

**FIRST AMENDMENT TO COMMERCIAL SOLID WASTE
COLLECTION AND TRANSPORTATION AGREEMENT**

This “**FIRST AMENDMENT TO COMMERCIAL SOLID WASTE COLLECTION AND TRANSPORTATION AGREEMENT** (this “Amendment”) is entered into as of the ____ day of October, 2018, by and between the City of Deer Park, Texas (“City”) and Waste Management of Texas, Inc. (“Contractor”), a Texas corporation.

W I T N E S S E T H:

WHEREAS, the City and Contractor previously entered into a certain Commercial Solid Waste Collection and Transportation Agreement dated September 3, 2013 (the “Agreement”), whereby Contractor was granted the exclusive right within the City to operate and maintain the service of containerized commercial waste collection, transportation, and disposal, as more particularly set forth in the Agreement; and

WHEREAS, the City and Contractor desire to modify the Agreement, as more particularly set forth below.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, the parties hereto agree as follows:

1. Pursuant to section 3 of the Agreement, the term of the Agreement is hereby extended through November 30, 2021.
2. The Base Rates beginning each December 1 of 2018, 2019, and 2020 are set forth in Exhibit “A” attached hereto and fully incorporated herein by reference. Section 9.01 of the Agreement entitled “CPI Adjustment” is hereby deleted.
3. Section 1.24 in the Agreement, the definition of “Unusual Accumulations,” is hereby replaced by the following language effective January 2, 2019:

1.24. **Unusual Accumulations:** Any and all Commercial Waste located outside the Dumpster on the ground or Waste that overfills, is left on top of, or exceeds the volume or tonnage limit for the Dumpster. Contractor has the right to assess an overage charge for Unusual Accumulations and will document the Unusual Accumulations by a digital photo. The amount that Contractor may assess the Commercial Unit customer as an overage charge is set forth in Exhibit A hereto.
4. Capital words used in this Amendment shall have the meaning assigned in the Agreement or in this Amendment. Nothing contained herein shall be deemed to amend or modify the Agreement, except as expressly set forth herein. In the event of a conflict between the terms of the Agreement and this Amendment, the terms of this Amendment shall control.

IN WITNESS WHEREOF, this Amendment has been executed as of the date first set forth above.

CITY

Deer Park, Texas

By: _____

Its: _____

Date: _____

CONTRACTOR:

Waste Management of Texas, Inc.

By: _____

Its: _____

Date: _____

SCHEDULE "A"
Base Rates – Commercial Dumpsters

City of Deer Park
Effective Date: December 1, 2018

Base Rates
(includes 12% franchise fee and 8% processing fee)

		Service						
		1x	2x	3x	4x	5x	6x	Extra P/U
Size	2 cy	\$57.42	\$86.37	\$107.97	\$114.82	\$143.54	\$172.24	\$60.49
	3 cy	\$80.98	\$107.97	\$156.55	\$199.73	\$291.51	\$323.33	\$66.54
	4 cy	\$84.03	\$129.56	\$183.55	\$229.67	\$287.07	\$344.49	\$72.59
	6 cy	\$86.13	\$172.74	\$242.92	\$313.11	\$464.25	\$516.73	\$78.64
	8 cy	\$114.82	\$210.54	\$313.11	\$459.31	\$615.41	\$688.98	\$84.68
	10cy	\$143.54	\$259.12	\$356.28	\$574.15	\$637.00	\$861.22	\$90.74

Add Locking device: \$79.31(one-time charge for adding device.)

Roll out fee: \$18.16/occurrence

Dumpster Delivery Fee: \$145.19

Redelivery/Relocate/Swap Fee: \$145.19/event

Overage Charge: \$138.00

SCHEDULE "A"
Base Rates – Commercial Dumpsters

City of Deer Park
Effective Date: December 1, 2019

Base Rates
(includes 12% franchise fee and 8% processing fee)

		Service						
		1x	2x	3x	4x	5x	6x	Extra P/U
Size	2 cy	\$60.29	\$90.69	\$113.37	\$120.56	\$150.72	\$180.86	\$63.52
	3 cy	\$85.02	\$113.37	\$164.38	\$209.72	\$306.09	\$339.50	\$69.87
	4 cy	\$88.24	\$136.04	\$192.72	\$241.15	\$301.42	\$361.71	\$76.22
	6 cy	\$90.43	\$181.37	\$255.06	\$328.76	\$487.46	\$542.57	\$82.57
	8 cy	\$120.56	\$221.06	\$328.76	\$482.28	\$646.18	\$723.43	\$88.92
	10cy	\$150.72	\$272.08	\$374.10	\$602.85	\$668.85	\$904.29	\$95.28

Add Locking device: \$83.27(one-time charge for adding device.)

Roll out fee: \$19.06/occurrence

Dumpster Delivery Fee: \$152.44

Redelivery/Relocate/Swap Fee: \$152.44/event

Overage Charge \$144.90

SCHEDULE "A"
Base Rates – Commercial Dumpsters

City of Deer Park
Effective Date: December 1, 2020

Base Rates
(includes 12% franchise fee and 8% processing fee)

		Service						
		1x	2x	3x	4x	5x	6x	Extra P/U
Size	2 cy	\$63.31	\$95.23	\$119.03	\$126.59	\$158.25	\$189.90	\$66.69
	3 cy	\$89.28	\$119.03	\$172.60	\$220.20	\$321.39	\$356.47	\$73.36
	4 cy	\$92.65	\$142.84	\$202.36	\$253.21	\$316.49	\$379.80	\$80.03
	6 cy	\$94.96	\$190.44	\$267.82	\$345.20	\$511.84	\$569.70	\$86.70
	8 cy	\$126.59	\$232.12	\$345.20	\$506.39	\$678.49	\$759.60	\$93.36
	10cy	\$158.25	\$285.68	\$392.80	\$633.00	\$702.29	\$949.50	\$100.04

Add Locking device: \$87.44(one-time charge for adding device.)

Roll out fee: \$20.01/occurrence

Dumpster Delivery Fee: \$160.07

Redelivery/Relocate/Swap Fee: \$160.07/event

Overage Charge \$152.15