

AMENDMENT NO. 1  
LINKING AGREEMENT  
CITY OF GLENDALE, Contract No. C21-0098

This Amendment No. 1 (“Amendment”) to the Linking Agreement (“Agreement”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, (“Effective Date”), by and between the City of Glendale, an Arizona municipal corporation (“City”) and Herc Rentals, Inc., a Delaware corporation authorized to do business in Arizona (“Contractor”).

RECITALS

- A. City and Herc Rentals, Inc. (“Contractor”) previously entered into Linking Agreement, Contract No. C21-0098, dated February 9, 2021 (“Agreement”); and
- B. 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 August 30, 2021 through August 31, 2022, unless otherwise terminated or canceled as provided by the Agreement. All other provisions of the Agreement except as set forth in this Amendment shall remain in their entirety.
3. **Scope of Work.** The Scope of Work is being amended to include Refueling Service charges per the State of Arizona Contract Amendment No. 4.
4. **Compensation.** The Compensation is being amended by increasing the amount to \$100,000, for a new not-to-exceed amount of \$200,000 for the term of the agreement. However, the Pricing Catalog, 2021-2022 Herc Rentals Pricing/Equipment List, is replaced by the document entitled ADSPO19-213369 Pricing, as provided in Amendment #5 of the Cooperative Purchase Agreement.
5. **Insurance Certificate.** Current certificate will expire on October 1, 2021 and a new certificate applying to the extended term must be provided prior to this date to Materials Management and the Contract Administrator.
6. **Non-discrimination.** Contractor must not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, marital status, sexual orientation, gender identity or expression, genetic

characteristics, familial status, U.S. military veteran status or any disability. Contractor will require any Sub-contractor to be bound to the same requirements as stated within this section. Contractor, and on behalf of any subcontractors, warrants compliance with this section.

7. **No Boycott of Israel.** To the extent A.R.S § 35-393 through § 35-393.03 are applicable, the parties hereby certify that they are not currently engaged in, and agree for the duration of the Agreement to not engage in, a boycott of goods or services from Israel, as that term is defined in A.R.S § 35-393.
8. **Attestation of PCI Compliance.** When applicable, the Contractor will provide the City annually with a Payment Card Industry Data Security Standard (PCI DSS) attestation of compliance certificate signed by an officer of Contractor with oversight responsibility.
9. **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.

[Signatures on the following page.]

CITY OF GLENDALE, an Arizona  
municipal corporation

\_\_\_\_\_  
Kevin R. Phelps, City Manager


ATTEST:

\_\_\_\_\_  
Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael D. Bailey, City Attorney

Herc Rentals, Inc.,  
an Delaware corporation

  
\_\_\_\_\_  
By: Jason Oosterbeek  
Its: Vice President  
\_\_\_\_\_

4/29/2021

## Contract Amendment Summary

<b>CONTRACTOR: Herc Rentals, Inc.</b>	<b>AMENDMENT NO.: 4</b>
<b>DESCRIPTION: Heavy Equipment Rental Non Operated</b>	

Pursuant to the Uniform Terms and Conditions, Section 5, Contract Changes, the above referenced contract is amended. Summary of changes is as follows:

1. This contract is hereby mutually extended from August 30, 2021 through August 31, 2022 unless terminated, canceled or extended as otherwise provided in the contract.
2. In accordance with Special Terms and Conditions, paragraph 11.7, Additional Products, the above mentioned contract is hereby Amended as follows:
  - The following is added to the scope of work:  
Refueling service  
Refueling charges will apply if refueling is required during or at the end of the rental.
  - The pricing Exhibit 1 catalog pricing is replaced by the document titled “2021-2022 Herc Rentals Pricing/Equipment List”.
3. All other terms, conditions and provisions of this contract remain unchanged.

## Contract Amendment Summary

<b>CONTRACTOR: Herc Rentals, Inc.</b>	<b>AMENDMENT NO.: Five (5)</b>
<b>DESCRIPTION: Heavy Equipment Rental Non Operated</b>	

Pursuant to the Uniform Terms and Conditions, Section 5, Contract Changes, the above referenced contract is amended. Summary of changes is as follows:

1. In accordance with Special Terms and Conditions, paragraph 11.7, Additional Products, the above mentioned contract is hereby Amended as follows:
  - The pricing catalog, 2021-2022 Herc Rentals Pricing/Equipment List, is replaced by the document titled ADSPO19-213369 Pricing.
2. All other terms, conditions and provisions of this contract remain unchanged.