


State of Washington
Contracts & Procurement Division
Department of Enterprise Services
P.O. Box 41411
Olympia, WA 98504-1411

Airgas USA, LLC
259 N Radnor-Chester Rd # 100
Radnor, PA 19087

**FIFTH AMENDMENT
TO
CONTRACT No. 04015
GASES: MEDICAL, SPECIALTY, AND INDUSTRIAL**

This Fifth Amendment ("Amendment") to Contract No. 04015 is made and entered into by and between the State of Washington acting by and through the Department of Enterprise Services, a Washington State governmental agency ("State") and Airgas USA, LLC, a Delaware Limited Liability Corporation ("Contractor") and is dated as of September 1, 2019.

RECITALS

- A. State and Contractor (collectively the "Parties") entered into that certain Contract No. 04015 for Gases: Medical, Specialty, and Industrial dated effective as of February 1, 2016 ("Contract").
- B. The Parties previously amended the Contract three (3) times: 
- a. Amendment 1 effective February 1, 2017 (Term Extension).
 - b. Amendment 2 effective October 1, 2017 (Mgmt. Fee Adjustment).
 - c. Amendment 3 effective February 1, 2018 (extension and new language).
 - d. Amendment 4 effective July 1, 2019 (added economic price adjustment clause).
- C. The amendment set forth herein is within the scope of the Contract.
- D. The Parties now desire to amend the Contract as set forth herein.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the Parties hereby agree to amend the Contract, as previously amended, as follows:

1. **ECONOMIC PRICE ADJUSTMENT.** Based on Section 3.3 Price Adjustments language in Amendment 4, the below is the updated pricing for Helium. The new pricing for helium goes into effect September 1, 2019.

Gas Type	Grade	Industry Description	Nominal Capacity (UOM: cf)	Old Price Per CF	New Price Per CF
Argon/Helium Blend (Ar 75%/ He 25%)	Industrial	300 cf	314 cf	\$ 0.13	\$ 0.19
Helium Pure	Industrial	300 cf	291 cf	\$ 0.32	\$ 0.53
Helium Pure	Industrial	220 cf	217 cf	\$ 0.33	\$ 0.55
Helium Pure	Industrial	125 cf	109 cf	\$ 0.34	\$ 0.56
Helium Pure	Industrial	55 cf	50 cf	\$ 0.36	\$ 0.60
Helium Pure	Industrial	40 cf	40 cf	\$ 0.36	\$ 0.60
Helium	UHP 99.999%	291 cf	291 cf	\$ 0.38	\$ 0.63

2. NO CHANGE OTHER THAN AMENDMENT. Except as amended herein, the Contract is unaffected and remains in full force and effect.
3. INTEGRATED AGREEMENT; MODIFICATION. This Amendment constitutes the entire agreement and understanding of the Parties with respect to the subject matter and supersedes all prior negotiations and representations. In the event of any conflict between this Amendment and the Contract or any earlier amendment, this Amendment shall control and govern. This Amendment may not be modified except in writing signed by the Parties.
4. AUTHORITY. Each party to this Amendment, and each individual signing on behalf of each party, hereby represents and warrants to the other that it has full power and authority to enter into this Amendment and that its execution, delivery, and performance of this Amendment has been fully authorized and approved, and that no further approvals or consents are required to bind such party.
5. ELECTRONIC SIGNATURES. A signed copy of this Amendment or any other ancillary agreement transmitted by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Amendment or such other ancillary agreement for all purposes.
6. COUNTERPARTS. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and all of which counterparts together shall constitute the same instrument which may be sufficiently evidenced by one counterpart. Execution of this Amendment at different times and places by the parties shall not affect the validity thereof so long as all the parties hereto execute a counterpart of this Amendment.

EXECUTED AND EFFECTIVE as of the day and date first above written.

AIRGAS USA, LLC, A DELAWARE LIMITED LIABILITY
CORPORATION

By:  _____

Name: Luke Aass

Title: Area Vice President

Date: August 23, 2019

STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES

By:  _____

Name: Leslie Edwards

Title: Contracts Specialist

Date: 8-23-19