

CITY OF TEMPE, ARIZONA
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

CONTRACT FOR PROFESSIONAL SERVICES
FOR
ON-CALL MATERIAL TESTING AND RELATED SERVICES

ADDENDUM NO. 2

This Addendum made and entered into on the 28th day of June, 2012, by and between the City of Tempe, an Arizona municipal corporation, (“City”) and **Ninyo & Moore, Geotechnical Consultants, Inc.**, a California corporation (“Consultant”).

R E C I T A L S:

- A. The parties hereto entered into that certain Contract for Professional Services on or about June 24, 2010, (C2010-143), defining certain rights and obligations between the parties in order to provide on-call material testing services along with that certain Addendum No. 1 entered into on June 14, 2011 (collectively “Contract”).
- B. The parties desire to further define their respective rights and obligations with respect to the Contract term and Contract price.
- C. The parties intend that the following sections shall be integrated into the Contract in place of the former similarly identified section, if any, and that this Addendum be given the full force and effect of law as the Contract.

Now therefore, in consideration of the mutual promises and covenants as more particularly set forth below, the parties do hereby amend the Contract to read as follows:

1. Contract Term. The term of the contract shall be extended for (12) twelve months. The Consultant shall proceed with the work immediately upon execution of this Addendum and all services shall be completed by June 28, 2013.

2. Contract Price. For services described herein, the method of payment shall be payment by installments. Total compensation for services performed shall not exceed \$250,000.00. The original Contract amount of \$200,000.00, plus the Addendum No. 1, extending the contract term only, shall be increased by \$250,000.00, which shall constitute payment in full for all labor, equipment, materials and supplies needed to perform these services.

| Cost Analysis: | <u>Professional Services</u> |
|----------------------------|------------------------------|
| Initial Contract Amount | \$200,000.00 |
| This Addendum | \$250,000.00 |
| NEW CONTRACT AMOUNT | \$450,000.00 |

3. All other provisions of the Contract where not inconsistent with this Addendum shall remain binding on the parties hereto.

[SIGNATURE PAGE TO FOLLOW]

On-Call Material Testing and Related Services

DATED this _____ day of _____, 2012.

CITY OF TEMPE, ARIZONA

By: _____
Mayor

By: _____
Public Works Director

ATTEST:

Recommended By:

City Clerk

Deputy PW Director/City Engineer

APPROVED AS TO FORM:

City Attorney

Consultant warrants that the person who is signing this Addendum on behalf of Consultant is authorized to do so and to execute all other documents necessary to carry out the terms of this Addendum.

CONSULTANT
Ninyo & Moore, Geotechnical Consultants, Inc.

Signature

Name

Title

Federal I.D. No./Social Security No.