

**SECOND CHANGE ORDER  
TO  
CONSTRUCTION MANAGER AT RISK AGREEMENT**

THIS SECOND CHANGE ORDER ("Second Change Order") is made and entered into this 5<sup>th</sup> day of June, 2018, by and between the City of Maricopa, Arizona, an Arizona municipal corporation ("City"), and Achen-Gardner Construction, LLC, an Arizona limited liability company ("Construction Manager at Risk" or "CM@Risk").

**RECITALS**

A. On July 19, 2016, the Maricopa City Council approved a Construction Manager at Risk Agreement with CM@Risk for construction of Edison Road in the Industrial Park including the pre-construction phase services and the preparation and submission of the Guaranteed Maximum Price ("Agreement") and authorized an Owner's Contingency of \$100,000.

B. On September 19, 2016, the First Change Order was executed by the City to use the authorized Owner's Contingency.

C. In accordance with Section 10.1 of the Agreement, the parties now desire to enter into this Second Change Order for warranty work and additional drainage improvements.

**AGREEMENT**

Therefore, the parties specifically agree to amend the Agreement approved on July 19, 2016 and the First Change Order approved on September 19, 2016 as follows:

1. Section 4.1 of the Agreement shall be amended to reflect the warranty work and additional drainage improvements set forth in Exhibit A, attached hereto and incorporated herein by reference.

2. Section 8.1 of the Agreement shall be amended to reflect that in accordance with the terms and conditions of the Agreement, the First Change Order and this Second Change Order, the total maximum cost to be paid by the City for CM@RISK's complete performance of the Agreement shall be increased by Thirteen Thousand Eight Hundred Seventy Three and 32/100 (\$13,873.32) as set forth in Exhibit A. For services rendered by CM@Risk as described in the Agreement, the First Change Order and this Second Change Order, City shall pay CM@Risk a fee not to exceed the Four Million Six Hundred Thirty One Thousand One Hundred Six and 76/100 Dollars (\$4,631,106.76).

3. All other terms and conditions of the Agreement and First 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 Second Change Order to be signed by their duly authorized representatives as of the day and year first above written.

Construction Manager at Risk:

Achen-Gardner Construction, LLC  
an Arizona limited liability company

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**

**CHANGE ORDER REQUEST**