

SERIAL 16154-RFP

AMENDMENT No.2

To

**SERIAL #16154-RFP, MAINTENANCE, REPAIR, OPERATING SUPPLIES, INDUSTRIAL SUPPLIES,
AND RELATED PRODUCTS AND SERVICES**

Between

**HD SUPPLY FACILITIES MAINTENANCE, LTD
&
MARICOPA COUNTY, ARIZONA**

WHEREAS, Maricopa County, Arizona ("County") and **HD SUPPLY FACILITIES MAINTENANCE, LTD** ("Contractor") have entered into a Contract for the purchase of **RELATED PRODUCTS AND SERVICES** dated **January 11, 2017 (Eff. 02/01/17)** ("Agreement") **County Contract No: 16154-RFP**.

WHEREAS, County and **HD SUPPLY FACILITIES MAINTENANCE, LTD** have agreed to further modify the Agreement by changing certain terms and conditions;

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Amend the contract to include language in §2.1 and in Exhibit B, Scope of Work, §§2.5.4 and 2.5.5 to allow for consideration of price changes of stocked items consistent with such industry data at any time during the year in the event Contractor's cost of stocked items increases, including taxes, freight, raw materials, handling, or other costs.

Please see below for the revisions:

2.0 FEE ADJUSTMENTS:

- 2.1 Any request for a fee adjustment must be submitted sixty (60) days prior to the current Contract expiration, **except as allowed for in Exhibit B, Scope of Work, §§ 2.5.6 and 2.5.6**. Requests for adjustment in cost of labor and/or materials must be supported by appropriate documentation. If County agrees to the adjusted fee, County shall issue written approval of the change. The reasonableness of the request will be determined by comparing the request with the (Consumer Price Index) or by performing a market survey.

In EXHIBIT B, SCOPE OF WORK

- 2.5.4 **Notwithstanding the foregoing, including Section 2.5.2 above, in the event Contractor's cost of stocked items increases, including taxes, freight, raw materials, handling, or other costs, and Contractor provides written evidence of industry data indicating such cost increases, Contractor may increase pricing of stocked items consistent with such industry data at any time during the year. Any proposed changes will be consolidated and provided to the County by the tenth of each month, if changes are contemplated, for review and approval not less than 10 business days prior to implementation. If prices for multiple items are requested for an increase, Contractor shall submit the items with initial pricing and requested change on a spreadsheet with columns for approval and denial of such change. Any changes rejected by County in writing prior to implementation shall not be implemented, and Contractor shall have the option to make such stocked items unavailable. Contractor shall also, without direction from the County, advise the County of and implement any price decrease of stocked items.**
- 2.5.5 **Failure to reject any changes prior to implementation as provided above shall be deemed as express approval by County of such changes.**

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IN WITNESS WHEREOF, this Contract Amendment is executed on the date set forth below when executed by Maricopa County Office of Procurement Services.

HD SUPPLY FACILITIES MAINTENANCE, LTD

Robert Reifsteck
6083B7ERC778455

Authorized Signature

Robert Reifsteck Regional Vice President, Government Housing

Printed Name and Title

3400 Cumberland Blvd SE, Atlanta, GA, 30339

Address

1/5/2022 | 8:31:53 AM EST

Date

MARICOPA COUNTY:
[Signature]
Chief Procurement Officer

JAN 7, 2022
Date