

CITY CLERK ORIGINAL

C-7433-5
11/09/2014

AMENDMENT NO. 5 AUTOMATED TRUCK-CAR WASH BAY SERVICE AND SUPPLIES (Solicitation No. IFB 11-17)

This Amendment No. 5 ("Amendment") for Automated Truck-Car Wash Bay Service and Supplies Agreement is made to be effective 9th day of November, 2014 ("Effective Date"), by and between the City of Glendale, an Arizona municipal corporation ("City") and Dubois Chemicals Inc., a Delaware corporation authorized to do business in Arizona ("Contractor").

RECITALS

- A. City and Contractor previously entered into a Service Agreement, Contract No. C-7433, dated November 9, 2010 ("Agreement"); and
- B. The Agreement had an initial one-year term beginning November 9, 2010 through November 8, 2011 providing the option to extend the term for an additional four (4) years in one-year increments; and
- C. City and Contractor previously entered into Contract Amendment No. 1, extending the term of the Agreement from November 9, 2011 through November 8, 2012; and
- D. City and Contractor previously entered into Amendment No. 2, extending the term of the Agreement from November 9, 2012 through November 8, 2013; and
- E. City and Contractor previously entered into Amendment No. 3, extending the term of the Agreement from November 9, 2013 through November 8, 2014; and
- F. City and Contractor previously amended the Agreement in Contract Amendment No. 4, reassigning the Agreement to DuBois Chemicals Inc., who acquired the awarded Contractor Rieskamp Washing Systems, Inc.
- G. City and Contractor wish to modify and amend the Agreement subject to and strictly in accordance with the terms of this Amendment.

AGREEMENT

In consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Contractor hereby agree as follows:

- 1. **Recitals.** The recitals set forth above are not merely recitals, but form an integral part of this Amendment.
- 2. **Term.** The term of the Agreement is extended for a one-year period from November 9, 2014 through November 8, 2015, unless terminated, or canceled as provided within the Agreement. All other provisions of the Agreement shall remain in their entirety.

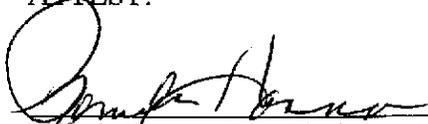
3. **Scope of Work.** The Scope of Work is unchanged.
4. **Compensation.** The compensation of the Agreement is unchanged.
5. **Insurance Certificate.** The existing insurance certificate is expiring and a new certificate applying to the extended term is required and must be received by the Contract Specialist prior to the execution of this Amendment.
6. **Ratification of Agreement.** City and Contractor hereby agree that except as expressly provided herein, the provisions of the Agreement shall be, and remain in full force and effect and that if any provision of this Amendment conflicts with the Agreement, then the provisions of this Amendment shall prevail.

CITY OF GLENDALE, an Arizona
municipal corporation



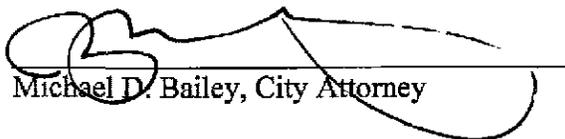
Brenda S. Fischer, City Manager

ATTEST:



Pamela Hanna, City Clerk (SEAL)

APPROVED AS TO FORM:



Michael D. Bailey, City Attorney

Dubois Chemicals Inc.
a Delaware corporation
3630 E. Kemper Road
Sharonville, OH 45241
Phone: 800-438-2647
Email: joe.heitker@duboischemicals.com

Joseph Heitker

By: 
Its: Dubois Chemicals

Fleet WASH DIVISION