

SECOND AMENDMENT TO JANITORIAL SERVICES AGREEMENT BETWEEN CITY OF APACHE JUNCTION AND JB SUPERIOR MAINTENANCE SERVICES, LLC

THIS SECOND AMENDMENT to the above-referenced agreement is made and entered into this _____ day of _____, 2021, ("the Execution Date") by and between the CITY OF APACHE JUNCTION, ARIZONA, an Arizona municipal corporation ("City") and JB SUPERIOR MAINTENANCE SERVICES, LLC., an Arizona corporation, ("Contractor"), sometimes both collectively referred to as the "Parties", or individually as "Party".

RECITALS

A. On April 19, 2017, the Parties entered into an agreement for janitorial services as an emergency measure due to the previous vendor's (Paramount Building Services) irregular business qualifications and on or about November 1, 2017, the contract term expired with Contractor providing janitorial services without a contract.

B. In response to Request for Proposals No. PW 2017-35, Contractor was the successful bidder and on April 17, 2018, the Parties entered into a comprehensive janitorial services agreement (the "Agreement").

C. An Amendment (the "First Amendment") was approved by City on October 6, 2020 to include general cleaning services in Parks and Recreation Department facilities to include restrooms and trash dumpsters.

D. Since that time, Proposition 206 passed which increased Arizona's minimum wage, which was not contemplated in the compensation clause of the Agreement.

E. Mutual interest exists to now amend the Agreement by increasing the salary pricing to meet realistic industry rates and forecasts.

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 Agreement as follows:

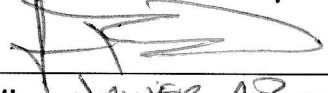
A. Section 2 of the Agreement, Price, shall be modified to include the minimum wage increase for janitorial services for an additional cost of \$25,000 to the initial agreement with a total of \$300,000 a year.

B. Section 3, Contract Term, The Term of this Agreement shall be a total of ten (10) years from April 17, 2018, unless either Party serves upon the other Party a Notice of Termination no later than ninety (90) calendar days prior to succeeding anniversary dates of the Execution Date each year this agreement is in effect. However, even in such case, the Early Termination provisions and consequences set forth in Sections 15 and 16 still apply.

C. Except as expressly amended herein, all other terms and conditions of the Agreement executed by the Parties, shall remain in full force and effect until expiration or termination.

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

JB SUPERIOR MAINTENANCE SERVICES,
LLC, an Arizona corporation


By: JAVIER A. Zerrillo
Its: Owner

CITY OF APACHE JUNCTION, ARIZONA,
an Arizona municipal corporation

By: Walter "Chip" Wilson
Its: Mayor

ATTEST:

Jennifer Pena
City Clerk

APPROVED AS TO FORM:

R. Joel Stern
City Attorney