

**CITY CLERK
ORIGINAL**

**C-9366-2
03/04/2016**

AMENDMENT NO. 2
TO
LINKING AGREEMENT
WITH

ENVIRONMENTAL RESPONSE, INC.

(State of Arizona Contract No. ADSP013-036054, Glendale Contract No. C-9366)

This Amendment No. 2 ("Amendment") to the Linking Agreement ("Agreement") is made this 4 day of March, 2016 ("Effective Date"), by and between the City of Glendale, an Arizona municipal corporation ("City") and Environmental Response, Inc., an Arizona corporation authorized to do business in Arizona ("Contractor").

RECITALS

- A. City and Environmental Response, Inc., ("Contractor") previously entered into a Linking Agreement, Contract No. C-9366, dated November 7, 2014 ("Agreement") pursuant to the State of Arizona Contract No. ADSP013-036054; and
- B. The State of Arizona Contract No. ADSP013-036054 had an initial one-year term beginning April 1, 2012 through March 31, 2013 with the option to extend an additional four (4) years in one-year increments; and
- C. City and Contractor previously entered into Agreement Amendment No. 1, extending the term of the Agreement from April 1, 2015 through March 31, 2016; and
- D. The State of Arizona Contract, as amended, expires on March 31, 2017; and
- E. City and Contractor therefore wish to modify and amend the Agreement subject to and strictly in accordance with the terms of this Amendment.

AMENDMENT

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 this Agreement is extended from April 1, 2016 through March 31, 2017, unless otherwise terminated or canceled as provided by the Agreement. All other provisions of the Agreement except as set forth in this Amendment shall remain in their entirety.

3. **Compensation.** The compensation of the Agreement is unchanged and shall not exceed \$15,000 for the term of this Amendment.
4. **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 warrants compliance with this section.
5. **Insurance Certificate.** Current certificate will expire on July 1, 2016 and a new certificate applying to the extended term must be provided to Materials Management and the Contract Administrator prior to the execution of this amendment.
6. **Ratification of Agreement.** All other provisions of the Agreement and any Amendment thereto shall remain in effect in their entirety. If any provision of this Amendment conflicts with the Agreement, then the provisions of this Amendment shall prevail and control.

CITY OF GLENDALE, an Arizona
municipal corporation

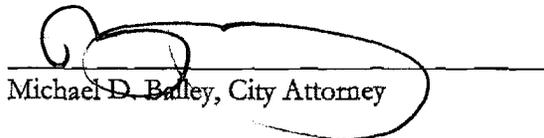


Kevin R. Phelps, City Manager

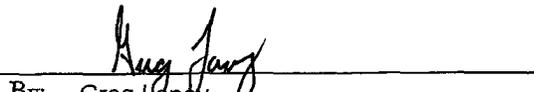
ATTEST:


Pamela Hanna, City Clerk (SEAL)

APPROVED AS TO FORM:


Michael D. Bailey, City Attorney

Environmental Response, Inc.,
an Arizona corporation


By: Greg Laney
Its: Chief Executive Officer



Contract Change Order Summary

Contract No.: **ADSP013-036054**

Change Order No.: **06**

Date: January 27, 2016

State of Arizona
State Procurement Office
100 N. 15TH Avenue, Suite 201
Phoenix, AZ 85007

Emergency and Routine Response

ENVIRONMENTAL RESPONSE INC

In accordance with Special Terms and Conditions, paragraph 3.4, Contract Extension, the above mentioned contract is hereby amended to extend the period of this Contract from March 31, 2016 through March 31, 2017.

ALL OTHER REQUIREMENTS, SPECIFICATIONS, TERMS AND CONDITIONS REMAIN UNCHANGED

KNOWLEDGEMENT AND AUTHORIZATION

This change order shall be fully executed upon the approval electronically in ProcureAZ by an authorized representative of the Contractor and applied to the contract by the Procurement Officer or delegate.