



CITY OF DELRAY BEACH
100 NW 1st AVENUE, DELRAY BEACH, FL 33444

AMENDMENT NO. 2 TO
SOLICITATION NO. 2014-22
GAS, CARBON DIOXIDE, (FOOD GRADE) PURCHASE AND DELIVERY
TERM CONTRACT

AIRGAS USA, LLC

CITY OF DELRAY BEACH
AMENDMENT NO. 2 TO
GAS, CARBON DIOXIDE, (FOOD GRADE) PURCHASE AND DELIVERY TERM CONTRACT

THIS AMENDMENT NO. 2 to the Gas, Carbon Dioxide, (Food Grade) Purchase and Delivery Term Contract dated June 17, 2014, by and between City of Delray Beach, a municipal corporation of the State of Florida (City), and Airgas USA, LLC (Contractor), is entered into this ____ day of ____, 20__.

WITNESSETH:

WHEREAS, on June 17, 2014, City entered into a three-year contract with Contractor for the purchase and delivery of carbon dioxide (hereinafter referred to as the "Agreement"); and

WHEREAS, on January 24, 2017, an Assignment and Assumption Agreement was executed to release and discharge Airgas Carbonic, Inc. from any further liability under the Agreement and to look solely to Airgas USA, LLC as the responsible party under the Agreement for all liabilities or obligations; and

WHEREAS, on May 24, 2017, City renewed the Agreement through June 16, 2018, and amended the Agreement to add the purchase and delivery of oxygen; and

WHEREAS, the City Commission of the City of Delray Beach determines that it is in the best interest of the City, utilizing the second and final renewal period, to approve this Amendment No. 2 thereby renewing the Agreement through June 16, 2019; and

WHEREAS, Contractor agrees to continue to provide goods and services to City in accordance with the terms and conditions of the Agreement.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the parties do agree that the Agreement is amended as follows:

1. The above recitals are true and correct and are incorporated herein.
2. This Amendment No. 2 renews the Agreement, under the same terms and conditions, for the period of June 17, 2018 through June 16, 2019.
3. Except as provided herein, all other terms and conditions of the Agreement remain in full force and effect and are hereby confirmed. The Agreement, Amendment No. 1, and this Amendment No. 2 represent the entire understanding between the parties on the issues contained herein, either written or oral, and may only be amended by written instrument signed by both parties.

IN WITNESS WHEREOF, the City and Contractor hereto have set their hands and corporate seals on this _____ day of _____, 20__.

ATTEST:

CITY OF DELRAY BEACH

Katerri Johnson, City Clerk

BY:

Shelly Petrolia, Mayor

Approved as to form for legal sufficiency:

R. Max Lohman, City Attorney

CONTRACTOR

By: David P. Stockmal

DAVID STOCKMAL

Printed Name

V.P. Bulk Gases 3/2/2018

Title

(SEAL)

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 2 day of March, 2018 by David Stockmal, as VP Bulk Gases (name of officer or agent, title of officer or agent), of Airgas (name of corporation acknowledging), a Delaware (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced Known Personally (type of identification) as identification.

Parlene W. McClosky
Notary Public – State of Florida