

CONTRACT RENEWAL

THIS CONTRACT RENEWAL is entered into by and between the CITY OF DEERFIELD BEACH (CITY), a municipal corporation and SATCO (CONTRACTOR), as follows

WITNESSETH:

WHEREAS, the CITY and CONTRACTOR entered into an agreement for Sulfuric Acid 93% for Water Treatment Plant Operations pursuant to ITB 2018-19/22; and

WHEREAS, the initial CONTRACT term is three (3) years, beginning June 1, 2019 and expiring May 31, 2022; and

WHEREAS, the terms and conditions of the CONTRACT provide three (3) additional one (1) year renewal options; and

WHEREAS, the CITY is exercising the right to extend the contract for the first (1st) of the three (3) renewal periods; and

WHEREAS, renewal of the CONTRACT is in the best interest of the City;

NOW THEREFORE, be it agreed by and between the parties as follows:

- Section 1.** The above referenced Whereas clauses are true and correct and made a part hereof.
- Section 2.** The contract renewal term shall begin on June 1, 2022 and will expire on May 31, 2023, (Two (2) one (1) year renewal options remain) unless otherwise terminated pursuant to the terms of the original CONTRACT.
- Section 3.** All terms, conditions, and specifications of the original CONTRACT shall remain the same.

IN WITNESS WHEREOF the parties have caused these presents to be executed.

Witnesses:

CITY OF DEERFIELD BEACH

_____ na _____

DocuSigned by:
David Santucci
By: _____
6E00D88DCB45419
DAVID SANTUCCI, CITY MANAGER

_____ na _____

Date: 5/25/2022

ATTEST:

DocuSigned by:
Samantha Gillyard
23C6C6AC382D4C4...

SAMANTHA GILLYARD, CMC, CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:
Anthony Soroka
5CA00437D5804C4...

ANTHONY SOROKA, CITY ATTORNEY

CONTRACTOR MUST EXECUTE THIS CONTRACT AS INDICATED BELOW.

CONTRACTOR

ATTEST:

Sulphuric Acid Trading Company, Inc

(Name of Corporation)

na

(Witness)

DocuSigned by:
By Brent Shonka

(Signature)
694CA1D1BF92439...

na

(Corporate Seal, if applicable)

Brent Shonka General Manager

(Type Name/Title Signed Above)

Date: 5/23/2022

RESOLUTION NO. 2022/090

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE CONTRACT WITH SULPHURIC ACID TRADING COMPANY, INC. FOR SULFURIC ACID 93% TO PROVIDE FOR A PRICE INCREASE; AUTHORIZING EXECUTION OF THE AMENDMENT; PROVIDING FOR IMPLEMENTATION, CONFLICTS, AND AN EFFECTIVE DATE

WHEREAS, the City issued ITB #2018-19/22 for Sulfuric Acid 93% for Water Treatment Plant Operations (the "ITB"); and

WHEREAS, on April 4, 2019, the City entered into a contract with Sulphuric Acid Trading Company, Inc. (the "Vendor"), the lowest, responsive and responsible bidder, to provide Sulfuric Acid 93% (the "Product"), in accordance with the terms and conditions of the ITB (the "Contract"); and

WHEREAS, the Contract is a Co-operative contract with the City as the lead agency and other participating Southeast Florida Governmental Purchasing Co-operative Group agencies; and

WHEREAS, pursuant to Section IV - Special Terms and Conditions, Item 5. Price Adjustments of the ITB, the Vendor may request a price increase, subject to approval from the City, by submitting documentation supporting the need for a price adjustment; and

WHEREAS, on April 14, 2022, the City received a request from the Vendor to increase the contract price from \$249.11 per/short ton to \$347.45 per/short ton; and

WHEREAS, in the best interests of the City and Co-operative agencies, the City negotiated with the Vendor a lower price than the initial price increase of \$347.45 per/short ton for the Product, with the initial Contract terms, conditions, and specifications remaining the same; and

WHEREAS, the Contractor submitted the revised negotiated price of \$323.80 per/short ton for the period effective June 1, 2022 (the "Price Increase"); and

WHEREAS, the City and the majority of the participating Co-operative agencies agreed to continue to participate on the Contract with the price increase; and

WHEREAS, the City Commission finds it in the best interest of the City to approve an amendment to the Contract, attached as Exhibit "A," to provide for the Price Increase (the "Amendment").

Resolution 2022/090

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced "Whereas" clauses are true and correct and made a part of this Resolution.

Section 2. The City Commission hereby approves the Amendment to the Contract with the Vendor, attached as Exhibit "A," providing for the Price Increase.

Section 3. The City Manager is authorized to execute the Amendment, attached as Exhibit "A," together with such non-substantial changes as may be acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4. The appropriate City officials are authorized to do all things necessary to carry out the aims of this Resolution, including providing for the City's payment for the Product based on the Contract, as amended by the Amendment, and the necessary budgetary appropriations to fund the Price Increase.


Section 5. All resolutions, or parts of resolutions, in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 6. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 17TH DAY OF MAY, 2022.



BILL GANZ, MAYOR

ATTEST:

for SAMANTHA GILLYARD, CITY CLERK

AMENDMENT TO CONTRACT NO. 3

This Amendment to Contract ("Amendment"), made and entered into the 17th day of May 2022 by and between:

CITY OF DEERFIELD BEACH, FLORIDA
A municipal Corporation
150 NE 2nd Avenue
Deerfield Beach, FL 33441
(hereinafter referred to as "CITY")

AND

SULPHURIC ACID TRADING COMPANY, INC.
3710 Corporex Park Drive, Suite 205
Tampa, FL 33619
(hereinafter referred to as
"CONTRACTOR")

WHEREAS, the CITY issued ITB #2018-19/22 for Sulfuric Acid 93% for Water Treatment Plant Operations (the "ITB"); and

WHEREAS, on April 4, 2019, the CITY entered into a Contract with CONTRACTOR, the lowest, responsive and responsible bidder, to provide Sulfuric Acid 93% (the "Product"), in accordance with the terms and conditions of the ITB (the "Contract"); and

WHEREAS, the Contract is a Co-operative Contract with the CITY as the lead agency and other participating Southeast Florida Governmental Purchasing Co-operative Group agencies; and

WHEREAS, the CITY received a price increase request from the CONTRACTOR; and

WHEREAS, pursuant to Section IV – Special Terms and Conditions, Item 5. Price Adjustments of the ITB, the CONTRACTOR may request a price increase for approval from the CITY; and

WHEREAS, in the best interests of the CITY and Co-operative agencies, the CITY negotiated a lower price than the initial price increase of \$347.45 per/short ton with CONTRACTOR for the Product, with the initial Contract terms, conditions, and specifications remaining the same; and

WHEREAS, the CONTRACTOR submitted the revised negotiated price increase of \$323.80 per/short ton beginning on June 1, 2022, based on zones and locations for each participating Co-operative agency, which is attached herein as ATTACHMENT "A"; and

WHEREAS, the CITY and majority of the participating Co-operative agencies agreed to continue to participate on the Contract with the price increase; and

WHEREAS, the price increase shall take effect as of June 1, 2022 as outlined on ATTACHMENT "A."

NOW, THEREFORE in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which are acknowledges, the parties agree as follows:

Section 1. The above recitals are acknowledged and incorporated herein.

Section 2. The Contract is amended to include and incorporate ATTACHMENT "A" and the pricing set forth therein, in the Contract. The pricing set forth in ATTACHMENT "A" shall supersede the current contract price of \$249.11 per/short ton set forth in CONTRACTOR'S negotiated price in the second Amendment to Contract effective December 1, 2021.

Section 3. All other conditions and terms of the original Contract, not specifically amended herein, remain in full force and effect.

Section 4. Should any part, term and provision of this Amendment be by the courts decided to be illegal or in conflict with any law of the State of Florida, the validity of the remaining portions or provisions shall not be affected hereby.

Section 5. Neither CITY nor their officers, agents and/or employees have made any representation or promises except as expressly set forth in this Amendment.

Section 6. This Amendment shall be effective as of June 1, 2022.

CONTRACTOR

ATTEST:

Sulphuric Acid Trading Company, Inc

(Name of Corporation)

DocuSigned by:

By:

Brent Shonka

694CA1D1BF02438

(Signature)

Brent Shonka General Manager

(Type Name/Title Signed Above)

5/17/2022

Date:

(Secretary)

(Corporate Seal, if applicable)

CITY OF DEERFIELD BEACH

Witnesses:

[Handwritten Signature]

[Handwritten Signature]

DocuSigned by:

By:

David Santucci

0E00D88DCB45419

DAVID SANTUCCI, CITY MANAGER

Date:

5/20/2022

ATTEST:

DocuSigned by:

Samantha Gillyard

23C6C6AC382D4C4

SAMANTHA GILLYARD, CMC, CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

Anthony Soroka

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ANTHONY C. SOROKA, CITY ATTORNEY

ATTACHMENT "A"

Price Increases Based on Green Markets, Sulfur Posting, Recovered LT, Tampa c. - April 1, 2022.			
Zones and Locations for Each Participating Co-operative Agency			
Zone	Agency Location	Current Price Per/Short Ton	6/1/2022 Per/Short Ton
1	City of Riviera Beach	\$249.11	\$323.80
	City of Deerfield Beach	\$249.11	\$323.80
2	Town of Davie	\$256.78	\$331.47
	City of Fort Lauderdale	\$256.78	\$331.47
	City of Cooper City	\$256.78	\$331.47
3	City of Dania Beach	\$258.31	\$333.00
	City of Hollywood	\$258.31	\$333.00
	City of Miramar	\$258.31	\$333.00
	City of Hallandale Beach	\$258.31	\$333.00
	City of North Miami Beach	\$258.31	\$333.00