

**AMENDMENT NO. 2  
TO PROFESSIONAL SERVICES AGREEMENT  
BETWEEN COUNTY OF MONTEREY AND  
FONSECA/MCELROY GRINDING COMPANY, INC.**

**THIS AMENDMENT NO. 2** to the Professional Services Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Fonseca/McElroy Grinding Company, Inc. (hereinafter, "CONTRACTOR") is hereby entered into between the County and the CONTRACTOR (collectively, the County and CONTRACTOR are referred to as the "Parties").

**WHEREAS**, CONTRACTOR entered into a Professional Services Agreement with County on May 11, 2012 (hereinafter, "Agreement") to provide on-call rental of a fully operated, fueled and maintained asphalt grinding machine; and

**WHEREAS**, Agreement was amended by the Parties on September 26, 2012 (hereinafter, "Amendment No. 1") to include on-call rental of a fully operated, fueled and maintained paver machine; and

**WHEREAS**, additional time and funding are necessary as the County has identified a continued need for on-call rental of a fully operated, fueled and maintained asphalt grinding machine and paver machine at various locations in the County as directed by the County of Monterey, Resource Management Agency – Public Works; and

**WHEREAS**, the CONTRACTOR'S Price Lists require an update effective July 1, 2013, and

**WHEREAS**, the Parties wish to amend the Agreement to extend the term to June 30, 2014, to update the Price Lists, and to increase the amount by \$100,000 to continue to provide services identified in the Agreement and as amended by this Amendment No. 2.

**NOW, THEREFORE**, the Parties agree to amend the Agreement as follows:

1. Delete Pages 2 and 3 of "Exhibit A-1 – Scope of Services/Payment Provisions".
2. In all places within the Agreement, any reference to the CONTRACTOR'S 2012 Price Lists in "Exhibit A-1 – Scope of Services/Payment Provisions" are hereby replaced with the CONTRACTOR's 2013 Price Lists in "Exhibit A-2 – 2013 Price Lists".
3. Amend Paragraph 2, "Payments by County", to read as follows:

Amendment No. 2 to Professional Services Agreement  
Fonseca/McElroy Grinding Company, Inc.  
On-Call Rental of Fully Operated, Fueled and Maintained  
Asphalt Grinding and Paver Machines  
RMA – Public Works  
Term: May 1, 2012 – June 30, 2014  
Not to Exceed: \$300,000

County shall pay the CONTRACTOR in accordance with the payment provisions set forth in **Exhibit A-2**, subject to the limitations set forth in this Agreement. The total amount payable by County to CONTRACTOR under this Agreement shall not exceed the sum of \$300,000.

4. Amend the first sentence of Paragraph 3, "Term of Agreement", to read as follows:  
The term of this Agreement is from May 1, 2012 to June 30, 2014, unless sooner terminated pursuant to the terms of this Agreement.
5. Amend Paragraph 4, "Additional Provisions/Exhibits", by adding "Exhibit A-2 – 2013 Price Lists".
6. All other terms and conditions of the Agreement remain unchanged and in full force.
7. This Amendment No. 2 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.

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Fonseca/McElroy Grinding Company, Inc.  
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Asphalt Grinding and Paver Machines  
RMA – Public Works  
Term: May 1, 2012 – June 30, 2014  
Not to Exceed: \$300,000

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 to the Agreement as of the day and year written below:

**COUNTY OF MONTEREY**

By: \_\_\_\_\_  
Contracts/Purchasing Officer

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

**Approved as to Form and Legality  
Office of the County Counsel**

By: Cynthia L. Swanson  
Deputy County Counsel

Date: 5-23-13

**Approved as to Fiscal Provisions**

By: [Signature]  
Auditor/Controller

Date: 5-21-13

**Approved as to Indemnity and Insurance Provisions**

By: \_\_\_\_\_  
Risk Management

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

\*INSTRUCTIONS: IF CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If CONTRACTOR is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement.

**CONTRACTOR\***

Fonseca/McElroy Grinding Company, Inc.  
Contractor's Business Name

By: [Signature]  
(Signature of Chair, President or Vice President)

Its: MICHAEL McELROY - PRESIDENT  
(Print Name and Title)

Date: 5/17/13

By: [Signature]  
(Signature of Secretary, Asst. Secretary, CFO, Treasurer or Asst. Treasurer)

Its: LISA McELROY - SECRETARY  
(Print Name and Title)

Date: 5/17/13

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EXHIBIT A - 2 - 2013 PRICE LISTS



2013 Cold Planer Price List

<b>Skid Steer (w/ attachments)</b>	
• 18" Cold Planer	\$1,250.00 Per 8 hour day: Machine and Operator
• Broom Attachment	\$ 200.00 Overtime Per hour
• Rubber Tires	\$1,600.00 Saturday (8hr)
• (1) Available	\$1,800.00 Sunday (8hr)
<b>12"/20"/24" Mill</b>	
• Rear Loading	\$2,500.00 Per 8 hour day: Machine and Operator
• Rubber Wheel Driven	\$ 600.00 Per 8 hour day: Groundman
• (1) Available With Notice Only	\$ 400.00 Overtime Per hour
	\$2,800.00 Saturday (8hr)
	\$3,000.00 Sunday (8hr)
<b>36" Mill (Specialty Drum)</b>	
• Front Loading	\$3,300.00 Per 8 hour day: Machine and Operator
• Track Drive	\$ 600.00 Per 8 hour day: Groundman
• 6" Max. Cutting Depth	\$ 400.00 Overtime Per hour
• (1) Available With Notice Only	\$3,400.00 Saturday (8hr)
	\$3,600.00 Sunday (8hr)
<b>48" Mill</b>	
• Front Loading	\$2,650.00 Per 8 hour day: Machine and Operator
• Track Drive	\$ 600.00 Per 8 hour day: Groundman
• 11 1/2 Max. Cutting Depth	\$ 400.00 Overtime Per hour
• (6) Available	\$2,950.00 Saturday (8hr)
	\$3,150.00 Sunday (8hr)
<b>6'8" Mill</b>	
• Front Loading	\$3,360.00 Per 8 hour day: Machine/Operator/Groundman
• Track Drive	\$ 500.00 Overtime Per hour
• 11 1/2 Max. Cutting Depth	\$3,800.00 Saturday (8hr)
• (5) Available	\$4,300.00 Sunday
<b>7" Mill</b>	
• Front Loading	\$3,800.00 Per 8 hour day: Machine/Operator/Groundman
• Track Drive	\$ 500.00 Overtime Per hour
• 12" Max. Cutting Depth	\$4,200.00 Saturday (8hr)
• (4) Available	\$4,700.00 Sunday (8hr)

**Note: Transport fees will apply @ \$95.00 per hr. (Fee's are calculated based on the time it takes to travel from our yard, to your job-site). For night work, add \$250 to the published rate. Replacement teeth are billed at \$5.00 per tool.**

**FONSECA/McELROY GRINDING CO., INC.**

336 E. GISH ROAD • SAN JOSE, CA 95112 • PH: 408.573.9FMG (9364) • FX: 408.573.8FMG (8364) • LICENSE #796046

EXHIBIT A - 2 - 2013 PRICE LISTS



2013 Paver Price List

**4' Tracked Trench Paver (4' to 6'-7")**

- Machine and One Operator \$1,800.00 Per 8 hour min day (Monday – Friday)
  - Standby Rental \$1,200.00 Per day (Monday – Friday)
  - Screed Operator/Laborer \$ 600.00 Per 8 hour min day
  - (O.T. if necessary) \$ 275.00 Overtime Per hour after 8hrs.
- \*Call For Availability

**8' Tracked LeeBoy Low Deck 8500 (8' to 13')**

- Machine and One Operator \$1,800.00 Per 8 hour min day (Monday – Friday)
  - Standby Rental \$1,200.00 Per day (Monday – Friday)
  - Screed Operator/Laborer \$ 600.00 Per 8 hour min day
  - (O.T. if necessary) \$ 275.00 Overtime Per hour after 8hrs.
- \*Call For Availability

**Note: Transport fees will apply @ \$95.00 per hr. (Fee's are calculated based on the time it takes to travel from our yard, to your job-site).**

**FONSECA/McELROY GRINDING CO., INC.**

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