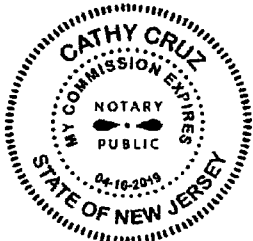
STATE OF NEW JERSEY
County of Essex

ROBERT W. MINSTER
Chief Executive Officer (International Fidelity Insurance Company) and President (Allegheny Casualty Company)



On this 22nd day of July 2014, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 16, 2019

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this

day of **DEC 28 2015**

MARIA BRANCO, Assistant Secretary

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

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 San Diego }

On 12/28/2015 before me, Amie Edstrom, Notary Public
(Here insert name and title of the officer)

personally appeared Jase Hamilton,
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.

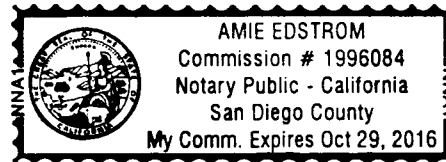
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Amie Edstrom

Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer
- _____ (Title)
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

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 }

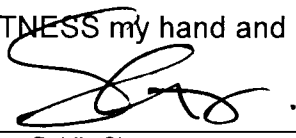
County of Los Angeles }

On 12/30/15 before me, S. Cavener, Notary Public
(Here insert name and title of the officer)

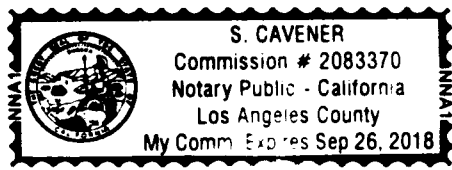
personally appeared Clif Shirley
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~(s)~~ (s) are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in ~~his~~ her/their authorized capacity(ies), and that by ~~his~~ 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.



 Notary Public Signature (Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

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(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

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 Corporate Officer

(Title)

Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

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