

**AMENDMENT NO. 4
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
ADVANCED CHEMICAL TRANSPORT, INC. (ACT)**

PREAMBLE

This agreement ("Amendment No. 4") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Advanced Chemical Transport, Inc., a California Corporation (Contractor). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

- A. The Parties previously entered into an agreement entitled "Agreement for the Performance of Services by and between the City of Santa Clara, California and Advanced Chemical Transport, Inc. dated January 25, 2018 (Agreement);
- B. The Agreement was previously amended by Amendment No. 1, dated October 21, 2020, and by Amendment No. 2 dated July 18, 2022, and Amendment No. 3 dated January 1, 2023. The Agreement and all previous amendments are collectively referred to herein as the "Agreement as Amended"; and
- C. The Parties entered into the Agreement as Amended for the purpose of having Contractor provide hazardous waste services, and the Parties now wish to amend the Agreement as Amended to extend the term and increase the maximum compensation.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

1. Section 5 of the Agreement as Amended, entitled "TERM OF AGREEMENT" is amended to read as follows: "Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of the Agreement shall begin on the Effective Date of this Agreement and terminate on September 30, 2023. The Parties agree that this Agreement did not expire on the previous expiration date of June 30, 2023, and it remains valid through the new expiration date set forth in this Amendment No. 4. The sole purpose of this extended 90-day term is to facilitate the payment of outstanding invoices for Services performed through June 30, 2023. The City will not approve any additional Services from the Effective Date of this Amendment."

2. Exhibit B of the Agreement is amended and replaced with Exhibit B - Fee Schedule of Fees - Effective June 30, 2023, which is attached hereto and incorporated into the Agreement as Amended by reference.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 4 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: _____

GLEN R. GOOGINS
City Attorney

JOVAN D. GROGAN
City Manager
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

ADVANCED CHEMICAL TRANSPORT, INC.
a California corporation

Dated: 8/17/23
By (Signature): 
Name: Kevin Carnahan
Title: Director of Sales
Principal Place of
Business Address: 1210 Elko Drive Sunnyvale, CA 94089
Email Address: KCarnahan@actenviro.com
Telephone: () 707-980-2311
Fax: ()

"CONTRACTOR"

EXHIBIT B
FEE SCHEDULE – EFFECTIVE JANUARY 1, 2023

Contractor shall provide Services at the rates and fees set forth in the attached Exhibits B1, B2, and B3 attached to Amendment No. 3. Rates shall be based on the date Service are provided:

In no event shall the amount billed to City by Contractor for Services under this Agreement exceed Two Million One Hundred and Forty Thousand dollars (\$2,140,000) during the Agreement term, subject to budget appropriations.