

# 28388

## SECOND AMENDMENT TO AGREEMENT NO. 28388

1 This Second Amendment to Agreement No. 28388 ("Amendment") is made  
2 and entered, in duplicate, pursuant to a minute order adopted by the City Council of the  
3 City of Long Beach on November 3, 2009, by and between the CITY OF LONG BEACH,  
4 a municipal corporation ("Owner"), ARB, INC., a California corporation ("ARB"), and ARB  
5 STRUCTURES, INC., a California corporation ("ARB Structures").

6 WHEREAS, Owner and ARB previously entered into a Design-Build  
7 Contract dated August 1, 2003, and a First Amendment thereto (as amended, the  
8 "Agreement"); and

9 WHEREAS, Owner and ARB now desire to amend the Agreement to reflect  
10 the substitution of ARB Structures, an affiliate of ARB, as "Design-Builder" under the  
11 Agreement;

12 NOW, THEREFORE, Owner, ARB and ARB Structures mutually agree as  
13 follows:

14 1. This Amendment shall be effective as of the date on which this  
15 Amendment is executed by all parties (the "Effective Date").

16 2. ARB assigns all of its interests, rights and obligations under the  
17 Agreement to ARB Structures, and ARB Structures shall constitute "Design-Builder"  
18 under the Agreement and shall be added as a party to the Agreement. Notwithstanding  
19 the foregoing, ARB shall remain liable to Owner to fulfill any of ARB Structures'  
20 obligations under the Agreement.

21 3. All terms, covenants, and conditions of the Agreement, except as  
22 amended herein, shall remain unchanged and in full force and effect.

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OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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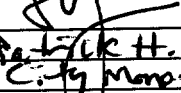
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IN WITNESS WHEREOF, the parties hereto have executed this Second  
Amendment.

"Owner"

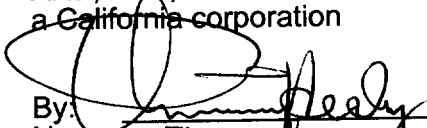
CITY OF LONG BEACH, a California municipal  
corporation

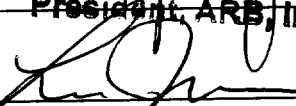
Assistant City Manager

By:   
Name: Mark H. West EXECUTED PURSUANT  
Title: City Manager TO SECTION 301 OF  
THE CITY CHARTER.

"ARB"

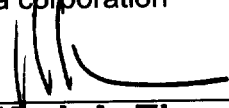
ARB, INC.,  
a California corporation

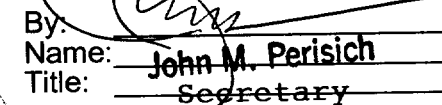
By:   
Name: Timothy R. Healy  
Title: President, ARB, Inc. JAN 12 2010

By:   
Name: Larry Jansen  
Title: Vice President JAN 12 2010

"ARB STRUCTURES"

ARB STRUCTURES, INC.,  
a California corporation

By:   
Name: Mark A. Thurman  
Title: President JAN 12 2010

By:   
Name: John M. Perisich  
Title: Secretary JAN 12 2010

Approved as to form this 13 day of January, 2010.

ROBERT E. SHANNON, City Attorney

By:   
Deputy