



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

AMENDMENT NO. 1 TO
MASTER CONTRACTOR/SERVICE AGREEMENT
FOR
WET LIME SLUDGE HAULING

Prolime Corporation

THIS AMENDMENT NO. 1 to the Agreement for Wet Lime Sludge Hauling dated April 16, 2019, by and between City of Delray Beach, a municipal corporation of the State of Florida (City), and Prolime Corporation, (herein referred to as "Contractor"), a Michigan corporation authorized to do business in the State of Florida, is entered into this ____ day of _____, 2021.

WITNESSETH:

WHEREAS, on April 16, 2019, the City entered into an agreement with Contractor for Wet Lime Sludge Hauling (herein referred to as "Agreement"); pursuant to Resolution No. 95-19, utilizing the same terms, conditions, and pricing of Solicitation No. 18-7416 procured by Collier County; and

WHEREAS, on October 20, 2020, the City approved an increase to the spending authority in the initial contract term; and

WHEREAS, on September 24, 2021, in accordance with Solicitation No. 18-7416, Collier County exercised its first option to renew Solicitation No. 18-7416 through September 24, 2024; and

WHEREAS, on October 12, 2021, in accordance with Solicitation No. 18-7416, Collier County approved the First Amendment to the Agreement to approve a price adjustment effective September 25, 2021; and

WHEREAS, since the price adjustment was approved by Collier County effective September 25, 2021, the City's price also increased as of the effective date pursuant to the Piggyback Agreement; and

WHEREAS, the City desires to ratify the price adjustment and continue to procure these products and services from Contractor through September 24, 2024, utilizing amended contract prices, terms, and conditions provided to Collier County.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration of which the parties hereto acknowledge, the parties agree as follows:

1. The above recitals are true and correct and are incorporated herein.
2. The City Commission of the City of Delray Beach ratifies the price adjustment approved by Collier County beginning on September 25, 2021 extending through the renewal term to September 24, 2024.
3. The Fee Schedule previously attached to the Agreement as Exhibit "A" is hereby deleted in its entirety and replaced with the amended Fee 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 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 the Contractor executed this Agreement as of the day and year first above written.

ATTEST:

CITY OF DELRAY BEACH

Katerri Johnson, City Clerk

By: Shelly Petrolia, City Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

CONTRACTOR:

By:

Print Name: ROBERT V. ROGERS

Title: PRESIDENT & CEO

(SEAL)

STATE OF MICHIGAN

COUNTY OF MACOMB

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8th day of NOVEMBER, 2021, by ROBERT V. ROGERS (name of person), as PRESIDENT (type of authority) for PROLINE CORP. (name of party on behalf of whom instrument was executed).

Personally known ☒ OR Produced Identification

Type of Identification Produced N/A

CAROL A. HURLEY
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Dec 17, 2025
ACTING IN COUNTY OF MACOMB, MI

Notary Public - State of Michigan

EXHIBIT A
SOLICITATION NO. 18-7416
FEE SCHEDULE

SUMMARY DESCRIPTION	Per Cubic Yard
Provide a price per cubic yard, based on the scope of services assessment, for the hauling and disposal of diverted lime sludge from the holding pond located at the Collier County South Regional Water Treatment Plant, to a legally approved location determined by the Contractor and includes the modification and restoration of the pond berm as required.	\$17.29 <u>\$24.90</u>