

**FOURTH CHANGE ORDER
TO
REGIONAL PARK/SPORTS COMPLEX
1-STEP DESIGN-BUILD CONTRACT**

THIS FOURTH CHANGE ORDER (“Fourth Change Order”) is made and entered into this 2nd day of September, 2014, by and between the City of Maricopa, Arizona, an Arizona municipal corporation (“City), and HAYDON BUILDING CORP, an Arizona corporation (“Design-Builder”).

RECITALS

A. On April 17, 2012, the Maricopa City Council approved an Agreement with Design-Builder to construct Phase 1 of the Regional Park/Sports Complex (“Agreement”).

B. On October 16, 2012, the parties executed the First Change Order regarding the completion of Phase 2 of the Regional Park/Sports Complex and the funding necessary for these additional responsibilities.

C. On October 16, 2012, the parties executed the First Amendment regarding the Guaranteed Maximum Price (GMP) which covered the mass grading of the entire site including the Multigenerational Center/Aquatic Facility building pad preparation.

D. On December 4, 2012, the parties executed the Second Amendment regarding the GMP which covered the water distribution, sanitary sewer, lake water supply, electrical service and sports lighting for the Project.

E. On December 18, 2012, the parties executed the Third Amendment regarding the GMP which covered the construction of the lake including, but not limited to, associated mechanical equipment, electrical conduit infrastructure and electrical associated with the parking lot and street lighting.

F. On February 19, 2013, the parties executed the Fourth Amendment regarding the GMP for the balance of the park improvements, which included, but were not limited to, the roadway improvements to SR 347, Bowlin Rd and Martin Luther King Jr. Blvd, parking lots and sidewalks, landscape and irrigation, amphitheater and stage area at great lawn, play courts (basketball, volleyball, tennis), skate park, play structures, four baseball/softball fields, eight multiuse fields (soccer/football), ramadas and restroom buildings, concessions building, maintenance facility and other miscellaneous amenities and improvements and to proceed with the completion of the Project.

G. On May 21, 2013, the parties executed the Second Change Order regarding additional design services for the additional of the Reclaimed Water Lake Feed and Controls and

additional utility design and coordination and the funding necessary for these additional responsibilities.

H. On January 21, 2014, the parties executed the Third Change Order regarding additional services for ADOT Design Review Changes; a change in the aeration electrical panel; the addition of a finger road the Multigenerational Center, building identifications, watertronics irrigation service contract and entrance drive; skate park design; relocation of catch and sub panels; and allowance for irrigation water, grass establishment and dust control.

I. Pursuant to Section 6.4 of the Agreement, the City reserves the right to make alterations to the Work and such request is to be handled through a Change Order.

J. Due to the need for additional services for the installation of a decorative site wall at the outer loop of the Multigenerational Center parking lot, shade structures, concrete pads at the dog park and baseball batting nets, additional funds are necessary.

K. The parties now desire to amend that Agreement to expand the scope of work and increase the not to exceed compensation amount.

AGREEMENT

Therefore, the parties specifically agree to amend the Agreement approved on April 17, 2012, the First Change Order approved on October 16, 2012, the First Amendment approved on October 16, 2012, the Second Amendment approved on December 4, 2012, the Third Amendment approved on December 18, 2012, the Fourth Amendment approved on February 19, 2013, the Second Change Oder approved on May 21, 2013 and the Third Change Order approved on January 21, 2014 as follows:

1. Section 2.1 shall be amended to add the scope & fee included in Exhibit A, which is attached hereto and incorporated herein by reference.

2. Section 5.2.1 shall be amended to reflect that in accordance with the terms and conditions of the Agreement, the First Change Order, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Second Change Order, the Third Change Order and this Fourth Change Order City may pay Consultant an additional amount of Nine Hundred Thirty Six Thousand Three Hundred Ninety Nine and 49/100 Dollars (\$936,399.49) for the additional services for the Regional Park/Sports Complex.

3. All other terms and conditions of the Agreement, the First Change Order, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Second Change Order and the Third Change Order are to continue in full force and effect as stated and agreed to in the Agreement as if fully set forth herein.

IN WITNESS WHEREOF, the parties have caused this Fourth Change Order to be

signed by their duly authorized representatives as of the day and year first above written.

CONSULTANT:

Haydon Building Corp.,
an Arizona corporation

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 A

Additional Design- Build Services Proposal