

SIXTH MODIFICATION TO THE REDFLEX/CITY OF
ALBUQUERQUE AGREEMENT

This Modification is made and entered into this 3RD day ~~October~~ ^{NOVEMBER} 2010 by and between Redflex Traffic Systems, Inc. ("RTS"), a corporation with offices at 15020 N. 74 Street, Scottsdale, Arizona, and the City of Albuquerque, a municipal corporation, with offices at Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, Albuquerque, New Mexico, 87102 (the "City")

WITNESSETH

WHEREAS, the City issued a Request for Proposals for the Albuquerque Police Department, RFP2006-04-SV, dated 7/29/05; and

WHEREAS, RTS submitted its proposal in response to RFP2006-04-SV; and

WHEREAS, RTS and the City have previously entered into the Exclusive Agreement Between the City of Albuquerque and Redflex Traffic Systems, Inc. for Automated Traffic Enforcement Services Relating to the Safe Traffic Operation Program (STOP), dated December 14th, 2005 (hereafter referred to as the "Agreement"); and

WHEREAS, the City and the Contractor have previously entered into a First Modification Agreement dated July 11, 2006, expanding the services that RTS provides to include Speed Enforcement, new Red Light locations, Fixed Speed Locations, and Mobile Speed Enforcement; and

WHEREAS, the City and the Contractor have previously entered into a Second Modification Agreement dated December 14, 2009, whereby the parties extended the Contractor's services under the Agreement for an additional period of 120 days until, and including, April 13, 2010; and

WHEREAS, the City and the Contractor have previously entered into a Third Modification Agreement dated April 13, 2010, whereby the parties extended the Contractor's services under the Agreement for an additional thirty days until, and including, May 13, 2010; and

WHEREAS, the City and the Contractor previously agreed to a Fourth Modification Agreement dated May 13, 2010, whereby the parties extended the Contractor's services under the Agreement for an additional five days until, and including, May 18, 2010; and

WHEREAS, the City and the Contractor have previously entered into a Fifth Modification Agreement dated May 18, 2010, whereby the parties extended the Contractor's services under the Agreement until, and including, October 25, 2010; and

WHEREAS, the City desires to reduce the level of products and services that RTS provides the City by designating and removing six existing Red Light locations and removing fixed Speed Enforcement at all existing Red Light approaches, as described in Section 1.14 of the Agreement (“Intersection Approaches”); and

WHEREAS, the City desires to continue the Contractor’s services for an additional 120 days past October 25, 2010, until and including February 23, 2011; and

WHEREAS, the Contractor is agreeable to the modifications of the Agreement as provided herein.

NOW, THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do agree as follows:

1. Section 2 of the Original Agreement is hereby amended to read as follows:

Term. The term of this Agreement shall commence on December 14, 2005 and continue in effect until February 23, 2011.

2. The Agreement shall be, and hereby is, modified to remove six existing Red Light locations, which locations shall be designated solely by the City, and further modified to remove fixed Speed Enforcement at all existing Red Light approaches, as described in Section 1.14 of the Agreement (“Intersection Approaches”).
3. Except as herein expressly amended, the terms and condition of the Original Agreement as modified by the First, Second, Third, Fourth and Fifth Modification Agreements shall remain unchanged and shall continue in full force and effect unless there is a conflict between the terms and conditions of the Original Agreement and the First, Second, Third, Fourth and Fifth Modification Agreements with this Sixth Modification Agreement, in which event, the terms and conditions of the Sixth Modification Agreement shall control.
4. The City, by affixing of the signatures of its authorized representatives below, certifies that all statutory and regulatory requirements required for this Modification to become fully effective and binding upon both RTS and the City have been satisfied.
5. This modification shall not become effective or binding until signed by the City’s Chief Administrative Officer.

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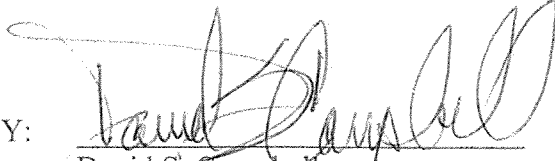
AGREED:

In witness whereof, the duly authorized representatives of RTS and City of Albuquerque have executed this Modification on the dates shown.

CITY OF ALBUQUERQUE

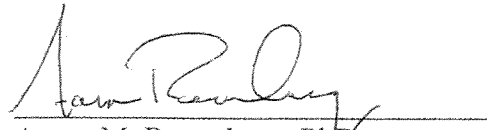
REDFLEX TRAFFIC SYSTEMS, INC.

BY:



David S. Campbell
Chief Administrative Officer

BY:



Aaron M. Rosenberg, PhD
Executive Vice President

Date:

11 / 3 / 10

Date:

11-2-10