

**AMENDMENT NO. 2  
TO THE STEAM SALES AGREEMENT  
BETWEEN THE  
CITY OF SANTA CLARA, CALIFORNIA,  
AND  
THE NEWARK GROUP, INC.**

**PREAMBLE**

This agreement ("Amendment No. 2") is entered into between the City of Santa Clara, California, a chartered California municipal corporation ("City" or "Seller") and the Newark Group, Inc., a New Jersey corporation ("Buyer"), with its principal place of business located at 525 Mathew Street, Santa Clara, California. Seller and Buyer may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

**RECITALS**

- A. The Parties previously entered into an agreement entitled Steam Sales Agreement By and Between the City of Santa Clara and The Newark Group, Inc., dated November 17, 2015 (the "Original Agreement")
- B. The Parties entered into the Original Agreement for the purpose of having the City provide the steam from the City's Cogen facility to the Buyer for purchase for its use in the manufacture of recycled paper products at the Paper Mill.
- C. The Parties executed the Amendment No.1 to the Original Agreement on March 9, 2021 to extend the Term of the Sales Agreement to October 31, 2021 to provide additional time for Parties to negotiate the Sales Agreement renewal.
- D. The Parties now wish to enter into Amendment No. 2 to the Original Agreement to extend the Term of the Steam Sales Agreement to March 31, 2022 to continue negotiations of a new Agreement.

NOW, THEREFORE, the Parties agree as follows:

**AMENDMENT TERMS AND CONDITIONS**

- 1. Exhibit B, Section 1 of the Agreement, is amended to read as follows: Term of Agreement: November 1, 2015 through March 31, 2022.
- 2. Except as set forth herein, all other terms and conditions of the Agreement as Amended shall remain in full force and effect. In case of a conflict in the terms of the Agreement as Amended and this Amendment No. 2, the provisions of this Amendment No. 2 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 2 as evidenced by the following signatures of their duly authorized representatives.

**CITY OF SANTA CLARA, CALIFORNIA**  
a chartered California municipal corporation

Approved as to Form: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Office of the City Attorney  
City of Santa Clara

\_\_\_\_\_  
DEANNA J. SANTANA  
City Manager  
1500 Warburton Avenue  
Santa Clara, CA 95050  
Telephone: (408) 615-2210  
Fax: (408) 241-6771

“CITY”

**THE NEWARK GROUP, INC.**  
a New Jersey corporation

Dated: \_\_\_\_\_

By (Signature): \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Principal Place of  
Business Address: 525 Mathew Street Santa Clara, CA 95050

Email Address: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

Fax: ( ) \_\_\_\_\_

“BUYER”