

# CITY CLERK ORIGINAL

C-10749-1  
08/04/2016

AMENDMENT NO. 1  
TO  
THE SERVICE AGREEMENT (Not Construction Related)  
WITH TEK FITNESS DISTRIBUTORS, LLC  
(City of Glendale, Contract No. C-10749)

This Amendment No. 1 ("Amendment") to the Service Agreement ("Agreement") is made this 4th day of August, 2016, ("Effective Date"), by and between the City of Glendale, an Arizona municipal corporation ("City") and TEK Fitness Distributors, LLC, an Arizona limited liability company authorized to do business in Arizona ("Contractor").

## RECITALS

- A. City and TEK Fitness Distributors, LLC ("Contractor") previously entered into Services Agreement, Contract No. C-10749, dated March 29, 2016 ("Agreement"); and
- B. The Service Agreement has an initial one-year term beginning March 29, 2016 through March 28, 2017 with the option to extend an additional one-year; and
- C. City and Contractor wish to modify and amend the Agreement subject to and strictly in accordance with the terms of this Amendment.

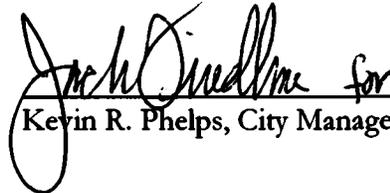
## AGREEMENT

In consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Contractor hereby agree as follows:

1. **Recitals.** The recitals set forth above are not merely recitals, but form an integral part of this Amendment.
2. **Term.** The term of the Agreement will remain the same.
3. **Scope of Work.** The Scope of Work is amended to include quarterly maintenance and as-needed repairs to the fitness equipment at the fitness center located at the City of Glendale's Field Operations Complex.
4. **Compensation.** Section 4.1 of the Agreement is modified and amended as follows:  
4.1 Compensation. Contractor's compensation for the Project, including those furnished by its Subcontractors will not exceed \$40,000 for the entire term of the contract as extended.
5. **Insurance Certificate.** Current certificate will expire on March 5, 2017 and a new certificate applying to the extended term must be provided prior to this date to Materials Management and the Contract Administrator.

6. **Non-discrimination.** Contractor must not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, marital status, sexual orientation, gender identity or expression, genetic characteristics, familial status, U.S. military veteran status or any disability. Contractor will require any Sub-contractor to be bound to the same requirements as stated within this section. Contractor, and on behalf of any subcontractors, warrants compliance with this section.
7. **Ratification of Agreement.** City and Contractor hereby agree that except as expressly provided herein, the provisions of the Agreement shall be, and remain in full force and effect and that if any provision of this Amendment conflicts with the Agreement, then the provisions of this Amendment shall prevail.

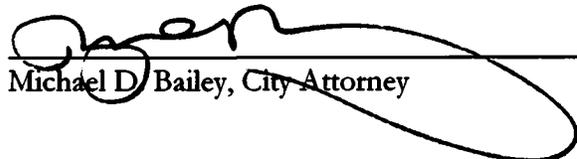
CITY OF GLENDALE, an Arizona  
municipal corporation

  
\_\_\_\_\_  
Kevin R. Phelps, City Manager

ATTEST:

  
\_\_\_\_\_  
Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael D. Bailey, City Attorney

TEK Fitness Distributors, LLC  
an Arizona limited liability company

  
\_\_\_\_\_  
By: Tim Andrews  
Its: Authorized Representative