

SECOND AMENDMENT TO CONTRACT NO. 29448

29448

THIS SECOND AMENDMENT TO CONTRACT NO. 29448 is made and entered, in duplicate, as of October 5, 2007 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 October 2, 2007, by and between SULLY-MILLER CONTRACTING COMPANY, a Delaware corporation, whose address is 1100 E. Orangethorpe Avenue, #200, Anaheim, California 92801 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for the Annual Contract for Street Repairs and Minor Improvements in the City of Long Beach, California," dated October 14, 2005, and published by the City, bids were received, publicly opened and declared on the date specified in said Notice; and

WHEREAS, the City Manager accepted the bid of the Contractor; and

WHEREAS, the City Council authorized the City Manager to enter a contract with Contractor for the work described in Plans & Specifications No. R-6700; and

WHEREAS, the parties desire to increase the Contract amount by \$900,000;

NOW, THEREFORE, in consideration of the mutual terms and conditions contained in the Contract and this Second Amendment, the parties agree as follows:

1. Section 2 of Contract No. 29448 is hereby amended in its entirety to read as follows:

"2. PRICE AND PAYMENT. City shall pay to Contractor the amount(s) for materials and work identified in Contractor's "Bid for the Annual Contract for Street Repairs and Minor Improvements in the City of Long Beach, California," attached to the First Amendment as Exhibit "A-1", and City shall pay for said materials and work for a total amount not to exceed \$15,400,000.

Contractor shall submit requests for progress payments and City will make

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Long Beach, CA 90802-4664


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1 payments in due course of payments in accordance with Section 9 of the Standard
2 Specifications for Public Works Construction (latest edition)."

3 2. Except as expressly amended in this Second Amendment, all terms
4 and conditions in Contract No. 29448 are ratified and confirmed and shall remain in full
5 force and effect.

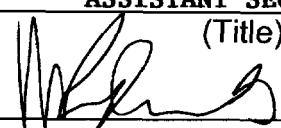
6 IN WITNESS WHEREOF, the parties have caused this document to be duly
7 executed with all formalities required by law as of the date first stated above.

SULLY-MILLER CONTRACTING COMPANY, a
Delaware corporation

9 OCTOBER 22, 2007, 2007 By 

GARY DOWNEY
(Type or Print Name)

ASSISTANT SECRETARY
(Title)


14 OCTOBER 22, 2007, 2007 By 

MIKE EDWARDS
(Type or Print Name)

ASSISTANT SECRETARY
(Title)

"Contractor"

CITY OF LONG BEACH, a municipal
corporation

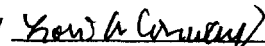
21 10/27, 2007 By 

City Manager

"City"

24 This Second Amendment to Agreement No. 29448 is approved as to form
25 on 10/24, 2007.

ROBERT E. SHANNON, City Attorney

27 By 
28 Deputy