

FIRST AMENDMENT TO RECYCLING SERVICES AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this ___ day of _____, 2019, amends the Services Agreement entered into between the CITY OF FRESNO, a municipal corporation (City), and Mid-Valley Recycling, LLC, a California corporation (Contractor). This Amendment shall be effective commencing on _____, 2019.

RECITALS

WHEREAS, City and Contractor entered into a Services Agreement, dated July 1, 2016, for Co-Mingled Recyclables Processing services (Agreement);

WHEREAS, Section 6(e)(iv) of the Agreement sets forth that if average monthly market price is less than \$70 per ton for two consecutive quarters, Contractor may request a price adjustment and the City shall consider the request;

WHEREAS, Contractor has submitted such a request along with supporting documentation;

WHEREAS, upon consideration by the City, City and Contractor now agree to modify the Revenue Schedule for Recyclable Materials Payments set forth in Exhibit A of the Agreement.

AGREEMENT

NOW, THEREFORE, the Recitals above are incorporated herein as though set forth below, and the parties agree as follows:

1. The Revenue Schedule for Recyclable Materials Payments from Mid-Valley Recycling, LLC, to City of Fresno, set forth in Exhibit A to the Agreement, shall be amended to read as follows:

Fiber Price	Price to City Per Ton
\$0 to \$9.99	(20.00)
\$10.00 to \$19.99	(17.00)
\$20.00 to \$29.99	(15.00)
\$30.00 to \$39.99	(13.00)
\$40.00 to \$49.99	(10.00)
\$50.00 to \$59.99	(9.00)
\$60.00 to \$69.99	(7.50)
\$70.00 to \$79.99	(6.00)
\$80.00 to \$89.99	(4.00)
\$90.00 to \$99.99	(2.00)
\$100.00 to \$109.99	(1.00)
\$110.00 to \$119.99	0.00
\$120.00 to \$129.99	0.00
\$130.00 to \$139.99	1.00

\$140.00 to \$149.99	3.00
\$150.00 to \$159.99	5.00
\$160.00 to \$169.99	8.00
\$170.00 to \$179.99	11.00
\$180.00 to \$189.99	13.00
\$190.00 to \$199.99	15.00
\$200.00	18.00
>\$200.00	\$20.00 + \$2.00/ \$10

2. If the average monthly market price is above \$130.00 for four consecutive quarters, a Rebate adjustment to Add-Back additional revenue, to be paid by Contractor to City, shall be added to Exhibit A as follows:

Fiber Price	Rebate Add-Back
\$130.00 to \$139.99	4.00
\$140.00 to \$149.99	4.50
\$150.00 to \$159.99	4.50
\$160.00 to \$169.99	4.00
\$170.00 to \$179.99	3.00
\$180.00 to \$189.99	3.00
\$190.00 to \$199.99	3.00
\$200.00	2.00

3. The above sections shall be based on the PPI Recovered Paper – Export market index, Mixed Paper (54) – OBM LA commodity designation.

4. All remaining terms of the Agreement remain in full force and effect.

5. This First Amendment shall remain effective through the term of the Agreement.

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IN WITNESS WHEREOF, the parties have executed this First Amendment at Fresno, California, the day and year first above written.

CITY OF FRESNO,
a California municipal corporation

MID-VALLEY RECYCLING, LLC,
a California corporation

By: _____
WILMA QUAN - *Schechter*
City Manager

By: *J. Kalpakoff*

Title: *President*

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: *Amanda B. Freeman*

AMANDA B. FREEMAN
Senior Deputy City Attorney

By: *Joe Ailly*

Title: *CFO*

ATTEST:
YVONNE SPENCE, MMC
City Clerk

By: _____
Deputy Date

Addresses:
CITY:
City of Fresno
Attention: Jerry L. Schuber, Sr.,
Assistant Director,
Solid Waste Management Division
1325 El Dorado St.
Fresno, CA 93706
Telephone: (559) 621-1801
FAX: (559) 457-1233

CONTRACTOR:
Mid-Valley Recycling, LLC
Attn: Joseph Kalpakoff
15300 W. Jensen Ave.
Kerman, CA 93630
Telephone: (559) 237-9425
FAX: (559) 842-9437