

**FOURTH AMENDMENT TO THE
ADDENDUM TO COOPERATIVE CONTRACT
FOR ASPHALT PATCHWORK MATERIAL, INSTALLATION,
MAINTENANCE AND REPAIR**

THIS FOURTH AMENDMENT TO THE ADDENDUM TO JOC STREET MAINTENANCE CONTRACT NO. 2014-006 ("Fourth Amendment") is made and entered into this 6th day of September, 2016, by and between the City of Maricopa, Arizona, an Arizona municipal corporation ("City"), and Sunland, Inc.- Asphalt & Sealcoating, d/b/a Sunland Asphalt, an Arizona Corporation ("Contractor"), for asphalt patchwork material, installation, maintenance and repair within the City of Maricopa ("Project").

RECITALS

WHEREAS, on October 7, 2014, pursuant to Section 3-223 of the City Code, the Maricopa City Council approved a cooperative agreement known as the Addendum to Cooperative Contract for Asphalt Patchwork Material, Installation, Maintenance and Repair with Contractor ("Addendum"), which is based on the cooperative agreement of the City of Buckeye, JOC Maintenance Contract No. 2014-006, executed on or about March 4, 2014;

WHEREAS, on March 17, 2014, the City of Buckeye amended its JOC Maintenance Contract No. 2014-006 to extend the term of the agreement through March 13, 2017;

WHEREAS, on January 20, 2015, the Maricopa City Council approved a First Amendment to the Addendum ("First Amendment") to provide for additional asphalt patchwork material, installation, maintenance, and repair within the City;

WHEREAS, on July 7, 2015, the Maricopa City Council approved a Second Amendment to the Addendum ("Second Amendment") to provide for additional asphalt repairs, typical crack seal services, and wide crack services within the City;

WHEREAS, on November 3, 2015, the Maricopa City Council approved a Third Amendment to the Addendum ("Third Amendment") to provide for additional asphalt repairs, typical crack seal services, and wide crack services within the City;

WHEREAS, City staff has determined that additional asphalt repairs are needed; and,

WHEREAS, the parties now desire to amend the Contract, Addendum, First Amendment, Second Amendment, and Third Amendment to increase the maximum aggregate amount to be expended by the City for additional asphalt repairs to be furnished by Contractor.

AGREEMENT

NOW, THEREFORE, the parties specifically agree to amend the Addendum approved on October 7, 2014, the First Amendment approved on January 20, 2015, the Second Amendment approved on July 7, 2015, and the Third Amendment approved on November 3, 2015, as follows:

1. Section II(a) of the Addendum regarding compensation shall be deleted in its entirety and replaced with the following:

(a) In no event, shall the total compensation under the Contract, the Addendum, the First Amendment, the Second Amendment, Third Amendment, and this Fourth Amendment exceed Four Million Ninety Eight Thousand Eight Hundred Twenty Two and 00/100 Dollars (\$4,098,822.00). Exhausting the total amount payable for activities described in the Contract, the Addendum, the First Amendment, the Second Amendment, Third Amendment, and this Fourth Amendment shall not relieve Contractor of its obligations to perform such Work. Should City request additional materials or Work beyond that specified herein, Contractor shall charge, and City shall pay, a rate as mutually agreed upon in writing prior to Contractor providing the additional material or performing the additional Work. Costs caused by delays or by improperly timed activities or defective construction shall be borne by the party responsible thereof.

2. All other terms and conditions of the Contract, the Addendum, First Amendment, the Second Amendment, and Third Amendment are to continue in full force and effect as stated and agreed to in the Contract, the Addendum, the First Amendment, Second Amendment, and Third Amendment.

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

CONTRACTOR:

Sunland, 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