



ARIZONA DEPARTMENT OF EDUCATION

Procurement Section

1535 West Jefferson Street, Bin #37
Phoenix, Arizona 85007

CONTRACT/AGREEMENT MODIFICATION

Page 01 of Pages

1. AGREEMENT NO.: ED05-0099-01	2. MODIFICATION NO.: 5	3. EFFECTIVE DATE: July 1, 2009	4. PROGRAM OFFICE: Admin
5. CONTRACTOR NAME AND ADDRESS: Simon Consulting, LLC 3200 North Central Avenue, Suite 850 Phoenix, AZ 85012			
6. AUTHORITY FOR MODIFICATION: Special Terms and Conditions, page 7, paragraph 6			
7. PURPOSE OF MODIFICATION: Extend this Agreement and add Required Clauses			

8. THE ABOVE REFERENCED AGREEMENT IS HEREBY MODIFIED AS FOLLOWS:

- A. This Agreement is hereby extended for a period of 12 months. The agreement now terminates on June 30, 2010.
- B. In the Special Terms and Conditions, replace the **Federal Immigration and Nationality Act** clause with the following:
 - “**Compliance Requirements for A.R.S. § 41-4401, Government Procurement: E-Verify Requirement**
 - A. The contractor warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. § 23-214, Subsection A. (That subsection reads: “After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.)
 - B. A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.
 - C. Failure to comply with a State audit process to randomly verify the employment records of contractors and subcontractors shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.
 - D. ADE retains the legal right to inspect the papers of any employee who works on the contract to ensure that the contractor or subcontractor is complying with the warranty under paragraph 1.”
- C. In the Special Instructions to Offerors, delete the **Federal Immigration and Nationality Act** clause.
- D. Add the following clause to Special Terms and Conditions:

Certification of Scrutinized Business Operations in the Sudan and Iran

In signing this agreement the offeror certifies pursuant to A.R.S. § 35-391 that they do not have scrutinized business operations in the Sudan and pursuant to A.R.S. § 35-393 that they do not have scrutinized business operations in Iran

9. EXCEPT AS PROVIDED FOR HEREIN, ALL TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT/AGREEMENT NOT HERETOFORE CHANGED AND/OR MODIFIED REMAIN UNCHANGED AND IN FULL EFFECT.

IN WITNESS WHEREOF THE PARTIES HERETO SIGN THEIR NAMES IN AGREEMENT.

CONTRACTOR: <i>Simon Consulting, LLC</i>	ARIZONA DEPARTMENT OF EDUCATION:
SIGNATURE OF AUTHORIZED INDIVIDUAL: 	SIGNATURE:
TYPED NAME: Peter S. Davis	TYPED NAME: Brian D. Ball, JD, CASPP
TITLE: Principal	TITLE: Sr. Procurement Specialist
DATE: 06/16/09	DATE: <i>June 10, 2009</i>