



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

**AMENDMENT NO. 1 TO
SOLICITATION NO. 2019-047
POLY PHOSPHATE SUPPLY AND DELIVERY**

CARUS LLC f/k/a CARUS CORPORATION.

CITY OF DELRAY BEACH
AMENDMENT NO. 1 TO
PURCHASE OF ROAD CONSTRUCTION MATERIALS

THIS AMENDMENT NO. 1 to Poly Phosphate Supply and Delivery dated December 10, 2019, by and between City of Delray Beach, a municipal corporation of the State of Florida (hereinafter referred to as "City"), and Carus LLC f/k/a Carus Corporation. (hereinafter referred to as "Contractor" an Illinois corporation authorized to do business in the State of Florida, is entered into this 1st day of ~~November~~ 2022.

WITNESSETH:

WHEREAS, on December 10, 2019, the City entered into a three (3) year agreement with Contractor with the option to renew for two (2) additional years for the Poly Phosphate Supply and Delivery (hereinafter referred to as the "Agreement"); and

WHEREAS, City desires to exercise the first renewal, extending the Agreement through December 9, 2024; and

WHEREAS, pursuant to Section 1.8 of Invitation to Bid No. 2019-047, Contractor may request an adjustment to prices; and

WHEREAS, Contractor requested an adjustment in prices pursuant to the Agreement; and

WHEREAS, City desires to approve the price adjustment and to exercise the first renewal, extending the Agreement through December 9, 2024; and

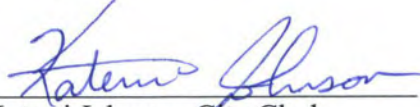
WHEREAS, Contractor agrees to continue to provide services to City in accordance with the terms and conditions of the Agreement.

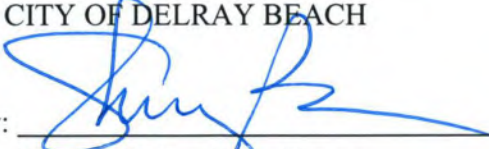
NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the parties do agree that the Agreement is amended as follows:

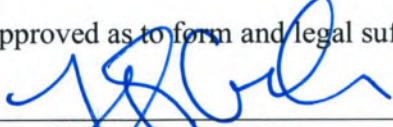
1. The above recitals are true and correct and are incorporated herein.
2. This Amendment No. 1 renews the Agreement, under the same terms and conditions, extending the term through December 9, 2024.
3. The Pricing Schedule attached to the Agreement is deleted and replaced with the new Pricing Schedule attached hereto as Exhibit "A".
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.

IN WITNESS WHEREOF, the City and Contractor hereto have executed this Amendment as of the day and year first above written.

ATTEST:


Katerri Johnson, City Clerk

CITY OF DELRAY BEACH
By: 
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

CONTRACTOR

By: 

Print Name: M. Chryss Crockett

Title: SR VP, CFO

(SEAL)

STATE OF Illinois
COUNTY OF LaSalle

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11th day of October, 2022, by M. Chryss Crockett (name of person), as SR VP, CFO (type of authority) for Carus LLC (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification _____
Type of Identification Produced _____



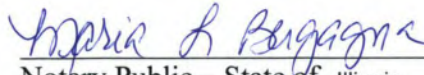

Notary Public – State of Illinois
Maria L. Bergagna

EXHIBIT A
SOLICITATION NO. 2019-047
FEE SCHEDULE

A. ESTIMATED ANNUAL USAGE FOR THE CITY OF DELRAY BEACH IS 84,000 POUNDS.

	Estimated Annual Quantity	Unit Price Per Pound	Total Estimated Annual Cost
POLY PHOSPHATE Supply and Delivered	84,000 lbs.	\$ <u>4.64</u>	\$ <u>299,760.00</u>

CITY ATTORNEY OFFICE - LEGAL REVIEW CHECKLIST

Name of Agreement: Amendment to Agreement with Carus, LLC

Department: Utilities

Contact person: Yolaina Ruiz

City Manager approval ☐

City Commission approval ☒

Reviewed by Purchasing ☒

Agenda item #:

Agenda meeting date:

Resolution #:

Agreement Action:

New ☐

Renewal* ☐

Amendment* ☒

*Renewal: Only change is the agreement term
*Amendment: For changes other than/in addition to term

Does the Contractor require the City to sign first?: No

For City Attorney Use only:

Agreement Terms:

Comments/Specific Provision in Agreement

Term (Duration of Agreement)	Article 5- 3 years
Termination Clause	ITB 12.28- for convenience, 12.29- for default
Renewal Clause	Article 5: option to renew for two additional years
Insurance	City standard
Indemnification	City standard
Assignment	ITB 12.22- not without prior written consent from the City
Fiscal Funding Requirement	ITB 12.67
FL. Public Records Provision (2016)	ITB 12.50
Inspector General Provision	ITB 12.32
Governing Law	Florida
Venue	Palm Beach County
Attorney's fees	ITB 12.42
E-verify	n/a

Business Principles:

Comments

Fees: Total Value	\$1,049,520
Fees: Per Fiscal Year	\$389,760.00 per year for remaining two years

Other Issues:

Comments

Non-Negotiable Issues/ Miscellaneous Issues/ Special Considerations	Initial December 10, 2019 – December 9, 2022 - \$270,000 Renewal Term 1 December 10, 2022 – December 9, 2024 - \$779,520 Total Revised Contract Value \$1,049,520 *Increase of \$599,520.00
---	--

Consistent with applicable policies including, but not limited to, Procurement policies. Yes ☒

Attorney: Kelly Brandon, Esq.

Reviewed and approved as to form and legal sufficiency only