



**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.

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

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

**CONTRACTOR**

<b>Contractor's Full Legal Name: (PLEASE TYPE OR PRINT)</b>	Amaya Solutions, Inc. DBA American Water Chemicals
<b>Authorized Signature:</b>	
<b>Printed Name and Title of Person Signing:</b>	Tony de Almeida, Operations Manager
<b>Date:</b>	01/30/2023
<b>Company Address:</b>	1002 Corporate Center Lane, Plant City FL 33563

**CITY OF PORT ST. LUCIE**

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

\_\_\_\_\_ until February 14, 2023