



SECOND AMENDMENT

Spruce Wash Drainage Improvements Projects Construction Manager at Risk

Construction Phase Services Agreement Phase 2 - GMP 3

**Project No. #03-23014
Agreement No. 2023-60**

This Second Amendment (“Second Amendment”) to the fully executed Construction Phase Services Phase 1 - Agreement No. 2023-60 dated July 14, 2023 (the “Agreement”) for the City of Flagstaff Spruce Wash Drainage Improvement Projects (the “Projects”) is made and entered into this ____ day of _____, 2024, by and between the City of Flagstaff, an Arizona municipal corporation (“City”), and Eagle Mountain Construction, Inc., an Arizona corporation (“Construction Manager at Risk” or “CMAR”).

The Parties to the Agreement, hereby agree to the following Second Amendment:

- A. Pursuant to Article 5 – Contract Price, Section 5.2, Exhibit B – is amended to include GMP 3 – Cover Letter and Contract Summary, dated May 7, 2024, 2 pages (attached hereto).
- B. CMAR’s GMP 3 is for the roadway improvements for channel grading and armoring for Linda Vista-Cedar Channel (Phase 2) portion of work of the Project and shall total **two million, nine hundred seven thousand, three hundred seventy-five dollars and zero cents (\$2,907,375.00)** plus and approximately 2% Owners Contingency of **fifty thousand dollars and zero cents (\$50,000.00)** which combined equals the total Second Amendment amount of **two million, nine hundred fifty-seven thousand, three hundred seventy-five dollars and zero cents (\$2,957,375.00)**.
- C. The total Contract Price for the complete performance of work under the Agreement, as amended by this Second Amendment, shall be **thirteen million, five hundred twenty-seven thousand, nine hundred seven dollars and six cents (\$13,527,907.06)**.
- D. All other provisions of the Agreement shall remain unchanged in full force and effect.

(Signatures on Following Page)

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to be executed by their duly authorized representatives as of the date first written above. This Second Amendment will be in full force and effect only when it has been approved and executed by the duly authorized City officials.

City of Flagstaff

Eagle Mountain Construction, Inc.

By: _____
Greg Clifton, City Manager

By: _____

Title: _____

Dated: _____

Dated: _____

Attest:

City Clerk

Approved as to form:

City Attorney