



Arizona Department of Corrections

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PHOENIX, ARIZONA 85007
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*file
Copy to Blaine*



JANICE K. BREWER
GOVERNOR

CHARLES L. RYAN
DIRECTOR

October 6, 2009

Dr. Jeanne Swarthout, President
Navajo County Community College District
dba Northland Pioneer College
P.O. Box 610
Holbrook, Arizona 86025

Re: Contract No. 050064DC – Inmate Work Contract – ASPC – Winslow
Amendment No.1

Dear Dr. Swarthout:

Enclosed for your records is a, fully executed Amendment No. 1 between the Arizona Department of Corrections and Navajo County Community College District dba Northland Pioneer College. This is to inform you that the above mentioned contract has been renewed for an additional five (5) years through October 5, 2014. All terms, conditions and specifications shall remain unchanged.

If you have any questions or concerns, please feel free to contact Sharon Yarbrough, Senior Procurement Specialist responsible for this contract or myself, at (602) 542-1172.

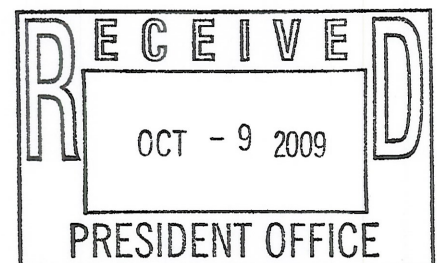
Sincerely,

Karen Pickering
for

Denel Pickering
Chief Procurement Officer

DP/sy

Enclosure



STATE OF ARIZONA
DEPARTMENT OF CORRECTIONS
1601 West Jefferson, MC 55302
Phoenix, Arizona 85007-3002

AMENDMENT NUMBER 1

The **Contract** entered into between the **Navajo County Community College District** for and on behalf of **Northland Pioneer College**, hereinafter referred to as the **Contractor**, and the Director of the **Arizona Department of Corrections**, for and on behalf of the **Arizona State Prison Complex-Winslow**, hereinafter known as the **Department** is hereby amended as follows:

This Contract is hereby amended as follows:

Purpose of Amendment:

In accordance with Section 3, Paragraph 3.1, this Contract is being renewed for an additional five (5) year term, effective January 1, 2010

This Amendment shall also include and incorporate the following requirements:

1. In accordance with ARS §35-391 and ARS §35-393 the contractor hereby certifies that the contractor does not have scrutinized business in Sudan and Iran.
2. It Is Mutually Agreed:
 - 2.1 Government Procurement; E-Verify Requirement A.R.S. § 41-4401
 - 2.1.1 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.")
 - 2.1.2 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.
 - 2.1.3 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.
 - 2.1.4 The State Agency 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 2.1.1.

3. The Contractor Agrees:

3.1 To provide, if applicable, pesticide protection and Hazardous Material Training (HAZMAT) for inmates prior to initiating the work activities described in this Contract.

3.1.1 Inmates shall not be allowed to be present while hazardous materials, inclusive of pesticides, are being used or applied. The Arizona Structural Pests Control Board advises, no inmate shall be allowed to handle or to apply pesticides. However, all hazardous materials (inclusive of pesticides), if stored and/or used on this site, and while ADC staff and/or inmates are present, require they be trained to recognize such hazardous materials and relative adverse medical signs and symptoms associated with the chemical, in accordance with the federal chemical "Right-to-Know Act (SARA Title III).

3.2 Correctional Officer (CO) supervision of inmate work crews under this Contract, including overtime approved by Contractor, if applicable, and all employee related expenses. Should additional crews be needed, Contractor will hire additional staff to supervise inmate work crews. The Contractor in agreement with the Department must authorize the expense of additional Department staff before the expense is incurred.

3.3 Contraband Contraband means any dangerous drug, narcotic drug, intoxicating liquor or any kind, deadly weapon, dangerous instrument, explosive or any other article whose use of or possession would endanger the safety, security or preservation of order in a correctional facility or any person therein. (Any other article includes any substance which could cause abnormal behavior, i.e. marijuana, nonprescription medications, etc.

Promoting prison contraband A.R.S. § 13-2505:

A person, not otherwise authorized by law, commits promoting prison contraband:

- By knowingly taking contraband into a correctional facility or the grounds of such a facility; or
- By knowingly conveying contraband to any persons confined in a correctional facility; or
- By knowingly making, obtaining, or possessing contraband while being confined in a correctional facility.

Promoting Prison Contraband is a Class 5 felony.

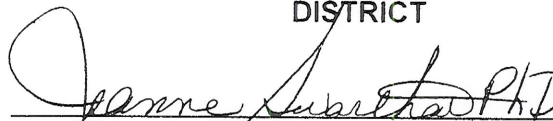
Authority A.R.S. § 13-2501
 A.R.S. § 13-2505
 ADC Department Order 708

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All other terms and conditions of this Contract shall remain in full force and effect.

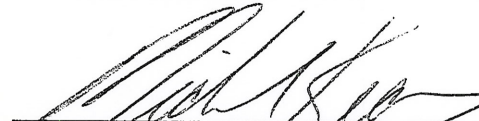
IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Amendment.

NAVAJO COUNTY COMMUNITY COLLEGE
DISTRICT

 P.D. 9/10/09
Signature of Authorized Individual Date
~~Dr. Richard Fleming~~ Dr. Jeannette Swarthout

Typed Name
President, Northland Pioneer College
Typed Title
P.O. Box 610
Holbrook, Arizona 86025
Typed Address

ARIZONA DEPARTMENT OF CORRECTIONS

 10/5/09
Signature of Authorized Individual Date
Michael P. Kearns

Typed Name
Division Director, Administrative Services
Typed Title
1601 West Jefferson, MC 328
Phoenix, Arizona 85007-3002
Typed Address

Additional Signatures as Applicable

Signature Date
Typed Name
Typed Title

Signature Date
~~John R. Hallahan~~ ~~Robert Patton~~
Typed Name
~~Interim Division Director, Offender Operations~~
Typed Title

This amendment shall be effective when all signatures are affixed.