

**AMENDMENT NO. 6
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
GRANITE ROCK COMPANY DBA FMG**

THIS AMENDMENT NO. 6 to the Professional Services Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Granite Rock Company dba FMG (hereinafter, "CONTRACTOR") is hereby entered into between the County and the CONTRACTOR (collectively, the "Parties") and effective as of the last date opposite the respective signatures below.

WHEREAS, CONTRACTOR's predecessor in interest, Fonseca/McElroy Grinding Company, Inc. 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 at various locations in the County through April 30, 2013 for an amount not to exceed \$70,000; and

WHEREAS, Agreement was amended by the Parties on September 26, 2012 (hereinafter, "Amendment No. 1", including Exhibit A-1 – Scope of Services/Payment Provisions) to include on-call rental of a fully operated, fueled and maintained paver machine, to extend the term for two (2) additional months through June 30, 2013, and to increase the Agreement amount by \$130,000 which resulted in a total not to exceed amount of \$200,000; and

WHEREAS, Agreement was further amended by the Parties on July 9, 2013 (hereinafter, "Amendment No. 2", including Exhibit A-2 – 2013 Price Lists) to extend the term for one (1) additional year through June 30, 2014, to increase the Agreement amount by \$100,000 which resulted in a total not to exceed amount of \$300,000, and to update the Price Lists; and

WHEREAS, Agreement was further amended by the Parties on June 30, 2014 (hereinafter, "Amendment No. 3") to extend the term for one (1) additional year through June 30, 2015 and to increase the Agreement amount by \$150,000 which resulted in a total not to exceed amount of \$450,000; and

WHEREAS, Agreement was further amended by the Parties on June 23, 2015 (hereinafter, "Amendment No. 4", including Exhibit A-3 – 2015 Price Lists) to extend the term for one (1) additional year through June 30, 2016 and to update the Price Lists with no extension to the Agreement's term; and

WHEREAS, Agreement was further amended by the Parties on August 5, 2015 (hereinafter, "Amendment No. 5") to increase the Agreement amount by \$100,000 which resulted in a total not to exceed amount of \$550,000 with no extension to the Agreement's term; and

Amendment No. 6 to Professional Services Agreement
Granite Rock Company dba FMG
On-Call Rental of Fully Operated, Fueled and Maintained
Asphalt Grinding and Paver Machines
RMA – Public Works
Term: May 1, 2012 – June 30, 2017
Not to Exceed: \$650,000

WHEREAS, CONTRACTOR entered into an Agreement of Merger with Granite Rock Acquisition Corp., a California Corporation, in its capacity as the "Merging Corporation", on April 30, 2014 (the "Merger Agreement"); and

WHEREAS, pursuant to said Merger Agreement, CONTRACTOR, in its capacity as the "Surviving Corporation" changed its legal entity name and is presently conducting business in the name of "Granite Rock Company dba FMG" (CONTRACTOR); and

WHEREAS, County has a continued need for on-call rental of fully operated, fueled and maintained asphalt grinding and paver machines; and

WHEREAS, additional time and funding are necessary; and

WHEREAS, the CONTRACTOR's Price Lists require an update effective July 1, 2016; and

WHEREAS, the Parties wish to further amend the Agreement to extend the term for one (1) additional year to June 30, 2017, to increase the amount by \$100,000 for a total amount not to exceed \$650,000 and to update the Price Lists to allow CONTRACTOR to continue to provide services identified in the Agreement and as amended by this Amendment No. 6.

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

1. Amend Paragraph 2, "Payments by County", to read as follows:

County shall pay the CONTRACTOR in accordance with the payment provisions set forth in **Exhibits A-1 and A-4**, 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 \$650,000.

2. 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, 2017, unless sooner terminated pursuant to the terms of this Agreement.

3. Amend Paragraph 4, "Additional Provisions/Exhibits", to delete "Exhibit A-3, 2015 Price Lists" and add "Exhibit A-4, 2016 Price Lists" which shall be effective as of July 1, 2016.
4. All other terms and conditions of the Agreement remain unchanged and in full force.
5. This Amendment No. 6 and all previous amendments shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
6. The recitals to this Amendment No. 6 are incorporated into the Agreement and this Amendment No. 6.

Amendment No. 6 to Professional Services Agreement
Granite Rock Company dba FMG
On-Call Rental of Fully Operated, Fueled and Maintained
Asphalt Grinding and Paver Machines
RMA – Public Works
Term: May 1, 2012 – June 30, 2017
Not to Exceed: \$650,000

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 6 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

COUNTY OF MONTEREY

CONTRACTOR*

By: _____
Contracts/Purchasing Officer

Date: _____

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

By: _____
Mary Grace Perry
Deputy County Counsel

Date: _____

Approved as to Fiscal Provisions

By: _____
Auditor/Controller

Date: _____

Approved as to Indemnity and Insurance Provisions

By: _____
Risk Management

Date: _____

Granite Rock Company dba FMG

Contractor's Business Name

By: _____
(Signature of Chair, President or Vice President)

Its: RODNEY JENNY E.V.P.
(Print Name and Title)

Date: 5/31/16

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

Its: Stephen Snodgrass CFO
(Print Name and Title)

Date: 5-31-16

*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.

Amendment No. 6 to Professional Services Agreement
Granite Rock Company dba FMG
On-Call Rental of Fully Operated, Fueled and Maintained
Asphalt Grinding and Paver Machines
RMA -- Public Works
Term: May 1, 2012 -- June 30, 2017
Not to Exceed: \$650,000

EXHIBIT A-4 – 2016 PRICE LISTS



A Graniterock Division

2016 Cold Planer Price List

48" Mill

- Front Loading \$3,000.00 Per 8 hour day: Machine and Operator
 - Track Drive \$600.00 Per 8 hour day: Groundman
 - 11 ½ Max Cutting Depth \$400.00 Overtime Per hour
- \$3,400.00 Saturday (8hr)
\$3,600.00 Sunday (8hr)

6'8" Mill

- Front Loading \$4,000.00 Per 8 hour day: Machine/Operator/Groundman
 - Track Drive \$500.00 Overtime Per hour
 - 11 ½ Max Cutting Depth \$4,400.00 Saturday (8hr)
- \$4,600.00 Sunday (8hr)

7' Mill

- Front Loading \$4,500.00 Per 8 hour day: Machine/Operator/Groundman
 - Track Drive \$500.00 Overtime Per hour
 - 11 ½ Max Cutting Depth \$4,900.00 Saturday (8hr)
- \$5,100.00 Sunday (8hr)

Note: Transport fees are included in the daily rental rate of each Milling Machine. (Includes In and Out Transportation Service). For night work, add \$250 to the published rate. Replacement teeth are billed at \$5.00 per tool.

Granite Rock Company dba FMG
On-Call Rental of Fully Operated, Fueled and Maintained
Asphalt Grinding and Paver Machines
RMA – Public Works

EXHIBIT A-4 – 2016 PRICE LISTS



A Graniterock Division

2016 Paver Price List

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

- Machine and One Operator \$2,500.00 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) \$300.00 Overtime Per hour after 8 hrs.
- *Call For Availability

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

- Machine and One Operator \$2,500.00 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) \$300.00 Overtime Per hour after 8 hrs.
- *Call For Availability

**Note: Transport fees are included in the daily rental rate of each paving machine.
(Includes In and Out transportation service).**

Granite Rock Company dba FMG
On-Call Rental of Fully Operated, Fueled and Maintained
Asphalt Grinding and Paver Machines
RMA – Public Works