

CITY CLERK
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C-10448-1
05/10/2016

AMENDMENT NO. 1
TO
THE LINKING AGREEMENT
WITH
ENVIRONMENTAL RESPONSE, INC.
(State of Arizona Contract No. ADSPO13-036054, Contract No. C-10448)

This Amendment No. 1 ("Amendment") to the Linking Agreement with Environmental Response, Inc. ("Agreement") is made this 10 day of May, 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 the Linking Agreement, Contract No. C-10448, dated November 24, 2015 ("Agreement"); and
- B. The original State of Arizona Contract, Contract No. ADSPO13-036054 had an initial one-year term beginning March 26, 2012 with the option to extend an additional four (4) years in one-year increments; and
- C. The State of Arizona Contract was previously amended to expire on March 31, 2016; and
- D. The State of Arizona Contract, as amended, expires on March 31, 2017; and
- E. 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:

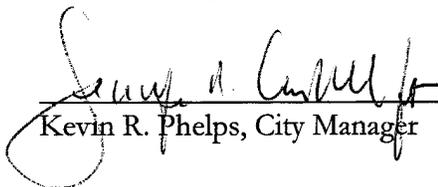
1. **Recitals.** The recitals set forth above are not merely recitals, but form an integral part of this Amendment.
2. **Term.** The term of the Agreement is extended for a one-year period from March 31, 2016 through March 31, 2017, unless otherwise terminated or canceled as provided by the Agreement. All other provisions of the Agreement except as set forth in this Amendment shall remain in their entirety.
3. **Scope of Work.** The scope of work is unchanged.

4. **Compensation.** Section 3.B of the Agreement is hereby modified and amended to read as follows:

3.B Compensation. Contractor's compensation for the Project, including those furnished by its Subcontractors will not exceed \$45,000 over the remaining term of the agreement.
5. **Insurance Certificate.** Current certificate will expire on July 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.

[Signatures on the following page.]

CITY OF GLENDALE, an Arizona
municipal corporation



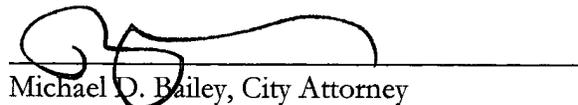
Kevin R. Phelps, City Manager

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: April 18, 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

CKNOWLEDGEMENT 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.



April 20, 2016

Re: Agreement to Renew Linking Agreement C-10448

Dear Sir or Madam:

Environmental Response, Inc. (ERI) hereby agrees to extend the term of existing Linking Agreement, C-10448 through March 31, 2017. Should you have any questions or require any additional information, please feel free to contact us (480) 967-2802.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Laney', is positioned above the typed name.

Greg Laney
Chief Executive Officer