

## Staff Summary Report

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Council Meeting Date: 12/06/07

Agenda Item Number: 44

**SUBJECT:** Request approval of a twelve month construction contract extension with Swaine Asphalt Corporation for Speed Humps at Various Locations.

**DOCUMENT NAME:** 20071206PWMV06 STREET UPGRADING-MAINT-CONSTRUCTION (0809-05), PROJECT NO. 5400942

**SUPPORTING DOCS:** No

**COMMENTS:** Twelve month construction contract extension with Swaine Asphalt Corporation in an amount not to exceed \$75,000, subject to execution of the final written amendment.

**PREPARED BY:** TOM WILHITE, PRINCIPAL CIVIL ENGINEER (x2921)

**REVIEWED BY:** ANDY GOH, DEPUTY PW MANAGER/CITY ENGINEER (x8896)

**LEGAL REVIEW AS TO FORM:** JENAE NAUMANN, ASSISTANT CITY ATTORNEY (x8402)

**FISCAL NOTE:** Sufficient funds are available in Capital Improvement Fund No. 5400942.

**RECOMMENDATION:** Approve a twelve month contract extension.

**ADDITIONAL INFO:** The scope of work consists of the installation of speed humps on various residential streets within the City of Tempe in accordance with the City's Neighborhood Traffic Management Program. This amendment is for the second and final of two possible one year contract extensions, and will extend the contract to October 17, 2008. There are no unit price changes.

This extension is conditioned upon execution of final written contract documents and approved submittals of any required bonds, insurance certificates or other documents.

Approved by Glenn Kephart, Public Works Manager

**COPY**

A0002923

CITY OF TEMPE, ARIZONA  
PUBLIC WORKS DEPARTMENT  
DIVISION OF ENGINEERING

CONTRACTOR AGREEMENT

AMENDMENT NO. TWO

PROJECT NO. 5400942

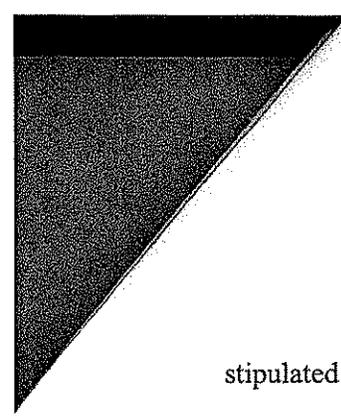
PROJECT NAME: SPEED HUMPS AT VARIOUS LOCATIONS

This AMENDMENT made and entered into on 6<sup>th</sup> day of December, 2007, by and between the CITY OF TEMPE, ARIZONA, a municipal corporation, hereinafter called the CITY, and Swaine Asphalt Corp., hereinafter called the CONTRACTOR, amends the original Agreement made and entered into by and between the same parties on July 21, 2005, (C2005-161).

For and in consideration of the mutual covenants and conditions hereinafter contained, it is agreed by and between the City and the Contractor as follows:

I. The project shall be extended to cover:

A contract extension of 12 months as described in Exhibit "A" attached. This AMENDMENT shall be completed by October 17, 2008.



II. The construction services for the extension shall be the same as those stipulated under the original contract.

III. For services described in this Amendment, the method of payment shall be payment by installments. Total compensation for services performed shall not exceed \$75,000.00, which shall be payment in full for all labor, equipment, materials and supplies needed to perform these services.

All other provisions of the original contract Schedule of Payment Section shall apply to this Amendment.

IV. The Contractor shall proceed with the work immediately upon execution of this Amendment.

V. All other provisions of the original Agreement where not inconsistent with this Amendment shall remain binding on the parties hereto.

Speed Humps at Various Locations  
Project No. 5400942

IN WITNESS WHEREOF, the parties hereto have executed this Amendment this \_\_\_\_\_ day  
of \_\_\_\_\_, 2007.

CITY OF TEMPE, ARIZONA

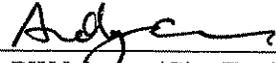
By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Public Works Manager

ATTEST:

\_\_\_\_\_  
City Clerk

Recommended By:

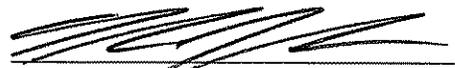
  
\_\_\_\_\_  
Deputy PW Manager/City Engineer

REVIEWED BY:  
APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**The CONTRACTOR warrants that the person who is signing this Agreement on behalf of the CONTRACTOR is authorized to do so and to execute all other documents necessary to carry out the terms of this Amendment.**

CONTRACTOR  
Swaine Asphalt Corp.

  
\_\_\_\_\_  
Name

  
\_\_\_\_\_  
Title

86-0983201  
Federal I.D. No. /Social Security No.

Certified to be a true and exact copy.

\_\_\_\_\_  
Karen M. Fillmore  
Records Specialist



## Swaine Asphalt Corp.

Commercial Lic. #108917 Residential Lic. # 127642  
P.O. Box 33205 • Phoenix, AZ 85067  
Phone (602) 371-3410 • Fax (602) 371-8125  
Ext. 1988

October 4<sup>th</sup>, 2007

# EXHIBIT A

Monique Gomez  
City of Tempe  
Public Works Department  
Engineering Office  
31 E. Fifth Street  
Tempe, AZ 85281

RE: Project 5400942

Dear Ms. Gomez:

It has come to our attention that the current contract for installing speed humps for the City of Tempe has expired.

Please accept this letter as a request for an extension of this contract. Swaine Asphalt Corp. appreciates the opportunity to work with the City of Tempe, however, please note that if this contract is extended, there is no increase in the price of asphalt.

If you should have any questions, please feel free to contact us.

Sincerely,

Glenda Meyer

For

Tom Swaine,  
Vice President  
Swaine Asphalt Corp.

TWW