

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 FIFTH AMENDMENT TO AGREEMENT NO. 28344

2 **28344**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 28344 is made and
4 entered, in duplicate, as of May 4, 2015 for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting on April
6 21, 2015, by and between WASTE MANAGEMENT COLLECTION AND RECYCLING,
7 INC., a California corporation, doing business as WASTE MANAGEMENT OF SAN
8 GABRIEL/POMONA VALLEY ("Contractor") located at 13940 East Live Oak Avenue,
9 Baldwin Park, California 91706, and the CITY OF LONG BEACH, a municipal corporation
10 ("City").

11 WHEREAS, the parties entered Agreement No. 28344 whereby Contractor
12 agreed to provide recycling services pursuant to Resolution No. C-28109; and

13 WHEREAS, the parties desire to extend the term of Agreement;

14 NOW, THEREFORE, in consideration of the mutual terms and conditions
15 herein, the parties agree as follows:

16 1. Section 1(b) of Agreement No. 28344 is amended in its entirety to
17 read as follows:

18 "(b) Contractor shall provide to the City of Long Beach the recycling
19 services on the same terms and conditions offered to the City of Pasadena, except at the
20 rates and on the terms and conditions in Attachment "A", attached hereto and
21 incorporated herein by this reference. The initial term and the first extended term will be
22 an amount not to exceed \$3,113,000 annually. The second extended term will be an
23 amount not to exceed \$3,280,000 annually. The Third, Fourth and Fifth extended term
24 will be an amount not to exceed \$350,000 per month. Plus, there will be an annual
25 adjustment based on the Consumer Price Index, All Urban, for the Los Angeles-
26 Riverside-Orange County Metropolitan Area (or successor index as may be mutually
27 agreed by the parties) not to exceed four percent (4%). The CPI adjustment shall be
28 made on January 1 of each contract year, commencing on January 1, 2004. The

1 percentage of adjustment shall be calculated by dividing the CPI each December by the
2 base CPI for February 2003. That percentage, multiplied by the annual fee in effect
3 when the calculation is made shall be the new annual fee. Notwithstanding anything to
4 the contrary in Section 9.10.5 of the Pasadena Contract, to the extent that the Pasadena
5 Contract, this Agreement, or Attachment "A" are inconsistent, the following priority shall
6 govern: (1) this Agreement, (2) Attachment "A", and (3) the Pasadena Contract."

7 2. Section 3 of Agreement No. 28344 is amended in its entirety to read
8 as follows:

9 "3. The initial term of this Agreement shall begin on January 1, 2003 and
10 shall end on December 31, 2009. The first extended term of this Agreement shall begin
11 on January 1, 2010 and shall end on December 31, 2012. The second extended term of
12 this Agreement shall begin on January 1, 2013 and shall end on December 31, 2013.
13 The third extended term of this Agreement shall begin on January 1, 2014 and shall be
14 extended on a month-to-month basis, extending no later than December 31, 2014. The
15 fourth extended term of this Agreement shall begin on January 1, 2015 and shall be
16 extended on a month-to-month basis, extending no later than June 30 , 2015. The fifth
17 extended term of this Agreement shall begin on July 1, 2015 and shall be extended on a
18 month-to-month basis, extending no later than June 30, 2016, unless otherwise extended
19 by the parties. This Agreement may be terminated by either party on thirty (30) days
20 advance written notice."

21 3. Except as expressly amended in this Fifth Amendment, all terms and
22 conditions in Agreement No. 28344 are ratified and confirmed and shall remain in full
23 force 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.

WASTE MANAGEMENT COLLECTION AND RECYCLING, INC., a California corporation doing business as WASTE MANAGEMENT OF SAN GABRIEL/POMONA VALLEY

May 18, 2015

By [Signature]
Name Doug Corcoran
Title Vice President

_____, 2015

By _____
Name _____
Title _____

"Contractor"

CITY OF LONG BEACH, a municipal corporation

7/1, 2015

By [Signature]
City Manager

"City"

This Fifth Amendment to Agreement No. 28344 is approved as to form on

June 3, 2015.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy