

**AMENDMENT NO. 2  
TO  
AGREEMENT FOR COLD MILLING ASPHALT STREETS  
BETWEEN  
CITY OF BROKEN ARROW  
AND  
A&A ASPHALT, INCORPORATED**

**PROJECT NAME: COLD MILLING ASPHALT STREETS  
PROJECT NO. ST22310**

THIS **AMENDMENT NO. 1**, made and entered into this 7th day of May 2024, by and between the CITY OF BROKEN ARROW, OKLAHOMA, a municipal corporation of the State of Oklahoma, hereinafter referred to as "CITY", and A&A Asphalt, Inc., hereinafter referred to as "CONTRACTOR";

**WITNESSETH:**

**WHEREAS**, CITY and CONTRACTOR entered into an Agreement dated May 17, 2022 "ORIGINAL AGREEMENT" for services as set forth in said Agreement; and

**WHEREAS**, said ORIGINAL AGREEMENT requires CONTRACTOR to provide asphalt milling services for the various milling jobs associated with resurfacing projects.

**WHEREAS**, CITY and CONTRACTOR propose to amend said ORIGINAL AGREEMENT to renew the contract for an additional year at the same unit prices.

**WHEREAS**, the ORIGINAL AGREEMENT and Amendment No. 2 shall hereinafter collectively be referred to as the "Agreement"; and

**WHEREAS**, funding is now available for said additional services; and

**WHEREAS**, CONTRACTOR is prepared to provide said additional services identified in this Amendment.

**NOW THEREFORE**, in consideration of the promises contained herein, the parties hereto agree to amend the Agreement as follows:

**1. PROJECT SCOPE.**

This Amendment requires CONTRACTOR to provide cold milling of asphalt streets at various locations, within the corporate limits of the City of Broken Arrow and it is to be accomplished by a non-encumbered contract utilizing the unit price per square yard per approved bid no. 22.162.

**2. CHANGE IN CONTRACT AMOUNT.**

As compensation for the additional work, CITY shall pay CONTRACTOR in accordance with the terms as a change in the contract amount;

Original Contract Amount executed May 17, 2022	\$650,000
Amendment No. 1	\$650,000
<u>Amendment No. 2</u>	<u>\$650,000</u>

Revised Total Contract Amount

\$1,950,000

**3. AMENDED PROJECT SCHEDULE**

The schedule for Amendment No.2 is 365 days from Notice to Proceed.

**4. EFFECTIVE DATE AND AUTHORIZATION TO PROCEED.**

This Amendment No. 2 is effective upon signature of both parties.

**5. ELECTRONIC SIGNATURES**

The Parties agree this transaction may be completed by electronic means and an electronic signature on this AMENDMENT will be given the same legal effect as a handwritten signature and cannot be denied enforceability solely because is it in electronic form. If CONTRACTOR signs this AMENDMENT electronically and/or submits documents electronically, CONTRACTOR agrees to comply with OWNER'S requirements for submission of electronically signed and/or submitted documents.

Except as amended hereby, all terms of the Agreement shall remain in full force and effect without modification or change.

**IN WITNESS WHEREOF**, the parties have executed this AMENDMENT, in multiple copies on the respective dates herein below reflected.

**OWNER:**

City of Broken Arrow, a Municipal Corporation

By: \_\_\_\_\_  
Michael L. Spurgeon,  
City Manager

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
  
City Clerk [Seal]

Date: \_\_\_\_\_

Approved as to form:

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

**CONTRACTOR:**

A&A Asphalt, Incorporated

By: \_\_\_\_\_  
Official's Full Name,  
Office JP

Date: 04/09/2024

(CORPORATE SEAL, IF APPLICABLE)

Attest: \_\_\_\_\_  
Official's Full Name,  
Office Corporate Secretary

Date: 04/09/2024

VERIFICATION

State of Oklahoma )  
County of Tulsa )

Before me, a Notary Public, on this 9th day of April, 2024, personally appeared [Signature], known to be to be the (President, Vice-President, Corporate Officer, Member, or Other: \_\_\_\_\_) of A&A Asphalt Incorporated, and to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

My Commission Expires:

12-06-2026 Sarah Christy

SARAH ALICIA CHRISTY  
Notary Public, State of Oklahoma  
Commission # 22016212  
Notary Public Commission Expires 12-06-2026