

Oct. 9. 2009 1:53PM

No. 6833 P. 2

City and County of San Francisco
Office of Contract Administration
Purchasing Department
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4685



Contract Modification 2

Asphalt Materials and Services

Tri-American, Inc.
Attn: Pete Schultz
980 Ames Avenue
Milpitas, CA 95035

Date: September 28, 2009
Buyer's Name: Tony Fiore
Term Contract: 75970
Type: Indefinite quantity
Not-to-exceed amount: \$ 2,000,000

The history of this contract and its modifications is as follows:

Original Contract term and estimated amount: July 1, 2006 through June 30, 2009 \$ 2,000,000.

Modification	Start date	End date	Amount	Other Changes
1	7/1/2009	9/30/09	No Change	No Change
2	10/01/09	12/31/09	No Change	Add Food Srvc Waste Re- duction Requirements.

This Modification 2 changes the contract as follows:

It extends the contract from 10/01/2009 through 12/31/09 and adds the attached Food Service Waste Reduction Re-
quirements condition to the contract.

All other terms and conditions remain the same.

Approved by the City: Naomi Kelly, Director of OCA and Purchaser 10-8-09
Date

Approved by Contractor: Pete Schultz 10/12/09
Signature Date

Name and title: PETE SCHULTZ / P865.

Sign and return one original. The duplicate original is for your files. P-280 (02-09-09)

Oct. 9. 2009 1:53PM

No. 6833 P. 3

**Contract Modification # 2
Asphalt Materials and Services**

In accordance with City & County of San Francisco Ordinance No. 295-06, effective June 1, 2007, the following Food Service Waste Reduction Requirements condition is incorporated into the contract.

103. Food Service Waste Reduction Requirements

Effective June 1, 2007, Contractor agrees to comply fully with and be bound by all of the provisions of the Food Service Waste Reduction Ordinance, as set forth in San Francisco Environment Code Chapter 16, including the remedies provided, and implementing guidelines and rules. The provisions of Chapter 16 are incorporated herein by reference and made a part of this Agreement as though fully set forth. This provision is a material term of this Agreement. By entering into this Agreement, Contractor agrees that if it breaches this provision, City will suffer actual damages that will be impractical or extremely difficult to determine; further, Contractor agrees that the sum of one hundred dollars (\$100) liquidated damages for the first breach, ~~two hundred dollars (\$200)~~ liquidated damages for the second breach in the same year, and five hundred dollars (\$500) liquidated damages for subsequent breaches in the same year is reasonable estimate of the damage that City will incur based on the violation, established in light of the circumstances existing at the time this Agreement was made. Such amount shall not be considered a penalty, but rather agreed monetary damages sustained by City because of Contractor's failure to comply with this provision.

Jul. 28. 2009 8:03AM

No. 5834 P. 2

City and County of San Francisco
Office of Contract Administration
Purchasing Department
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4685



Contract Modification 1

Asphalt Materials and Services

Tri-American, Inc.
Attn: Pete Schultz
980 Ames Avenue
Milpitas, CA 95035

Date: June 18, 2009
Buyer's Name: Tony Fiore
Term Contract: 75970
Type: Indefinite quantity
Not-to-exceed amount: \$ 2,000,000

The history of this contract and its modifications is as follows:

Original Contract term and estimated amount: July 1, 2006 through June 30, 2009 \$ 2,000,000

Modification	Start date	End date	Amount	Other Changes
1	7/1/2009	9/30/09	No Change	No Change

This Modification 1 changes the contract as follows:

It extends the contract from 7/1/2009 through 9/30/09.

All other terms and conditions remain the same.

Approved by the City:

Naomi Kelly, Director of OCA and Purchaser

7-22-09
Date:

Approved by Contractor:

Signature

7/28/09
Date

Name and title

Brent Nea / ops. manager

Sign and return one original. The duplicate original is for your files.

B-280 (02-09-00)