



City Clerk Document No. \_\_\_\_\_

City Council Meeting Date: July 20, 2023

**AMENDMENT TO CITY OF CHANDLER AGREEMENT  
STREET MAINTENANCE REPAVING, SURFACE SEAL AND REPAIR SERVICES  
CITY OF CHANDLER AGREEMENT NO. PW0-745-4183**

THIS AMENDMENT NO. 5 (Amendment No. 5) is made and entered into by and between the City of Chandler, an Arizona municipal corporation (City), and M.R. Tanner Development & Construction, Inc., (Contractor), (City and Contractor may individually be referred to as Party and collectively referred to as Parties) and made \_\_\_\_\_, 2023 (Effective Date).

**RECITALS**

WHEREAS, the Parties entered into an agreement for street maintenance repaving, surface seal and repair services (Agreement); and

WHEREAS, the term of the Agreement was May 1, 2020, through April 30, 2021, with the option of up to four one-year extensions; and

WHEREAS, the term of the Agreement was extended May 1, 2021, through April 30, 2022; with the option of three one-year extensions; and

WHEREAS, the term of the Agreement was extended May 1, 2022, through April 30, 2023; with the option of two one-year extensions; and

WHEREAS, the term of the Agreement was extended May 1, 2023, through April 30, 2024, and

WHEREAS, the Parties wish to add additional funds to the current term of the Agreement.

**AGREEMENT**

NOW THEREFORE, the Parties agree as follows:

1. The recitals are accurate and are incorporated and made a part of the Agreement by this reference.

2. Section IV is amended to increase the annual spending limit by \$1,297,021, for a revised not to exceed amount of \$10,398,668.17, for the term ending April 30, 2024, per pricing set forth in Exhibit B of Amendment No. 1, which is incorporated into and made a part of this Amendment No. 5 by this reference.
3. All other terms and conditions of the Agreement remain unchanged and in full force and effect. If a conflict or ambiguity arises between this Amendment No. 5 and the Agreement, the terms and conditions in this Amendment No. 5 prevail and control.

IN WITNESS WHEREOF, the Parties have entered into this Amendment on the Effective Date.

**FOR THE CITY**

By: \_\_\_\_\_

Its: Mayor

**FOR THE CONTRACTOR**

By: Alan Evans

President  
Its: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

City Attorney

*JMB*

**ATTEST:**

By: \_\_\_\_\_

City Clerk