

**AMENDMENT NO. 2
TO THE AGREEMENT FOR THE PERFORMANCE OF SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
ADVANCED CHEMICAL TRANSPORT, INC. (ACT)**

PREAMBLE

This agreement ("Amendment No. 2") 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" or the "Parties to this Agreement."

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 on or about January 25, 2018 (Agreement);
- B. The Agreement was previously amended by Amendment No. 1, dated October 21, 2020, and is again amended by this Amendment No. 2;
- C. The Agreement and all previous amendments are collectively referred to herein as the "Agreement as Amended"; and
- D. 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 increase the maximum compensation.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

1. Section 2 of the Amendment No.1 is hereby amended as follows:

"Compensation: The amount to billed to City by Contractor for services under this Agreement will not exceed one million four hundred thousand dollars (\$1,400,000) during the Agreement term, subject to budget appropriations. Contractor shall notify the City 60 days in advance of any changes anticipated to affect future rates. At such time, Contractor and City may enter into negotiations to amend the agreement to reflect proposed updated rates."

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 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.

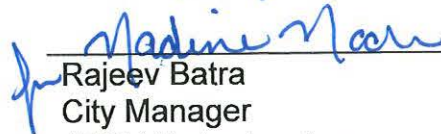
CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

Dated: 7/18/22



Office of the City Attorney



Rajeev Batra
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

ADVANCED CHEMICAL TRANSPORT, INC.
a California corporation

Dated: 06-27-2022

By (Signature): 

Name: Kevin Carnahan

Title: Director of Sales

Principal Place of Business Address: 907 Mabury Road, San Jose, CA 95133

Email Address: Kcarnahan@actenviro.com

Telephone: 408 980-2311

Fax: ()

"CONTRACTOR"