

**FIRST AMENDMENT TO AGREEMENT
YAMHILL COUNTY 2017 ROAD PAVING AND OVERLAY
(Yamhill County and Mainline Paving, LLC)**

THIS FIRST AMENDMENT TO AGREEMENT (“Amendment #1”) is made by and between **Yamhill County**, a political subdivision of the State of Oregon (“Owner”), and **Mainline Paving, LLC** (“Contractor”), an Oregon limited liability company, P.O. Box 768, McMinnville OR 97128

RECITALS:

A. Owner and Contractor are parties to that certain agreement dated as of July 17, 2017 (the “Underlying Agreement”), memorialized as B.O. 17-264, pursuant to which Contractor is to provide paving maintenance and repairs on certain county roads to complete the Project.

B. Owner and Contractor now desire to further amend the Underlying Agreement upon the terms and conditions as more particularly set forth herein below.

C. Capitalized terms not defined herein shall have the meanings attributed to such terms in the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein below and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, Owner and Contractor, intending legally to be bound, hereby agree as follows:

1. Section 1 of the Underlying Agreement is hereby amended to include the additional Project work and services, detailed in Exhibit A to this Amendment #1, which Exhibit A is attached hereto and incorporated herein by this reference.

2. Section 6 of the Underlying Agreement is amended to add up to an additional \$200,000.00 to complete the additional Project work and services detailed in Exhibit A to this Amendment #1, and provide for a contingency.

3. The balance of the Underlying Agreement remains unchanged.

4. Ratification. Except as otherwise expressly modified by the terms of this Amendment #1, the Underlying Agreement shall remain unchanged and continue in full force and effect. All terms, covenants and conditions of the Underlying Agreement not expressly modified herein are hereby confirmed and ratified and remain in full force and effect, and constitute valid and binding obligations of Owner and Contractor enforceable according to the terms thereof.

5. Authority. Owner and Contractor and each of the persons executing this Amendment #1 on behalf of Owner and Contractor hereby covenants and warrants that: (i) such party has full right and authority to enter into this Amendment #1 and has taken all action

required to authorize such party (and each person executing this Amendment #1 on behalf of such party) to enter into this Amendment #1, and (ii) the person signing on behalf of such party is authorized to do so on behalf of such entity.

6. Binding Effect. All of the covenants contained in this Amendment #1 shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives and permitted successors and assigns.

7. Counterparts. This Amendment #1 may be executed in multiple counterparts, each of which shall be an original, but all of which shall constitute one and the same Amendment #1.

8. Recitals. The foregoing recitals are intended to be a material part of this Amendment #1 and are incorporated herein by this reference.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed, this Amendment #1 on the date indicated by their duly authorized officials.

Mainline Paving, LLC, an Oregon limited Liability company

YAMHILL COUNTY, OREGON

By: R. Matt Seehawer
(signature)
Date: 10-11-17

Stan Primozich
STAN PRIMOZICH, Chair
Board of Commissioners
Date: 10-12-17

R. Matt Seehawer
(printed name)

John Phelan
John Phelan, Director
Public Works Department

PRESIDENT - MANAGER
R. Matt Seehawer
(title)

Date: 10/10/17

Tax ID No.: 20-1737969

FORM APPROVED BY:
Christian Boenisch
CHRISTIAN BOENISCH
County Counsel
Date: 10/12/17

Accepted by Yamhill County
Board of Commissioners on
10-12-17 by Board Order
17-411/412

Exhibit A

(see attached)

**YAMHILL COUNTY 2017 OVERLAY PROJECT – LOOP RD.
CHANGE ORDER**

SCHEDULE OF ITEMS

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE (IN FIGURES)	TOTAL (IN FIGURES)
LOOP ROAD---.993 MI X 20 Ft (From Lafayette Hwy to start of existing pavement)					
1	½" Level 2 – Dense HMAC Wearing Course	Ton @ 4 in	2,622	<u>\$60.00</u>	<u>\$157,320.00</u>
2	Intersections	Each	1	<u>\$1,500.00</u>	<u>\$1,500.00</u>
TOTAL LOOP ROAD				<u>\$158,820.00</u>	

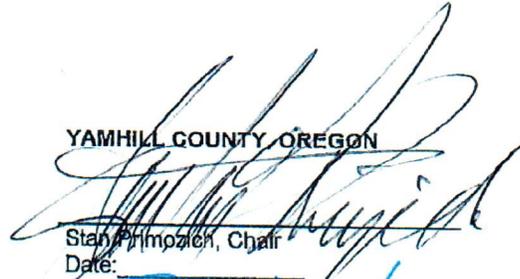
OREGON MAINLINE PAVING LLC.

By: 
(signature)
Date: 10-11-17

R. MATT SEEHAWER
(printed name)

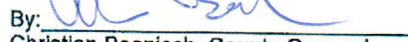
Title: PRESIDENT - MANAGER

YAMHILL COUNTY, OREGON


Stan Timozich, Chair
Date:


John F. Phelan, Director Department of Public Works
Date: 10-13-17

APPROVED AS TO FORM

By: 
Christian Boenisch, County Counsel

Accepted by Yamhill County Board of Commissioners on

10-12-17 by Board Order
17-411/412



OregonMainlinePaving^{LLC}

PO Box 768
McMinnville, OR 97128
Ph. 503.472.4155
Fax: 503.472.0393

To: Yamhill County Department of Public Work
Address: 2060 Lafayette Ave
McMinnville, OR 97128

Attn: Griffin Peal
Phone: 503-435-9225

Project: 2017 Road Paving Project - Loop Road

Biditem	Description	Quan	Unit	Unit Price	Ext Price
10	1/2" LEVEL 2 - DENSE HMAC WEARING COURSE	2,622.000	TON	\$ 60.00	\$157,320.00
20	INTERSECTION	1.000	EACH	\$1,500.00	\$1,500.00
				Bid Total	\$158,820.00

PIP List Draft #4
/2017

Project (MIP) Contract Overlay										
m Mi.	FUNCT. CLASS	ADT	ADT YR	MB	Points	Tons Of Mix @ 2"	Estimated Cost	Int	Monuments	
80	Local	935	2009			3123.2	\$ 203,005	1	1	
93	Minor Collector	2631	2009			5226.5	\$ 339,725	2	2	
14	Resource	527	2009			4716.0	\$ 306,539	1		
314	Local	338	2009			1367.5	\$ 88,889	1		
314	Local	344	2009			1302.4	\$ 84,656			
344	Local	303	2009			1341.5	\$ 87,196	1	0	
309	Resource	87	2009			605.6	\$ 39,365	2		
349	Local	836	2009			1776.5	\$ 115,471	1		
						Total	\$ 1,264,845			
						Total + 10%	\$ 1,391,330			

Use Overlay										
m Mi.	FUNCT. CLASS	ADT	ADT YR		Points	Tons Of Mix	Estimated Cost	Int	Monuments	
65	Local	32	2010			583.5	\$ 37,926	2	0	
79	Local	301	2009			1320.6	\$ 85,841	2		
72	Local	179	2010			2586.6	\$ 168,127	1	0	
98	Local	333	2010			164.1	\$ 10,667	2		
						Total	\$ 302,561			
						Total +10%	\$ 332,817			

m Mi.	FUNCT. CLASS	ADT	ADT YR							
39	Local	191	2009							
08	Local	122	2010							
44	Local	105	2010							

m Mi.	FUNCT. CLASS	ADT	ADT YR		Tons Of Mix @ 3"	Estimated Cost	Int	Tons Rock	Rock Cost
1.062	Local	123	2009						
1.864	Local	338	2009						

Accepted by Yamhill County
Board of Commissioners on
4-6-17 by Board Order
17-118

