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C-7721-4
08/12/2015

AMENDMENT NO. 4

AGREEMENT FOR RIGHT OF WAY LANDSCAPE MAINTENANCE
(Contract No. C-7721)

This Amendment No. 4 ("Amendment") to the Agreement for Right of Way Landscape Maintenance ("Agreement") is made this 12 day of August, 2015, to be effective as of 28th day of June, 2015 ("Effective Date"), by and between the City of Glendale, an Arizona municipal corporation ("City") and Agave Environmental Contracting, Inc., an Arizona corporation ("Contractor").

RECITALS

A. City and Contractor previously entered into an Agreement for Right of Way Landscape Maintenance, Contract No. C-7721, dated June 28, 2011 ("Agreement"); and

B. The Agreement had an initial one-year term beginning June 28, 2011 through June 27, 2012 and provided the option to extend for an additional four (4) years in one-year increments; and

C. City and Contractor previously entered into Agreement Amendment No. 1, extending the term of the Agreement from June 28, 2012 through June 27, 2013, along with Reduced Pricing and adding additional services; and

D. City and Contractor previously entered into Amendment No. 2, extending the term of the Agreement from June 28, 2013 through June 27, 2014; and

E. City and Contractor previously entered into Amendment No. 3, extending the term of the Agreement from June 28, 2014 through June 27, 2015; and

F. City and Contractor wish to modify and amend the Agreement subject to and strictly in accordance with the terms of this Amendment.

AGREEMENT

In consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Contractor hereby agree as follows:

1. **Recitals.** The recitals set forth above are not merely recitals, but form an integral part of this Amendment.

2. **Term.** The term of the Agreement is extended for a one-year period from June 28, 2015 through June 27, 2016, unless otherwise terminated or canceled as provided by the Agreement. All other provisions of the Agreement except as set forth in this Amendment shall remain in their entirety.

3. **Scope of Work**. The Scope of Work is unchanged.

4. **Compensation.** The compensation of the Agreement is unchanged and shall not exceed $384,356.86.

5. **Insurance Certificate**. The existing insurance certificate will expire and a new certificate applying to the extended term is required and must be received by the Contract Specialist prior to April 1, 2016.

6. **Ratification of Agreement.** City and Contractor hereby agree that except as expressly provided herein, the provisions of the Agreement shall be, and remain in full force and effect and that if any provision of this Amendment conflicts with the Agreement, then the provisions of this Amendment shall prevail.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE.]

CITY OF GLENDALE, an Arizona municipal corporation

Richard A. Bowers, Acting City Manager

ATTEST:

Pamela Hanna, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

Agave Environmental Contracting, Inc., an Arizona corporation
c/o Michael McMahon
Phone (602) 254-1464
mmcmahon@agave-inc.com

By:
Its: V.P.