

AMENDMENT NO. 2
AGREEMENT FOR HOLIDAY LIGHTS DISPLAY
(City of Glendale Solicitation No. RFP 15-57, Contract No. C-10113)

This Amendment No. 2 (“Amendment”) to the Holiday Lights Display (“Agreement”) is made this _____ day of _____, 2017, (“Effective Date”), by and between the City of Glendale, an Arizona municipal corporation (“City”) and Credit Management Group, LLC dba Christmas Light Decorators, an Arizona limited liability company authorized to do business in Arizona (“Contractor”).

RECITALS

- A. City and Credit Management Group, LLC dba Christmas Light Decorators (“Contractor”) previously entered into an Agreement for Holiday Lights Display, Contract No. C-10113, dated June 3, 2015 (“Agreement”); and
- B. The Agreement had an initial one-year term beginning June 3, 2015 through June 2, 2016 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 3, 2016 through June 2, 2017; and
- D. 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 3, 2017 through June 2, 2018, 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 changed and shall include the addition of Murphy Park buildings and Grand Avenue and 57th Drive entrance as specified in Exhibit A.

4. **Compensation.** The compensation of the Agreement is amended and shall increase to an amount not to exceed to \$1,000,000 over the entire term of the agreement, as detailed in Exhibit B.
5. **Insurance Certificate.** Current certificate will expire on June 1, 2017 and a new certificate applying to the extended term must be provided prior to this date to Materials Management and the Contract Administrator.
6. **Non-discrimination.** Contractor must not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, marital status, sexual orientation, gender identity or expression, genetic characteristics, familial status, U.S. military veteran status or any disability. Contractor will require any Sub-contractor to be bound to the same requirements as stated within this section. Contractor, and on behalf of any subcontractors, warrants compliance with this section.
7. **No Boycott of Israel.** The Parties agree that they are not currently engaged in, and agree that for the duration of the Agreement they will not engage in, a boycott of Israel, as that term is defined in A.R.S. §35-393.
8. **Attestation of PCI Compliance.** When applicable, the Contractor will provide the City annually with a Payment Card Industry Data Security Standard (PCI DSS) attestation of compliance certificate signed by an officer of Contractor with oversight responsibility.
9. **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 on the following page.]

CITY OF GLENDALE, an Arizona
municipal corporation

Kevin R. Phelps, City Manager


ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

Credit Management Group, LLC dba
Christmas Light Decorators
an Arizona limited liability company


By: Luke Del Bianco
Its: General Manager

10/18/16

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EXHIBIT A

SCOPE OF WORK

The Scope of Work shall be amended to include lighting Murphy Park buildings as listed below, and the lighting of the Grand Avenue and 57th Drive entrance which included a one-time purchase lighted piece. All other provisions of the Scope of Work remain unchanged.

Murphy Park buildings include:

City Hall roof
Council Chambers roof
Velma Teague Library roof
Eastside of 58th Avenue from Glendale Avenue to Glenn Drive
Southside of Glendale Avenue from 58th Avenue to 58th Drive



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EXHIBIT B**COMPENSATION**

The original not to exceed amount was \$158,000.00 annually or \$790,000.00 for the entire term of the contract. The Compensation of the Agreement is amended and shall increase to an amount not to exceed \$210,000.00 per year, not to exceed \$1,000,000.00 over the entire term of the agreement, as projected in the cost estimation detailed below.

Year of contract	Amount of increase	Reason for increase	Total increase	TOTAL
1 (6/3/15 – 6/2/16)	\$8,852	2016 overage	\$8,852	\$166,851
2(6/3/16 – 6/2/17) CURRENT YEAR	0		0	\$158,000
3(6/3/17 – 6/2/18)	\$19,427 \$14,475 \$22,642 \$13,559	Minimum wage increase Murphy Park building lights per Exhibit A Grand Ave and 57 th Ave entrance light piece, (one time purchase) Grand Ave Lease	\$70,103	\$228,103
4(6/3/18 – 6/2/19)	\$19,427 \$14,475 \$13,559	Minimum wage increase Murphy Park building lights per Exhibit A Grand Ave Lease New contract amount	\$47,461	\$205,461
5(6/3/19 – 6/2/20)	0		0	\$205,461
TOTAL				\$963,876