

**AMENDMENT NO. 2
CONTRACT NO. 455-20-1036A FOR
STATEWIDE SITE REMEDIATION AND RELATED SERVICES
BETWEEN
THE RAILROAD COMMISSION OF TEXAS AND
ETECH ENVIRONMENTAL & SAFETY SOLUTIONS, INC**

THIS AMENDMENT NO. 2 to Contract No. 455-20-1036A (“Contract”) is entered into by and between the State of Texas, acting through the Railroad Commission of Texas (“RRC”), located at 1701 N. Congress Ave., Austin, Texas and ETECH Environmental & Safety Solutions, Inc. (“Contractor”), located at 13000 W County Road 100 Odessa, Texas 79765 (individually, “Party”; collectively, “Parties”).

WHEREAS, SECTION 7.06. of the Contract provides the Parties may amend the Contract through written agreement; and

WHEREAS, the Parties desire to further amend the Contract terms to their mutual benefit to reflect changed circumstances.

NOW, THEREFORE, the Parties agree to amend the Contract as follows:

- I. **SECTION 3.01. CONTRACT LIMIT AND FEES AND EXPENSES.,** is deleted in its entirety and replaced with the following:

“CONTRACT LIMIT, FEES AND EXPENSES. The total amount of fees to be paid by RRC to Contractor under the Contract through the Contract Term shall not exceed **TWO MILLION ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$2,100,000.00)**, the total of which includes **ONE MILLION FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$1,500,000.00)**, as approved by RRC Commissioners on September 1, 2020, **TWO HUNDRED NINETY THOUSAND DOLLARS AND ZERO CENTS (\$290,000.00)**, as approved by the Executive Director on August 30, 2021 totaling up to the current NTE amount of **ONE MILLION SEVEN HUNDRED NINETY THOUSAND DOLLARS AND ZERO CENTS (\$1,790,000.00)**, plus the addition of **THREE HUNDRED TEN THOUSAND DOLLARS AND ZERO CENTS (\$310,000.00)**, as approved by the Executive Director effective as of the date executed by the parties in Amendment No.2.”

Except as expressly amended above, all provisions of the Contract, as amended, remain in full force and effect. In the event of a conflict among provisions of the Contract, the order of precedence shall be: this Amendment No.2; then Amendment No.1; and then the original Contract in accordance with section **1.03. ORDER OF PRECEDENCE.,** therein.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment No.2 to the Contract to be effective as of the date of the last Party’s signature hereto. By signatures below, each signatory represents and warrants that they have the authority to amend the Contract on behalf of the respective Party.

RAILROAD COMMISSION OF TEXAS

DocuSigned by:
Wei Wang

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Wei Wang
Executive Director

Date of Execution: 10/22/2021

ETECH ENVIRONMENTAL & SAFETY SOLUTIONS, INC.

DocuSigned by:
Tim McMinn

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Tim McMinn
Vice President

Date of Execution 10/22/2021

RRC use only below this line.
Div. Director: *DS* 10/21/2021

CM COO:  10/21/2021
Procurement and Contract Director:  10/20/2021
OGC:  10/20/2021