

**FIRST AMENDMENT TO AGREEMENT FOR MATERIALS AND LABOR
BETWEEN CITY OF APACHE JUNCTION AND VIASUN
CORPORATION (PROJECT NO. PW 2017-09)**

THIS AMENDMENT is made and entered into this ____ day of _____, 2017, ("the Execution Date") by and between the CITY OF APACHE JUNCTION, an Arizona municipal corporation ("City"), and VIASUN, an Arizona corporation ("Contractor"), sometimes collectively referred to as the "Parties" or individually as the "Party".

RECITALS

A. On June 20, 2017, the Parties entered into an Agreement for Project No. PW 2017-09 (the "Agreement") under which City hired Contractor to provide the materials and labor to conduct recycled asphalt pavement crushing operations at the City's Public Works' yard at 575 East Baseline Avenue, Apache Junction, Arizona (the "Project").

B. Due to unforeseen delays in availability of essential crushing equipment, the current Term within the contract will not allow sufficient time to complete the project.

C. City staff recommends extending the Term of the current contract with Contractor from September 29, 2017 to December 28, 2017 in order to finish the Project.

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 20, 2017, Agreement as follows:

A. Section 3, Contract Term, the September 29, 2017 deadline for completion of the work is extended to December 28, 2017.

B. Except as expressly amended herein, all other terms and provisions of the Agreement executed by the Parties on or about June 20, 2017, 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.

VIASUN, an Arizona corporation

By: Jeff Abraham

Its: Construction General Manager

**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