



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

City Council Meeting Date: November 9, 2023

**AMENDMENT TO CITY OF CHANDLER AGREEMENT  
ASPHALT RUBBER CRACK SEAL SERVICES  
CITY OF CHANDLER AGREEMENT NO. PW0-745-4121**

THIS AMENDMENT NO. 4 (Amendment No. 4) is made and entered into by and between the City of Chandler, an Arizona municipal corporation (City), and Choice Maintenance & Asphalt Services, LLC, (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 asphalt rubber crack seal services (Agreement); and

WHEREAS, the term of the Agreement was January 1, 2020, through December 31, 2020, with the option of up to four one-year extensions; and

WHEREAS, the Parties wish to exercise the fourth option through this Amendment to extend the Agreement for one year.

**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 III is amended to read as follows: The Agreement is extended for a one-year period January 1, 2024, through December 31, 2024.
3. Section IV is amended to read as follows: The City will pay the Contractor the per unit cost set forth in Exhibit B of Amendment No. 3, which is incorporated into and made a part of this Amendment No. 4 by this reference. Total payments made to the Contractor during the term of this Amendment No. 4 will not exceed \$515,860.

4. 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. 4 and the Agreement, the terms and conditions in this Amendment No. 4 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: Tony Deimling \_\_\_\_\_

Its: Owner/Member \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney *JMB*

**ATTEST:**

By: \_\_\_\_\_  
City Clerk