

**SECOND AMENDMENT
TO
COOPERATIVE PURCHASING AGREEMENT
BETWEEN
THE TOWN OF FOUNTAIN HILLS
AND
UTILITY CONSTRUCTION COMPANY, INC.**

THIS SECOND AMENDMENT TO COOPERATIVE PURCHASING AGREEMENT (this "Second Amendment") is entered into as of September 19, 2017, between the Town of Fountain Hills, an Arizona municipal corporation (the "Town"), and Utility Construction Company, Inc., an Arizona corporation (the "Contractor").

RECITALS

A. After a competitive procurement process, the City of Peoria, Arizona ("Peoria") entered into Contract No. ACON04216, dated February 12, 2016, and amended by Contract Amendment No. One, dated December 5, 2016, with the Contractor for the Contractor to provide lighting maintenance and inspection services (collectively, the "Peoria Contract").

B. The Town and the Contractor entered into a Cooperative Purchasing Agreement dated April 20, 2017 (the "Initial Agreement"), based upon the Peoria Contract, for the Contractor to provide the Town with lighting maintenance and inspection services (the "Materials and Services").

C. The Initial Agreement was amended once on May 15, 2017, to purchase additional Materials and Services and increase Contractor's compensation. The Initial Agreement and the First Amendment are collectively referred to herein as the "Agreement." All capitalized terms not otherwise defined in this Second Amendment have the same meanings as contained in the Agreement.

D. The Town has determined that additional Materials and Services by the Contractor are necessary (the "Additional Materials and Services").

E. The Town and the Contractor desire to enter into this Second Amendment to provide for the increase in compensation to the Contractor for the Additional Materials and Services.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the Contractor hereby agree as follows:

1. Compensation. The Town shall increase the compensation to Contractor by not more than \$10,240.00, of which \$1,000.00 is an owner's contingency which shall be utilized at

the Town's sole discretion, for the Materials and Services at the rates set forth in the Peoria Contract and the Proposals dated August 3, 2017, which are attached hereto as Exhibit A and incorporated herein by reference, resulting in an increase of the aggregate not-to-exceed compensation from \$152,268.88 to \$162,508.88.

2. Effect of Amendment. In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

3. Non-Default. By executing this Second Amendment, the Contractor affirmatively asserts that (i) the Town is not currently in default, nor has been in default at any time prior to this Second Amendment, under any of the terms or conditions of the Agreement and (ii) any and all claims, known and unknown, relating to the Agreement and existing on or before the date of this Second Amendment are forever waived.

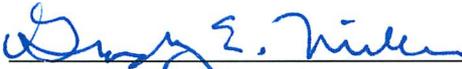
4. Conflict of Interest. This Second Amendment and the Agreement may be canceled by the Town pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

“Town”

TOWN OF FOUNTAIN HILLS,
an Arizona municipal corporation



Grady E. Miller, Town Manager

ATTEST:



Bevelyn J. Bender, Town Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On September 19, 2017, before me personally appeared Grady E. Miller, the Town Manager of the TOWN OF FOUNTAIN HILLS, an Arizona municipal corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document, on behalf of the Town of Fountain Hills.





Notary Public

(Affix notary seal here)

EXHIBIT 1
TO
SECOND AMENDMENT
TO
COOPERATIVE PURCHASING AGREEMENT
BETWEEN
THE TOWN OF FOUNTAIN HILLS
AND
UTILITY CONSTRUCTION COMPANY, INC.

[Proposals]

See following pages.



Arizona DOT DBE Contractor #20052947
 City of Phoenix SBC / SBE Contractor
 California DBE Contractor #37975
 Nevada DBE Contractor #NV01244UCPN
 New Mexico DBE Contractor
 Texas DBE UCP Contractor

August 3, 2017

Town of Fountain Hills
 Community Services Department
 16705 E. Avenue of the Fountains
 Fountain Hills, AZ 85268

Attn: Mr. Kevin Snipes
 Supervisor of Parks
ksnipes@fh.az.gov
 (480) 816-5178

Project ('Project'): Town of Fountain Hills
 Outdoor Lighting LED Upgrade
 Contract No. C2017-079
 City of Peoria Contract No. ACON04216A

Subject: **Change Order Proposal**
Electrical Repairs at Desert Vista Park

Mr. Snipes,

Utility Construction Company, Inc. ('UCC') is submitting this letter to The Town of Fountain Hills ('Town') to provide cost estimates for work in addition to the original scope of the subject project.

1.0 Background

UCC's original proposal was for the installation of 120-277 volt LED retrofits at Desert Vista Park. Upon completion of work, it was discovered that the electrical distribution to some of the lights needed repair. These items were discuss with the Town at a meeting on 7/19/2017.

2.0 Additional Scope of Work and Pricing

Per the terms and conditions of the master contract agreement, work will be completed and billed on a Time and Materials basis. For budgetary purposes, the following provides an estimated cost.

Item	Description	Qty	Unit	Unit Price	Extended Price
<i>Troubleshoot No Power</i>					
E.1.	Hourly Rate, Lighting Under 60 Feet.	6	Hr.	\$ 75.00	\$ 450.00
<i>Replace / Install Fuse Holder</i>					
E.1.	Hourly Rate, Lighting Under 60 Feet.	2.5	Hr.	\$ 75.00	\$ 187.50



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 Arizona ROC #124023 (A-Gen) • Arizona ROC #200356 (A-17 Electrical) • Arizona ROC #122544 (C-11 Electrical)
 California CLSB #906009 (A-Gen) • Nevada SCB #0073368 (A-Gen) • New Mexico RLD-CLD #367690 (GS08)



F.2.	Additional Materials – Fuse Holders	10	Ea.	\$ 22.85	\$ 228.50
F.2.	Additional Materials – # 12 Wire	50	Lf.	\$ 1.33	\$ 66.50
Installation of 480V Rated Fixtures where 277V were proposed					
F.2.	Additional Materials – 480V Drivers	57	Ea.	\$ 50.00	\$ 2,850.00

Total	\$ 3,782.50
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3.0 Notes:

- a. Labor and Materials costs are estimates only based on information provided. Final costs will be billed for actual work performed, per the contract requirements
- b. Does not include permits / permit fees
- c. Does not include special inspections

Sincerely,



Jess Daniels
 Project Manager / Estimator
jessd@utilityconstructionco.com





Arizona DOT DBE Contractor #20052947
 City of Phoenix SBC / SBE Contractor
 California DBE Contractor #37975
 Nevada DBE Contractor #NV01244UCPN
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August 3, 2017 **REVISED 8/31/2017**

Town of Fountain Hills
 Community Services Department
 16705 E. Avenue of the Fountains
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Attn: Mr. Kevin Snipes
 Supervisor of Parks
ksnipes@fh.az.gov
 (480) 816-5178

Project ('Project'): Town of Fountain Hills
 Outdoor Lighting LED Upgrade
 Contract No. C2017-079
 City of Peoria Contract No. ACON04216A

Subject: **Change Order Proposal**
Additional Work at Fountain Park

Mr. Snipes,

Utility Construction Company, Inc. ('UCC') is submitting this letter to The Town of Fountain Hills ('Town') to provide cost estimates for work in addition to the original scope of the subject project.

1.0 Background

UCC's original proposal was for the installation of LED retrofits at Fountain Park at the locations described in UCC's proposal and attachments. Upon completion of work, additional work was requested to be performed. These items were discuss with the Town at a meeting on 7/19/2017.

2.0 Additional Scope of Work and Pricing

Per the terms and conditions of the master contract agreement, work will be completed and billed on a Time and Materials basis. For budgetary purposes, the following provides an estimated cost.

Item	Description	Qty	Unit	Unit Price	Extended Price
<i>Add Shields to Monument Lights</i>					
F.2.	Additional Materials – Shields	9	Ea.	\$ 150.00	\$ 1,350.00
E.1.	Hourly Rate – Lighting under 60 ft.	4	Hr.	\$ 75.00	\$ 300.00
<i>Additional LED Retrofits at East Parking Lot</i>					



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F.2.	Additional Materials – LED Retrofits	8	Ea.	\$ 150.00	\$ 1,200.00
E.1.	Hourly Rate – Lighting under 60 ft.	5	Hr.	\$ 75.00	\$ 375.00

Total					\$ 3,225.00
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3.0 Notes:

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- c. Does not include special inspections

Sincerely,

Jess Daniels
Project Manager / Estimator
jessd@utilityconstructionco.com



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August 3, 2017

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 Community Services Department
 16705 E. Avenue of the Fountains
 Fountain Hills, AZ 85268

Attn: Mr. Kevin Snipes
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Project ('Project'): Town of Fountain Hills
 Outdoor Lighting LED Upgrade
 Contract No. C2017-079
 City of Peoria Contract No. ACON04216A

Subject: **Change Order Proposal**
Electrical Repairs at Four Peaks Park

Mr. Snipes,

Utility Construction Company, Inc. ('UCC') is submitting this letter to The Town of Fountain Hills ('Town') to provide cost estimates for work in addition to the original scope of the subject project.

1.0 Background

UCC's original proposal was for the installation of LED retrofits at Four Peaks Park. Upon completion of work, it was discovered that the electrical distribution to some of the lights needed repair. These items were discuss with the Town at a meeting on 7/19/2017.

2.0 Additional Scope of Work and Pricing

Per the terms and conditions of the master contract agreement, work will be completed and billed on a Time and Materials basis. For budgetary purposes, the following provides an estimated cost.

Item	Description	Qty	Unit	Unit Price	Extended Price
<i>Repair and Install Underground Conduit</i>					
N/A	Dig down and find existing conduit, open trench to existing pole, tie in conduit	70	Lf.	\$ 20.00	\$ 1,400.00
<i>Repull Wire, terminate to existing</i>					



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City of Phoenix SBC / SBE Contractor
California DBE Contractor #37975
Nevada DBE Contractor #NV01244UCPN
New Mexico DBE Contractor
Texas DBE UCP Contractor

E.1.	Hourly Rate, Lighting Under 60 Feet.	6	Hr.	\$ 75.00	\$ 450.00
F.2.	Additional Materials – 3 x # 10 Wire	250	Lf.	\$ 1.33	\$ 332.50
F.2.	Additional Materials – Misc. connectors, fittings, and hardware	1	Ls.	\$ 50.00	\$ 50.00

Total	\$ 2,232.50
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3.0 Notes:

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Sincerely,

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