

**THIRD AMENDMENT OF THE ADDENDUM  
TO JOB ORDER CONTRACT**

THIS THIRD AMENDMENT OF THE ADDENDUM TO AGREEMENT (“Second Amendment”) is made and entered into this 7<sup>th</sup> day of October, 2014, by and between the City of Maricopa, ARIZONA, an Arizona municipal corporation (“City”), and FCI Constructors, Inc., a Colorado Corporation, (“Contractor”) for renovation upgrades at Fire Stations 571, 572, 574 and 575.

WHEREAS, on March 4, 2014 the Maricopa City Council approved an Addendum to Job Order Contract with Contractor to provide design and construction services for Fire Station 572 site work (“Addendum”); and

WHEREAS, on May 6, 2014, the Maricopa City Council approved an Amendment to the Addendum to Agreement (“Amendment”) with Contractor to expand the scope of work and increase the not to exceed compensation amount for design and construction services at Fire Station 571; and

WHEREAS, on September 2, 2014, the Maricopa City Council approved the Second Amendment to the Addendum to Agreement (“Second Amendment”) with Contractor to expand the scope of work and increase the not to exceed compensation amount for construction services at Fire Station 572; and

WHEREAS, City desires to retain a contractor to furnish renovation upgrades for Fire Stations 571, 572, 574 and 575 and to make payment for the same in accordance with the terms and conditions set forth in the Agreement and Addendum, as modified by the Amendment, the Second Amendment and this Third Amendment, including all attachments, which are incorporated herein by mutual agreement of the parties; and

WHEREAS, in procuring these services City has complied with the cooperative purchasing procedures set forth in Section 3-223 of the City of Maricopa’s City Code; and

WHEREAS, the parties now desire to amend the Agreement known as TCPN Contract #R5148 entered into between The Cooperative Purchasing Network and FCI Construction, Inc. for job order contract services (“Agreement”) and the Addendum, as modified by the Amendment, the Second Amendment and this Third Amendment, to expand the scope of work and increase the not to exceed compensation amount.

NOW, THEREFORE, the parties specifically agree to amend the Agreement, Addendum and Amendment as follows:

1. Section 2A of the Addendum shall be amended to add the Scope of Work included in Exhibit 1, which is attached hereto and incorporated herein by reference.
2. Section 2C of the Addendum shall be amended to add the Cost of Work included in Exhibit 1, which is attached hereto and incorporated herein by reference.

In no event, shall the total compensation under the Agreement, Addendum, Amendment, the Second Amendment and this Third Amendment exceed SIX HUNDRED SEVENTY FOUR THOUSAND TWO HUNDRED EIGHTY FOUR and 00/100 Dollars (\$674,284.00). Exhausting the total amount payable for activities described herein shall not relieve Contractor of its obligations to perform such work. Should City request additional work beyond that specified herein, Contractor shall charge, and City shall pay, a rate as mutually agreed upon in writing prior to Contractor performing the additional work.

Costs caused by delays or by improperly timed activities or defective construction shall be borne by the party responsible thereof.

3. All other terms and conditions of the Agreement, Addendum and Amendment are to continue in full force and effect as stated and agreed to in the Agreement, Addendum and Amendment.

IN WITNESS WHEREOF, the parties have caused this Third Amendment to be signed by their duly authorized representatives as of the day and year first above written.

**CONTRACTOR:**

FCI Constructors, Inc. \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

**CITY OF MARICOPA**

An Arizona municipal corporation

\_\_\_\_\_  
Christian Price  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Vanessa Bueras  
City Clerk

\_\_\_\_\_  
Denis M. Fitzgibbons  
City Attorney

**EXHIBIT 1**  
**Scope and Cost of Work**