

MEMORANDUM

DATE: February 14, 2023

TO: ****ORIGINAL****
CITY CLERK

FROM: Anibal Barreto
Procurement Management Department

SUBJECT: Authorization to Release Contract

CONTRACT: #20160120 Amendment #3
CONTRACT TITLE: Supply Zinc-Orthophosphate for the Water
Treatment Facilities

VENDOR NAME: American Water Chemicals, Inc.
VENDOR ADDRESS: 1802 Corporate Center Lane
CITY & STATE: Plant City, FL. 33563

APPROVED BY COUNCIL: July 25, 2016
7g) – WAIVE THE BIDDING FOR GOOD CAUSE SHOWN 35.04 (C),
SUPPLY ZINC-ORTHOPHOSPHATE FOR THE WATER TREATMENT
FACILITIES, AMERICAN WATER CHEMICALS, INC., #20160120,
ESTIMATED ANNUAL COST IS \$73,000 PLUS A ONE-TIME \$10
INDEMNIFICATION FEE, UNIT PRICES WILL BE FIRM FOR THREE
YEARS, PRICE ADJUSTMENTS MAY BE CONSIDERED BEGINNING
JULY 1, 2019, AND EVERY 12 MONTHS THEREAFTER

APPROVED BY COUNCIL: February 13, 2023
Amendment #3: AMOUNT INCREASE- \$55,000.00. Temporary price increase
until May 1, 2023. AWC will record the revised PPI in preparation for the May 1,
2023, adjustment. Sixty days prior to the Expiration Date, AWC will provide the
revised price for the six-month period May 1, 2023- November 1, 2023.

Please see the attached for (1) original contract for your records.

Thank you.



**CONTRACT AMENDMENT**

This Contract Amendment #3 ("Amendment") by and between the Contractor and the City as defined below shall be effective as of the date this Amendment is fully executed.

Contractor's Full Legal Name:	Amaya Solutions, Inc fka American Water Chemicals, INC.
Solicitation No./Event ID:	20160120
Solicitation Title/Event Name:	Supply Zinc-Orthophosphate for the Water Treatment Facilities AWC-A-751
Contract Award Date:	July 25, 2016
Initial Current Contract Term:	July 1, 2016 – June 30, 2017
Current Contract Expiration Date:	This is a continuing contract.
Requested Expiration Date:	N/A
Initial Contract Amount:	\$0.74/lb. amended to \$0.83/lb. per Amendment #1
Contract Amended Amount:	\$0.9545/lb. plus the cost of freight at \$0.09/lb. ¹
Requested Financial Change Amount:	\$1.20/lb. plus the cost of freight at \$0.09/lb. \$0.1245 per lb. plus the cost of freight
New Contract Amount:	Unit price as needed
Amendment No.:	3
Amendment Type:	Terms Revision

RECITALS

WHEREAS, the Contract is in effect through the Current Contract Term as defined above; and

WHEREAS, the City and Contractor are experiencing escalating costs associated with chemical production; and

WHEREAS, Amendment 1 to the Contract authorized the Contractor to request price adjustments every 12 months beginning July 1, 2019; and

WHEREAS, the City denied Contractor's request for a price increase in October 2022; and

WHEREAS, the Contractor agreed to hold pricing for previous shipments at \$0.9545/lb. plus the cost

of freight until February 14, 2023; and

WHEREAS, the parties desire to enter into this Amendment to adjust the price from February 15, 2023 to July 1, 2023 to \$1.20/lb. plus the cost of freight, and then to establish a firm price pursuant to a price index,

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated as forming the intent and purpose behind this Amendment.
2. **Terms and Conditions.** Due to supply shortages and the supply market, American Water Chemicals is requesting a price increase for the following items:

Zinc Orthophosphate (AWC-A-751)	Revised Price	Freight
December 1, 2022- February 14, 2023	\$0.9545/lb.	\$0.09/lb.
February 15, 2023 – July 1, 2023	\$1.20/lb.	\$0.09/lb.

Prices will expire at midnight on July 1, 2023 ("Expiration Date"). Thereafter, the parties agree to use index WPS06502 to adjust the price accordingly on a bi-annual basis. AWC will record the revised PPI in preparation for the July 1, 2023 adjustment. Sixty days prior to the Expiration Date, AWC will provide the revised price for the six-month period July 1, 2023- January 1, 2024. The chemical cost per lb. unit price shall be adjusted based on the percent change (up or down) in the previously identified index. The percent change will be applied to the base period line item 1 price for each evaluation. The adjusted price shall apply to new orders placed on or after the effective date of the approved, adjusted price. The City may require additional documentation in addition to PPI changes to support price adjustments and demonstrate consistency with comparable municipalities for the duration of the Contract.

3. **SUCCESSORS AND ASSIGNS.** This Amendment shall be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto.
4. **ENTIRE AGREEMENT.** Except as expressly modified by this Amendment, the contract shall be and remain in full force and effect in accordance with its terms and shall constitute the legal, valid, binding and enforceable obligations to the parties. This Amendment and the contract (including any written amendments thereto), collectively, are the complete agreement of the parties and supersede any prior agreements or representations, whether oral or written, with respect thereto.

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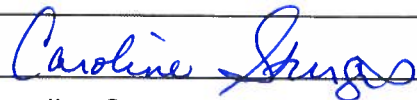
Contract # 20160120

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed by their authorized representatives.

CONTRACTOR

Contractor's Full Legal Name: (PLEASE TYPE OR PRINT)	Amaya Solutions, Inc. DBA American Water Chemicals
Authorized Signature:	
Printed Name and Title of Person Signing:	Tony de Almeida, Operations Manager
Date:	01/30/2023
Company Address:	1802 Corporate Center Lane, Plant City FL 33563

CITY OF PORT ST. LUCIE

Authorized Signature:	
Printed Name and Title of Person Signing:	Caroline Sturgis Director, Budget and Procurement
Date:	2/27/2023
City Address:	121 S.W. Port St. Lucie Blvd., Port St. Lucie, FL 34984

until February 14, 2023