

PW 18-2019 Appendix 2

AMENDING AGREEMENT

THIS AGREEMENT made as of the 4th day of September, 2018.

BETWEEN:

THE REGIONAL MUNICIPALITY OF NIAGARA

(Hereinafter called the "**Region**")

- and -

STEED AND EVANS LIMITED

(Hereinafter called the "**Contractor**")

WHEREAS by an Agreement dated the 6th day of October, 2008 (hereinafter called the "Original Agreement"), the Region and the Contractor agreed that the Contractor shall provide Area Winter Maintenance Services under 2008-RFP-40 (hereinafter called the "Project");

AND WHEREAS the parties hereto desire to amend the Original Agreement to extend the term of the Original Agreement;

NOW THEREFORE this in consideration of the sum of TWO DOLLARS (\$2.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Original Agreement shall be amended as of the date set out above for one additional year ending on September 3, 2019 with the option in favour of Niagara Region and at Niagara Region's sole and absolute discretion to extend the term for one additional one year term ending on September 3, 2020.
2. Payment to the Contractor shall be in accordance with the terms and conditions outlined in the Original Agreement, save an except for a one-time increase to the annual payment of \$40,000.00 to cover increased insurance premiums. The parties agree the applicable aggregate fee, inclusive of the \$40,000.00 increase, for the period September 4, 2018 to September 3rd, 2019, is \$2,599,822.11.
3. Section 2.5 Contract Security in 2008-RFP-40 forming part of the Original Agreement shall be amended by requiring the substitution of a Performance Bond in the amount of \$2,000,000.00 in place of the Original Agreement requirement of a combination Performance Bond and Letter of Credit, which replacement Performance Bond shall will remain in effect for the duration of the contract.
4. The terms, covenants, provisos, and stipulations in the Original Agreement are hereby confirmed in full force save and except such modifications only as are necessary to make them applicable to this Amending Agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per:



Name: Carmelo D'Angelo, BSC, MPA

Title: Chief Administrative Officer

I have the authority to bind the Corporation.

STEED AND EVANS LIMITED

Per:

BOB HUNTER 

Name:

CONSTRUCTION MGR

Title:

Name:

Title:

We have the authority to bind the Corporation.