

1 THIRD AMENDMENT TO NON-EXCLUSIVE FRANCHISE AGREEMENT NO. 32126

2 **32126**

3 THIS THIRD AMENDMENT TO NON-EXCLUSIVE FRANCHISE
4 AGREEMENT NO. 32126 is made and entered as of July 11, 2022, for reference purposes
5 only, pursuant to a minute order adopted by the City Council of the City of Long Beach at
6 its meeting on August 13, 2019, by and between CITY RENT-A-BIN DBA SERV-WELL
7 DISPOSAL, a California corporation ("Franchisee"), with a place of business at 901 S.
8 Maple Avenue, Montebello, California 90640, and the CITY OF LONG BEACH, a municipal
9 corporation ("City").

10 WHEREAS, the City is responsible for the protection of public health and
11 safety of its citizens, including the collection and transportation of municipal solid waste,
12 the diversion of municipal solid waste from landfills and conservation of natural resources
13 and energy, and may provide and regulate private solid waste handling, as defined by
14 Public Resources Code section 40195, and solid waste disposal, as defined by Public
15 Resources Code section 40192, by private refuse haulers for commercial and multi-family
16 residential buildings in the City in order to fulfill those obligations; and

17 WHEREAS, City and Franchisee (the "Parties") entered into Agreement No.
18 32126 (the "Agreement") whereby Franchisee agreed to provide integrated waste
19 management services for commercial and multi-family establishments in the City of Long
20 Beach for an initial period of seven (7) years; and

21 WHEREAS, in accordance with the Agreement, since the Franchisee
22 provided proof that one hundred percent (100%) of the vehicles used by Franchisee to haul
23 refuse in the City were Alternative Fuel Vehicles by October 1, 2012, the Agreement
24 authorized a three (3) year extension to the term; and

25 WHEREAS, the Parties entered into a First Amendment to the Agreement to
26 extend the term to September 30, 2019; and

27 WHEREAS, on August 13, 2019, the City Council authorized an extension,
28 which allowed haulers to provide service through September 30, 2022, with two (2)

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1 additional one-year extensions at the City Manager's discretion; and

2 WHEREAS, the Parties entered into a Second Amendment to the Agreement
3 to extend the term to September 30, 2022, and update the required operational standards;
4 and

5 WHEREAS, the Parties desire to utilize their first option to extend the term
6 one (1) additional one-year period;

7 NOW, THEREFORE, in consideration of the mutual terms, covenants, and
8 conditions herein contained, the Parties agree as follows:

9 1. Section 3.1 of the Agreement is hereby amended to read as follows:

10 "3.1. Term. Unless this paragraph is subsequently modified by a written
11 amendment to this Agreement, the term of this Agreement will begin on the Effective Date
12 and terminate at the end of day on September 30, 2023, unless sooner terminated as
13 provided elsewhere in the Agreement. The Agreement may be extended for one (1)
14 additional one-year period, at the discretion of the City Manager."

15 2. Except as expressly modified herein, all of the terms and conditions
16 contained in Agreement No. 32126 are ratified and confirmed and shall remain in full force
17 and effect.

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IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

CITY RENT-A-BIN DBA SERV-WELL DISPOSAL, a California corporation

NOV. 7, 2022

By John Prohoroff
Name John Prohoroff
Title Pres

NOV. 7, 2022

By [Signature]
Name John Prohoroff
Title Vice President

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"Franchisee"

CITY OF LONG BEACH, a municipal corporation

February 2 ²⁰²³, 2022

By Sonda J. Jatum
City Manager

"City"

This Third Amendment to Non-Exclusive Franchise Agreement No. 32126 is approved as to form on NOVEMBER 17, 2022.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy

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IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

CITY RENT-A-BIN DBA SERV-WELL DISPOSAL, a California corporation

_____, 2022

By John Prohoroff
Name John Prohoroff
Title Pres.

_____, 2022

By _____
Name _____
Title _____

"Franchisee"

CITY OF LONG BEACH, a municipal corporation

February 2, ²⁰²³~~2022~~

By Linda F. Jabum
City Manager

"City"

This Third Amendment to Non-Exclusive Franchise Agreement No. 32126 is approved as to form on _____, 2022.

CHARLES PARKIN, City Attorney

By _____
Deputy