

**FIRST AMENDMENT TO CITY OF APACHE JUNCTION AGREEMENT  
FOR BULK FUEL PROJECT NO. PW 2012-04**

THIS AMENDMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2017, ("the Execution Date") by and between the CITY OF APACHE JUNCTION, ARIZONA, an Arizona municipal corporation ("City"), and SOUTHERN COUNTIES OIL COMPANY, DBA SC FUELS, a California corporation ("Contractor"), sometimes collectively referred to as the "Parties" or individually as the "Party".

**RECITALS**

A. On June 14, 2012, the Parties entered into an Agreement for Bulk Fuel (the "Agreement") under which City hired Contractor to provide and deliver bulk supply of red dyed diesel, clear diesel, unleaded gasoline and E85 gasoline on the terms and conditions set forth in the Agreement.

B. In April 2017, City attempted procurement through a reverse auction, however, the City did not receive a responsive and responsible bid.

C. City staff recommended rejection of all bids, and is in need of continuing the current contract with Southern Counties Oil Company for 90 days in order to rebid the contract.

**AGREEMENT**

NOW, THEREFORE, in consideration of mutual promises contained herein and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree to amend the June 14, 2012, Agreement as follows:

A. Section 3, Contract Time, shall be extended to September 30, 2017.

B. Except as expressly amended herein, all other terms and provisions of the Agreement executed by the Parties on or about June 14, 2012, shall remain in full force and effect until the Agreement is terminated.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be signed by their duly authorized representatives as of the day and year first above written.

SOUTHERN COUNTIES OIL COMPANY,  
DBA SC FUELS, a California corporation LP

  
By: Patrick W. Barnecut

Its: President

**CITY OF APACHE JUNCTION, ARIZONA,  
an Arizona municipal corporation**

By: Jeff Serdy

Its: Mayor

**ATTEST:**

\_\_\_\_\_  
**Kathleen Connelly**  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**R. Joel Stern**  
City Attorney