

FIRST AMENDMENT TO CONTRACT NO. 31522

31522

THIS FIRST AMENDMENT TO CONTRACT NO. 31522 is made and entered, in duplicate, as of September 13, 2010 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 February 9, 2010, by and between MACKONE DEVELOPMENT, INC., a California corporation, whose address is 2244 Beverly Blvd., Los Angeles, California 90057 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for Job Order Contract in the City of Long Beach, California," bids were received, publicly opened and declared on the date specified in said Notice; and

WHEREAS, the City Manager accepted the bid of Contractor for Job Order Contract No. 12; and

WHEREAS, the parties entered Contract No. 31522 for the work described in the bid documents; and

WHEREAS, the parties desire to increase the Contract amount by \$1,000,000 and extend the term;

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

1. Section 2 of Contract No. 31522 is hereby amended to read as follows:

"2. PRICE AND PAYMENT. City shall pay to Contractor the amount(s) for each Work Order based on the adjustment factor in Contractor's Bid, attached hereto as Exhibit "A"; provided, however, that City shall not pay more than Two Million Dollars (\$2,000,000.00) for the term of the Contract."

2. Section 4.A. of Contract No. 31522 is hereby amended to read as follows:

"4. TIME FOR CONTRACT.

A. The term of this Contract shall begin on February 10, 2010 and shall end on September 12, 2011 or on City's payment of the not-to exceed dollar amount hereunder to Contractor as specified in Section 2, whichever occurs first."

3. Except as expressly amended in this First Amendment, all terms and conditions in Contract No. 31522 are ratified and confirmed and shall remain in full force and effect.

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

MACKONE DEVELOPMENT, INC., a California corporation

10-12, 2010

By [Signature]
President

Scott Yang

Type or Print Name

10-12, 2010

By [Signature]
Secretary

Scott Yang

Type or Print Name

"Consultant"

CITY OF LONG BEACH, a municipal corporation **Assistant City Manager**

12-1, 2010

By [Signature]
City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

"City"

This First Amendment to Contract No. 31522 is approved as to form on

11/2, 2010.

ROBERT E. SHANNON, City Attorney

By [Signature]
Deputy



MACKONE DEVELOPMENT INC.

A General Contractor; Lic # 562773

MINUTES OF THE BOARD OF DIRECTORS

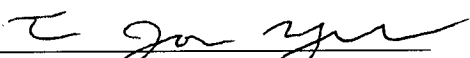
Time & Date: 10:00 A.M., 10-7-2010

Place: Conference Room of Mackone Development, Inc.
2244 Beverly Blvd. Los Angeles, CA 90057

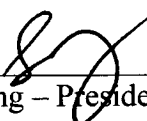
Presents: Tai J. Yang - Chairman, Scott Yang – President / Secretary / CFO

Agenda: Job Order Contract # 12
City of Long Beach

The Directors of the Corporation consent to this meeting being held at the above time, date and place. Tai J. Yang the chairperson presented the meeting and all the presents agreed to take part on this contract, authorizing Scott Yang as the officer to solely bind the corporation on all contracts of Mackone Development, Inc. and thereupon the following were offered, seconded and unanimously adopted.



Tai J. Yang - Chairman



Scott Yang – President / Secretary / CFO

EXECUTED IN TWO ORIGINAL COUNTERPARTS

SURETY RIDER

To be attached to and to form a part of Bond No. 72 BCSFN 5751 dated the 11TH day of FEBRUARY, 2010, issued by the HARTFORD FIRE INSURANCE COMPANY

as Surety on behalf of:

MACKONE DEVELOPMENT, INC.

as Principal and:

CITY OF LONG BEACH

as Obligee.

WHEREAS, upon the request of the Principal and Obligee the attached bond is hereby amended to

INCREASE THE BOND AMOUNT TO \$2,000,000.00

PROVIDED, HOWEVER, there shall be no liability under this bond to the Obligees, or any of them, unless the said Obligees, or any of them, shall make payments to the Principal strictly in accordance with the terms of said contract as to payments, and shall perform all of the other obligations to be performed under said contract at the time and in the manner therein set forth; all of the acts of one Obligee being binding on the other.

The attached bond shall be subject to all of its terms, conditions and limitations except as herein modified.

Signed, sealed and dated this 8TH day of OCTOBER, 2010.

MACKONE DEVELOPMENT, INC.

BY: 

Scott Yang - President

HARTFORD FIRE INSURANCE COMPANY

BY: 

PHILIP VEGA - ATTORNEY-IN-FACT

CITY OF LONG BEACH, DEPARTMENT OF PUBLIC WORKS

BY: 

City Engineer

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

690 ASYLUM AVENUE

HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835

Agency Code: 72-185719

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- ☒ Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
☒ Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
☐ Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
☐ Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
☐ Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of unlimited:

Philip E. Vega, Frank Morones
of
Brea, CA

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on July 21, 2003 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Paul A. Bergenholtz

Paul A. Bergenholtz, Assistant Secretary

David T. Akers

David T. Akers, Assistant Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

ss. Hartford

On this 23rd day of July, 2003, before me personally came David T. Akers, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hampden, Commonwealth of Massachusetts; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Paseka

Notary Public

My Commission Expires October 31, 2007

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of 10/8/10.

Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Assistant Vice President

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On 10/8/10

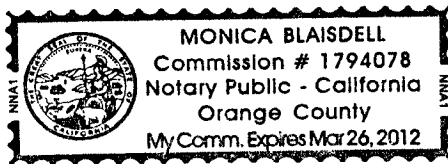
Date

before me, Monica Blaisdell, Notary

Here Insert Name and Title of the Officer

personally appeared Philip Vega

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 foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Monica Blaisdell

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons 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: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles

On

12/7/2010

Date

before me,

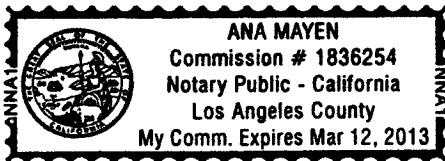
Ana Mayen, Notary Public

Here Insert Name and Title of the Officer

personally appeared

SCOTT Yang

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/it~~ 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.

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WITNESS my hand and official seal.

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Signature of Notary Public

Place Notary Seal Above

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Capacity(ies) Claimed by Signer(s)

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name:

- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
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