

CITY OF DELRAY BEACH
AMENDMENT NO. 2 TO
POLY PHOSPHATE SUPPLY AND DELIVERY AGREEMENT

THIS AMENDMENT NO. 2 to the poly phosphate supply and delivery Agreement dated July 7, 2015, by and between City of Delray Beach, a municipal corporation of the State of Florida (hereinafter referred to as "City"), and Chemrite, Inc. (hereinafter referred to as "Second Party"), a Florida corporation, is entered into this ____ day of ____, 20__.

WITNESSETH:

WHEREAS, on July 7, 2015, the City entered into a two-year agreement with Second Party for the supply and delivery of poly phosphate (hereinafter referred to as the "Agreement"); and

WHEREAS, on August 23, 2017, Chemrite, Inc. acquired F2 Industries, LLC in a business acquisition; and

WHEREAS, on August 31, 2017, the City executed Amendment No. 1 to retroactively renew the Agreement through July 6, 2018. However, the City inadvertently did not address the business acquisition in Amendment No. 1; and

WHEREAS, the City determines that it is in the best interest of the City to renew the Agreement through July 6, 2019, utilizing its second and final one-year renewal option, in accordance with the terms and conditions of the Agreement; and

WHEREAS, Second Party 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. 2 renews the Agreement, under the same terms and conditions, for the period of July 7, 2018 through July 6, 2019.
3. The City hereby consents to assignment of the Agreement from F2 Industries, LLC to Chemrite, Inc.
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, 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 Second Party hereto have set their hands and corporate seals on this _____ day of _____, 20__.

ATTEST:

CITY OF DELRAY BEACH

Katerri Johnson, City Clerk

BY:

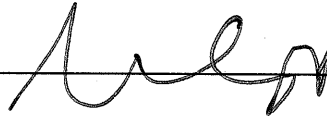
Shelly Petrolia, Mayor

Approved as to form for legal sufficiency:

R. Max Lohman, City Attorney

SECOND PARTY

By: _____



Aaron Opp

Printed Name

Vice President

Title

(SEAL)

STATE OF ~~TENNESSEE~~ Georgia
COUNTY OF ~~RUTHERFORD~~ Hall

The foregoing instrument was acknowledged before me this 25th day of April, 2018, by Aaron Opp, as Vice President (name of officer or agent, title of officer or agent), of Chemrite, Inc. (name of corporation acknowledging), a corporation (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced personally known (type of identification) as identification.

Anne Torrez

Notary Public – State of ~~Tennessee~~ Georgia

City of Delray Beach
Poly Phosphate Supply and Delivery Agreement
Amendment No. 2

Anne Torrez
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires
11/13/2020