

**FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE TOWN OF FOUNTAIN HILLS
AND
FPA, LTD.,
D/B/A FIREWORK PRODUCTIONS OF ARIZONA, LTD.**

THIS FIRST AMENDMENT TO CONTRACT No. 2017-104 is made and entered into effective as of the 2nd day of September, 2017 (the "Effective Date"), by and between the Town of Fountain Hills, Arizona, an Arizona municipal corporation ("Town"), and FPA, Ltd., an Arizona corporation, d/b/a Firework Productions of Arizona, Ltd. ("Consultant"). Consultant and Town are sometimes referred to in this First Amendment collectively as the "Parties" and each individually as a "Party."

RECITALS:

A. The Parties entered into a Professional Services Agreement for to provide and exhibit fireworks for the Town's July 4th display in 2017 (the "Original Agreement"). All capitalized terms used without definition in this Amendment shall have the definitions ascribed to them in the Original Agreement, as modified by this First Amendment.

B. The Parties now desire to amend the Original Agreement upon the terms and conditions contained in this First Amendment.

AGREEMENTS:

NOW, THEREFORE, for and in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby amend the Original Agreement as follows:

1. Term of Agreement. Section 1 of the Original Agreement is amended to provide that this Agreement shall be effective as of the date first set forth above, and shall remain in full force and effect until the 1st day of September, 2018, unless terminated as provided in the Original Agreement, and may be renewed for up to three (3) additional one-year terms.
2. Compensation. Section 3 of the Original Agreement is amended to provide that the Town shall pay the Consultant an amount not to exceed \$20,000 for the current Term, and each renewal Term. The maximum aggregate amount for this Agreement shall not exceed \$95,000.00.
3. Reaffirmation of Original Agreement. Except as amended by this First Amendment, the Original Agreement shall remain in full force and effect. In the event of any conflict between this First Amendment and the Original Agreement, the terms of this First Amendment shall prevail.
4. Counterparts. This First Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument, binding on all of the


Parties. The Parties agree that this Amendment may be transmitted between them via facsimile. The Parties intend that the faxed signatures constitute original signatures and that a faxed agreement containing the signatures (original or faxed) of all the Parties is binding upon the Parties.

IN WITNESS WHEREOF, the Parties have executed this Amendment effective as of the Effective Date set forth above.

Town of Fountain Hills, an Arizona Municipal Corporation

By: 
Its: Town Manager


ATTEST:


Town Clerk

REVIEWED AS TO FORM BY:


Attorney for the Town

CONSULTANT: FPA, LTD.,
D/B/A FIREWORKS PRODUCTIONS OF ARIZONA, LTD.

By: 
Its: President
Date: 12/6/2017

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