

FIRST AMENDMENT TO RECYCLING SERVICES AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this 21st day of June, 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 June 21, 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


By: 
WILMA QUAN - *Schecter*
City Manager

MID-VALLEY RECYCLING, LLC,
a California corporation


By: 
Title: *President*

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: 
AMANDA B. FREEMAN
Senior Deputy City Attorney

By: 
Title: *C.F.O.*

ATTEST:
YVONNE SPENCE, MMC
City Clerk

By: 
Deputy Date: *6/26/19*

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