

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**FIRST AMENDMENT TO CONTRACT
TO PROVIDE FIRE PUMPER TRUCKS AND
LADDER TRUCKS**

THIS FIRST AMENDMENT to the Contract to Provide **FIRE PUMPER TRUCKS AND LADDER TRUCKS** (the "Amendment") is made and entered into this 26th day of August, 2015, by and between the City of Charlotte, a North Carolina municipal corporation (the "City") and Smeal Fire Apparatus Co., a company doing business in North Carolina (the "Company").

STATEMENT OF BACKGROUND AND INTENT

- A. The City and the Company entered into a written Contract dated November 10, 2014 (the "Contract") pursuant to which the Company agreed to provide Fire Pumper Trucks to the City of Charlotte.
- B. The Contract was for a three-year term, with the City having the option to extend the term for two (2) additional one-year terms. City Council authorized these extensions on November 10, 2014.
- C. The parties now desire to amend the Contract by incorporating change orders.

NOW, THEREFORE in consideration of the mutual covenants and agreements contained herein, the parties hereby amend the Contract as follows:

AGREEMENT

- 1. Defined terms used in this Amendment shall have the same meaning as are assigned to such terms in the Contract.
- 2. This First Amendment incorporates the unit price adjustments according to **Exhibit A**, due to specification changes identified in Smeal Change Order #8009L (Attachment 1).
- 3. Except to the extent specifically provided above, this amendment shall not be interpreted or construed as waiving any rights, obligations, remedies, or claims the parties may otherwise have under the Contract.
- 4. In all other respects and except as modified herein, the terms of the Agreement shall remain in force and effect.

IN WITNESS WHEREOF, and in acknowledgement that the parties hereto have read and understood each and every provision hereof, the parties have each caused this Amendment to be executed by its duly authorized representative, all as of the date first set forth above.

SMEAL FIRE APPARATUS COMPANY:

BY: [Signature]

PRINT NAME: Mark Denniston Huber

TITLE: President

DATE: 08/26/15

CITY OF CHARLOTTE:

BY: [Signature]

PRINT NAME: Ann E Wall

TITLE: Assistant City Manager

DATE: 9/8/15

CITY OF CHARLOTTE

RISK MANAGEMENT DIVISION:

BY: [Signature]

PRINT NAME: Chrislee Gibson

TITLE: Insurance Manager

DATE: 9/8/15

This instrument has been pre-audited in the manner required by Local Government Budget and Fiscal Control Act.

BY: N/A - Purchase orders to be issued as needed
Deputy Finance Officer

Date

EXHIBIT A
 CITY OF CHARLOTTE
 FIRE PUMPER TRUCKS AND LADDER TRUCKS
 CONTRACT # 2015001020-1

Payment Option 2: 80% paid upon issue of purchase order and 20% upon acceptance of unit.		Unit Price				
		Year #1				
Description	Manufacturer	Estimated Quantity	Initial Bid Price	Amendment #1 Price	Amendment #1 - \$ Difference	Amendment #1 - % Difference
Item A - Pumper, 500 Gallon Tank	Smeal	8	\$561,285.00	\$560,756.00	(\$529.00)	-0.09%
Item B - Pumper, 500 Gallon Tank, Downtown High Pressure	Smeal	2	\$618,235.00	\$617,706.00	(\$529.00)	-0.09%
Item C - Tanker, 1000/300 Gallon	Smeal	1	\$597,329.00	\$597,329.00	\$0.00	0.00%
Item D - 105' Rear Mount Aerial	Smeal	5	\$877,836.00	\$871,869.00	(\$5,967.00)	-0.68%