

**CITY CLERK
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**C-10265-1
02/23/2016**

**AMENDMENT NO. 1
TO**

**LINKING AGREEMENT WITH
TITAN MACHINERY, INC.**

(Maricopa County Contract No. 15021-C, Contract No. C-10265)

This Amendment No. 1 ("Amendment") to the Linking Agreement ("Agreement") is made this 22nd day of January, 2016, ("Effective Date"), by and between the City of Glendale, an Arizona municipal corporation ("City") and Titan Machinery Inc., a Delaware corporation authorized to do business in Arizona ("Contractor").

RECITALS

- A. City and Titan Machinery Inc. ("Contractor") previously entered into a linking agreement, Contract No. C-10265, dated September 8, 2015 ("Agreement"); and
- B. The original Maricopa County Agreement No. 15021-C, had an initial one-year term beginning September 8, 2015 through July 31, 2016 with the option to extend an additional four (4) years in one-year increments; and
- C. City and Contractor wish to modify and amend the Agreement subject to and strictly in accordance with the terms of this Amendment.

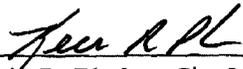
AGREEMENT

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 is unchanged.
- 3. **Scope of Work.** The scope of work is unchanged.
- 4. **Compensation.** Section 3 of the Linking Agreement is hereby modified and amended as follows:
 - B. The total price for supplies and/or services purchased under the agreement is expected to be eighty-thousand dollars (\$80,000) annually, and shall not exceed four hundred thousand dollars (\$400,000) over the entire term of the agreement.
- 5. **Insurance Certificate.** Current certificate will expire on August 1, 2016 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



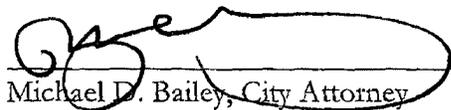
Kevin R. Phelps, City Manager

ATTEST:



Pamela Hanna, City Clerk (SEAL)

APPROVED AS TO FORM:



Michael D. Bailey, City Attorney

Titan Machinery, Inc.,
a Delaware corporation



By: Kevin Smith
Its: Store Manager _____