



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

**AMENDMENT NO. 1 TO
SOLICITATION NO. 2015-09
ANHYDROUS AMMONIA ANNUAL CONTRACT**

TANNER INDUSTRIES, INC.

CITY OF DELRAY BEACH
AMENDMENT NO. 1 TO
ANHYDROUS AMMONIA ANNUAL CONTRACT

THIS AMENDMENT NO. 1 to the anhydrous ammonia annual contract dated April 2, 2015, by and between City of Delray Beach, a municipal corporation of the State of Florida (hereinafter referred to as "City"), and Tanner Industries, Inc. (hereinafter referred to as "Contractor"), a Pennsylvania corporation authorized to do business in the State of Florida, is entered into this ____ day of _____, 2018.

WITNESSETH:

WHEREAS, on April 2, 2015, the City entered into a three-year agreement with Contractor for the delivery of anhydrous ammonia (hereinafter referred to as the "Agreement"); and

WHEREAS, Item 22 of the General Conditions, Instructions, and Information section of the Agreement allows for two, one-year renewal options. However, Item D of the Terms and Conditions section of the Agreement inadvertently states that there is only one, one-year option to renew; and

WHEREAS, the City determines that is in the best interest of the city to renew the Agreement through April 1, 2019, utilizing its first of two one-year renewal options, in accordance with the terms and conditions of the Agreement; and

WHEREAS, Contractor agrees to continue to provide 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. 1 renews the Agreement, under the same terms and conditions, for the period of April 2, 2018 through April 1, 2019 for an annual not-to-exceed amount of Fifty-Eight Thousand Dollars (\$58,000).
3. Item D of the Terms and Conditions section of the Agreement dated April 2, 2015 shall be amended to read as follows:

Term of Contract shall be three (3) ~~year~~ years commencing on/or about notification of award and expiring ~~one-year~~ three years thereafter. The City reserves the right to renew the contract for ~~an additional one (1) consecutive term of one (1) year period~~ two additional one-year periods, per paragraph #22 of the General Conditions.

4. Except as provided herein, all other terms and conditions of the Agreement remain in full force and effect and are hereby confirmed. The Agreement and this Amendment No. 1 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.

