



Financial and Administrative Service Department
Purchasing Office
PO Box 1088, Austin, Texas, 78767

October 29, 2008

Airgas Southwest Inc.
Attn: Jerry New
11111 N. Lamar Blvd.
Austin, TX 78743

The City has approved a contract with your firm to provide liquid carbon dioxide to the Austin Water Utility in accordance with the attached documents.

Responsible Department:	Austin Water Utility
Department Contact Person:	Lydia Torres
Department Contact Email Address:	lydia.torres@ci.austin.tx.us
Department Contact Telephone:	512/972-0329
Solicitation No.	STA0152 RE-BID
Project Name:	24-Month Contract for Liquid Carbon Dioxide
Contractor Name:	Airgas Southwest Inc.
Contract Number:	GA090000012
Contract Amount:	\$821,500.00
Option Amounts:	\$513,438.00
Contract Period	10/30/08 – 10/29/10
Options:	Three, 12-Month Options
Requisition Number:	2200 08051900630
Council Date:	10/23/08
Agenda Item No:	33

Attached for your records is a fully executed copy of the contract between your firm and the City of Austin.

Thank you for your interest in doing business with the City of Austin. If you have any questions regarding this contract, please feel free to contact me.

Sincerely,

Stephen T. Aden, Sr.
Supervising Senior Buyer
Purchasing Office
Finance and Administrative
Service Department

cc: Lydia Torres/AWU

**CONTRACT BETWEEN THE CITY OF AUSTIN ("City")
AND
AIRGAS SOUTHWEST INC. ("Contractor")
for
24-MONTH CONTRACT FOR LIQUID CARBON DIOXIDE
Contract Number: GA090000012**

The City accepts the Contractor's Offer (as referenced in Section 1.1.3 below) for the above requirement and enters into the following Contract.

This Contract is between Airgas Southwest Inc. having offices at 11111 N. Lamar Blvd., Austin, TX 78743 and the City, a home-rule municipality incorporated by the State of Texas, and is effective as of the date executed by the City ("Effective Date").

Capitalized terms used but not defined herein have the meanings given them in Solicitation Number STA0152 RE-BID.

1.1 This Contract is composed of the following documents:

- 1.1.1 This Contract
- 1.1.2 The City's Solicitation, Invitation for Bid (IFB), STA0152 RE-BID including all documents incorporated by reference
- 1.1.3 Airgas Southwest Inc. Offer, dated 09/15/2008, including subsequent clarifications

1.2 Order of Precedence. Any inconsistency or conflict in the Contract documents shall be resolved by giving precedence in the following order:

- 1.2.1 This Contract
- 1.2.2 The City's Solicitation as referenced in Section 1.1.2, including all documents incorporated by reference
- 1.2.3 The Contractor's Offer as referenced in Section 1.1.3, including subsequent clarifications

1.3 Quantity of Work. There is no guaranteed quantity of work for the period of the Contract and there are no minimum order quantities. Work will be on an as needed basis as specified by the City for each Delivery Order.

1.4 Term of Contract. The Contract will be in effect for an initial term of twenty-four (24) months and may be extended thereafter for up to three (3) twelve (12) month extension option(s), subject to the approval of the Contractor and the City Purchasing Officer or his designee. See the Term of Contract provision in Section 0400 for additional Contract requirements.

1.5 Compensation. The Contractor shall be paid a total Not-to-Exceed amount of \$821,500.00 for the initial Contract term and \$513,438.00 for each extension option as indicated in the Bid Sheet, IFB Section 0600. Payment shall be made upon successful completion of services or delivery of goods as outlined in each individual Delivery Order.

This Contract (including any Exhibits) constitutes the entire agreement of the parties regarding the subject matter of this Contract and supersedes all prior and contemporaneous agreements and understandings, whether written or oral, relating to such subject matter. This Contract may be

altered, amended, or modified only by a written instrument signed by the duly authorized representatives of both parties.

In witness whereof, the City has caused a duly authorized representative to execute this Contract on the date set forth below.

CITY OF AUSTIN

Printed Name of
Authorized Person: Stephen T. Aden, Sr.

Signature: _____

Title: Supervising Senior Buyer

Date 10/29/08

List of Exhibits

Exhibit A Invitation for Bid (IFB) STA0152 RE-BID, issued 09/01/2008 and all addenda thereto

Exhibit B Airgas Southwest, Inc. Offer, dated 09/15/2008 (including subsequent clarifications)