

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

THIS THIRD AMENDMENT TO COOPERATIVE PURCHASING AGREEMENT (this “Third Amendment”) is entered into as of April 3, 2018, 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 in Contract No. ACON04216, dated February 12, 2016, as amended by Contract Amendment No. One, dated December 5, 2016, and Contract Amendment No. Two, dated November 21, 2017 (collectively, the “Peoria Contract”), with the Contractor for the Contractor to provide lighting maintenance and inspection services.

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 “Services”).

C. The Initial Agreement was amended by the First Amendment, dated May 15, 2017, and by the Second Amendment, dated September 19, 2017. The Initial Agreement, First Amendment, and Second Amendment are collectively referred to herein as the “Agreement.” All capitalized terms not otherwise defined in this Third Amendment have the same meanings as contained in the Agreement.

D. The Town has determined that continued Services from the Contractor are necessary (the “Additional Services”).

E. The Town and the Contractor desire to enter into this Third Amendment to adopt and incorporate Amendment No. Two (attached hereto as Exhibit “A”) extending the term of the Peoria Contract upon which this Agreement is based, and to extend the term of the Agreement.

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. Term of the Agreement. Notwithstanding any provision to the contrary, the Agreement shall remain in full force and effect until February 11, 2019, unless terminated as otherwise provided pursuant to the terms and conditions of the Agreement.

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 Third 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 Third 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 Third Amendment are forever waived.

4. Israel. Contractor certifies that it is not currently engaged in, and agrees for the duration of this Agreement that it will not engage in a “boycott,” as that term is defined in ARIZ. REV. STAT. § 35-393, of Israel.

5. Conflict of Interest. This Third 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 and caused to be signed by their duly authorized representatives, this instrument on the date first written above.

“Town”

TOWN OF FOUNTAIN HILLS,
an Arizona Municipal Corporation

Grady E. Miller

Grady E. Miller, Town Manager

*CR
4/2/18*

ATTEST:

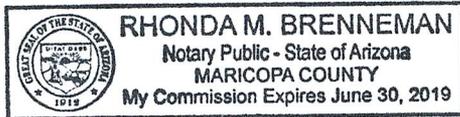
Nancy J. Bender

Nancy J. Bender, Town Clerk
Acting

(ACKNOWLEDGEMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On April 3, 2018, 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.



Rhonda M. Brenneman

Notary Public

(Affix notary seal here)

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

“Contractor”

UTILITY CONSTRUCTION COMPANY, INC.

By: 

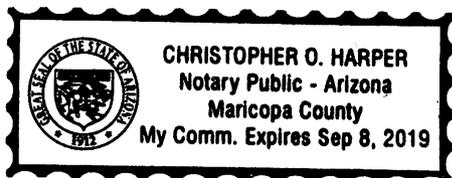
Name: BOB MARTIN

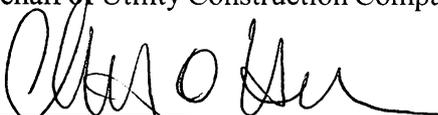
Its: VICE PRESIDENT

(ACKNOWLEDGEMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On MARCH 30, 2018, before me personally appeared BOB MARTIN, the VICE PRESIDENT of Utility Construction Company, Inc., an Arizona 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 Utility Construction Company, Inc.




Notary Public

(Affix notary seal here)

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

EXHIBIT A

[Amendment No. Two, dated November 21, 2017]

See following pages.



City of Peoria

8401 West Monroe Street, Peoria, Arizona 85345

December 6, 2017

Utility Construction Company
Bob Martin, Vice President
P.O. Box 1774
Gilbert, AZ 85299

Re: Q16-04 Lighting Maintenance and Inspection Services, Contract Extension

Dear Mr. Martin:

In accordance with Special Terms and Conditions, Page 8, Paragraph 7, Contract Extension; the above referenced contract may be extended for an additional twelve (12) month period.

The City of Peoria wishes to utilize this option, at this time. If your company is in agreement, please sign the attached amendment form. The form should be returned to the Materials Management Division by 12/20/2017. As per Contract Special Terms and Conditions a valid certificate of insurance, including endorsements, (naming the City as additional insured) must accompany the signed extension. If you should have any questions, I can be reached at (623) 773-7115.

Thank you for your continued support in providing quality service to the City of Peoria.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Houg".

Lisa Houg, CPPB
Contract Officer
Materials Management Division

LH/dt
Attachment (1)



CONTRACT AMENDMENT

Solicitation No: Q16-04 Page 1 of 1
 Description: Lighting Maintenance and Inspection Services
 Amendment No: Two (2) Date: November 21, 2017

**Materials Management
 Procurement**
 9875 N. 85th Ave., 2nd Fl.
 Peoria, AZ 85345
 Telephone: (623) 773-7115
 Fax: (623) 773-7118
 Buyer: Lisa Houg / dt

In accordance with the Contract Special Terms and Conditions, Contract Extension, the above referenced contract shall expire on February 11, 2018 and is hereby extended. **EXTENSION TWO (2)**

The New Contract Term is: **2/12/18 to 2/11/19**

Contractor hereby acknowledges receipt and agreement. A signed copy shall be filed with the City of Peoria, Materials Management Division.

| | | | |
|--|-----------|----------------------------|------------------------------|
|  | 12/7/2017 | Bob Martin, Vice President | Utility Construction Company |
| Signature | Date | Typed Name and Title | Company Name |
| P.O. Box 1820 | | QUEEN CREEK | 85142 |
| P.O. Box 1774 | | Gilbert | 85299 |
| Address | | City | State Zip |

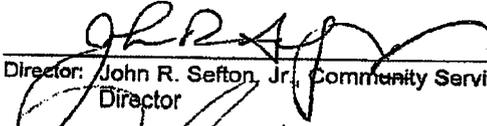
Attested by:

Rhonda Gerlinsky, City Clerk

CC Number

ACON04216B
 Contract Number

City Seal
 Copyright 2003
 City of Peoria, Arizona


 Director: John R. Sefton, Jr., Community Services
 Director

Department Rep: Jake Eason, Neighborhood &
 Community Parks Manager

Approved as to Form:

Steve Burg, City Attorney

The above referenced Contract Amendment is hereby Executed:

at Peoria, Arizona

Dan Zenko, Materials Manager



CONTRACT AMENDMENT

Solicitation No: Q16-04 Page 1 of 1
 Description: Lighting Maintenance and Inspection Services
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Materials Management
 Procurement
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 Telephone: (623) 773-7115
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Buyer: Lisa Houg / dt

In accordance with the Contract Special Terms and Conditions, Contract Extension, the above referenced contract shall expire on February 11, 2018 and is hereby extended. EXTENSION TWO (2)

The New Contract Term is: 2/12/18 to 2/11/19

Contractor hereby acknowledges receipt and agreement. A signed copy shall be filed with the City of Peoria, Materials Management Division.

[Signature] 12/7/2017 Bob Martin, Vice President Utility Construction Company
 Signature Date Typed Name and Title Company Name

P.O. Box 1774 Gilbert AZ 85299
 Address City State Zip

Attested by:

Rhonda Geriminsky, City Clerk

CC Number

ACON042168
 Contract Number

City Seal
 Copyright 2003
 City of Peoria, Arizona

[Signature]
 Director: John R. Sefton, Jr., Community Services
 Director

Department Rep: Jake Eason, Neighborhood & Community Parks Manager

Approved as to Form:

Steve Burg, City Attorney

The above referenced Contract Amendment is hereby Executed:

_____ at Peoria, Arizona

Dan Zenko, Materials Manager