

FIRST AMENDMENT TO CONTRACT NO. 33423

33423

THIS FIRST AMENDMENT TO CONTRACT NO. 33423 is made and entered, in duplicate, as of October 22, 2014 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 May 6, 2014, by and between ARB, INC., a California corporation ("Contractor"), whose address is 26000 Commercentre Drive, Lake Forest, California 92630, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, pursuant to a "Notice Inviting Bids for the Construction of 2014 Gas Main and Service Lines Replacement for Long Beach Gas and Oil in the City of Long Beach, California," dated March 5, 2014, and published by City, bids were received, publicly opened and declared on the date specified in said Notice; and

WHEREAS, the parties entered into Contract No. 33423 (the "Contract") for the work described in the bid documents; and

WHEREAS, the parties desire to extend the term of the Contract without increasing the authorized amount thereunder;

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

1. Section 4 of Contract No. 33423 is hereby amended to read as follows:

"4. TIME FOR CONTRACT. Contractor shall commence work on a date to be specified in a written "Notice to Proceed" from City for each Project or portion thereof. Each "Notice to Proceed" shall contain a Project Start Date. Contractor and City shall mutually agree to the Project Completion Date in writing within ten (10) days following the issuance of the "Notice to Proceed." All work identified in Specifications No. G-320 shall be completed prior to March 31, 2015, subject to strikes, lockouts and events beyond the control of Contractor. Time is of the essence hereunder. City will suffer damage if the work is not completed within the time stated, but those damages would be

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333 West Ocean Boulevard, 11th Floor
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difficult or impractical to determine. So, Contractor shall pay to City, as liquidated damages, the amount stated in the Contract Documents."

2. Except as expressly amended in this First Amendment, all terms and conditions in Contract No. 33423 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.

11/4/14, 2014

ARB, INC., a California corporation

By [Signature]
Name Scott E. Summers
Title President

_____, 2014

By [Signature]
Name Greg Dahl
Title Vice President

"Contractor"

CITY OF LONG BEACH, a municipal corporation

December 9, 2014

By [Signature] EXECUTED PURSUANT
City Manager TO SECTION 301 OF
THE CITY CHARTER.

"City"

Assistant City Manager

This First Amendment to Contract No. 33423 is approved as to form on
November 12, 2014.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy