

CITY OF TEMPE, ARIZONA
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

AMENDMENT NO. 1
TO
CONTRACT (C2013-102)
FOR

**RIO SALADO MULTI-USE PATH –
PRIEST DRIVE TO SR 143**

**PROJECT NO. 6004131
FEDERAL AID PROJECT NO. CM-TMP-0(217)A
ADOT TRACS NO. SS953 01C**

This Amendment No. 1 (“Amendment”) is made and entered into on the 27th day of June 2013, by and between the City of Tempe, an Arizona municipal corporation (“City”), and Valley Rain Construction Corporation an Arizona corporation (“Contractor”).

R E C I T A L S:

- A. The parties hereto entered into that Contract for Rio Salado Multi-use Path – Priest Drive to SR 143 on or about June 13, 2013, collectively (“Contract”) defining certain rights and obligations of the parties in order to provide construction services.
- B. The parties desire to further define their respective rights and obligations with respect to the General Terms and Conditions.
- 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 Amendment No. 1 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. **Equal Opportunity.** City is an equal opportunity, affirmative action employer. Contractor hereby covenants that it shall not discriminate unlawfully against any employee or applicant for employment, nor shall it deny the benefits of this Contract, to any person on the basis of race, color, creed, religion, ancestry, national origin, physical or mental disability, age, sex, gender, sexual orientation, gender identity, marital status, or veteran status, with regard to discharging obligations under this Contract. Contractor covenants and agrees that it will comply in all respects with the applicable provisions of Executive Order 11246, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Vietnam Era Veterans' Readjustment Assistance Act, the Rehabilitation Act, and any other applicable state and federal statutes governing equal opportunity. Contractor agrees to post hereinafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting for the provisions of this clause.

2. All other provisions of the original Contract where not inconsistent with this Amendment shall remain binding on the parties hereto.

[SIGNATURE PAGE TO FOLLOW]

DATED this _____ day of _____, 2013.

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

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

CONTRACTOR
Valley Rain Construction Corporation

Name

Title

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