

THIRD AMENDMENT TO SOLID WASTE COLLECTION SERVICES AGREEMENT  
BETWEEN THE CITY OF SANTA ROSA AND RECOLOGY SONOMA MARIN, DBA  
RECOLOGY SANTA ROSA

This Third Amendment to the Solid Waste Collection Services Agreement (“Amendment”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019 (the “Effective Date”), by and between Recology Sonoma Marin d/b/a Recology Santa Rosa, a California corporation (“CONTRACTOR”), and the City of Santa Rosa, a municipal corporation (“CITY”).

**RECITALS**

A. CITY and CONTRACTOR are parties to that certain Solid Waste Collection Services Agreement dated August 29, 2017 (the “Agreement”).

B. CITY and CONTRACTOR entered into the First Amendment to the Agreement to implement a low-income discount program.

C. CITY and CONTRACTOR entered into the Second Amendment to the Agreement to change refuse rate indices and revise the time period used to determine rate adjustments.

D. CITY and CONTRACTOR wish to further amend the Agreement to add service rates to Exhibit 1, reallocate several operating costs in the Refuse Rate Index in Exhibit 2, and correct typographical errors in Section 10.07.13.2 and inadvertent omissions from Section 13.04.

NOW, THEREFORE, the parties agree as follows:

1. Exhibit 1 to the Agreement is supplemented by Exhibit 1-A to this Amendment.
2. Exhibit 2-A to the Agreement is hereby replaced by Exhibit 2-B to this Amendment.
3. Section 10.07.13.2 of the Agreement is hereby amended to read in its entirety as follows:

“10.07.13.2 Commercial Streets. CONTRACTOR shall provide Street Sweeping Service on commercial streets commencing no earlier than 8:30 p.m. and terminating no later than 7:00 a.m. Monday-Saturday. Street Sweeping Service shall take place six days per week. The hours, days, or both may be extended due to extraordinary circumstances or conditions with the prior written consent of the CITY Representative.”

4. Section 13.04 of the Agreement is hereby amended to read in its entirety as follows:

“13.04 Multilingual Service. CONTRACTOR shall at all times maintain the capability of responding to telephone calls in English and Spanish.”

IN WITNESS WHEREOF, THE PARTIES ACKNOWLEDGE THAT THEY HAVE READ THIS AMENDMENT, UNDERSTAND IT, AND AGREE TO BE BOUND BY ITS TERMS. EACH PARTY HAS FULL POWER AND AUTHORITY TO ENTER INTO AND PERFORM THIS AMENDMENT, AND THE PERSON SIGNING THIS AMENDMENT ON BEHALF OF EACH HAS BEEN PROPERLY AUTHORIZED AND EMPOWERED TO ENTER INTO THIS AMENDMENT.

[Signature page follows]

Executed as of the day and year first above stated.

City of Santa Rosa,  
a municipal corporation

Recology Sonoma Marin,  
a California corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: Michael J. Sangiacomo

Title: \_\_\_\_\_

Title: President & CEO

Approved as to form:

\_\_\_\_\_  
Office of City Attorney

Attest:

\_\_\_\_\_  
City Clerk

Attachments:

Exhibit 1-A – Additional Rates

Exhibit 2-B – City of Santa Rosa Collection Element Adjustment Methodology

**Exhibit 1A - Additional Rates**

**City of Santa Rosa, CA**

Service Recipient Rates Effective January 1, 2019 - December 31, 2019

**B. SFD Scheduled Extra Pick-Ups - AT SERVICE RECIPIENT REQUEST (includes 14% franchise fee)**

<b>Curbside or On-Premise Collection</b>	<b>Monthly Rates</b>	<b>One-Time Pickup</b>
Extra Bag/Overflowing Can (based on 32 gal Can)	<u>\$29.14</u>	<u>\$6.73</u>
Residential Can (based on 64 gal Can)	<u>\$43.65</u>	<u>\$10.08</u>
<b>7 Day Bin Rental-Residential Clean Up MSW</b>	<b>Per use Rate</b>	
3 CY Bin	<u>\$263.75</u>	
4 CY Bin	<u>\$316.75</u>	

**MFD Garbage Collection**

Disposal / Residual Cost Per Ton	<b>Facility Name</b>	<b>Rate</b>
		Sonoma County Landfill/Transfer System

<b>Container Size</b>	<b>Collection Frequency</b>					
	<b>1X Week</b>	<b>2X Week</b>	<b>3X Week</b>	<b>4X Week</b>	<b>5X Week</b>	<b>6X Week</b>
<b>2 CY Compactor</b>						
Collection Element	<u>\$232.67</u>	<u>\$369.34</u>	<u>\$492.80</u>	<u>\$637.58</u>	<u>\$707.58</u>	<u>\$834.08</u>
Disposal Element	<u>\$430.05</u>	<u>\$860.07</u>	<u>\$1,290.12</u>	<u>\$1,720.17</u>	<u>\$2,150.19</u>	<u>\$2,580.24</u>
Franchise Fee Element (14% of Total Rate)	<u>\$107.88</u>	<u>\$200.14</u>	<u>\$290.24</u>	<u>\$383.82</u>	<u>\$465.22</u>	<u>\$555.82</u>
<b>Total Rate</b>	<u>\$770.60</u>	<u>\$1,429.55</u>	<u>\$2,073.16</u>	<u>\$2,741.57</u>	<u>\$3,322.99</u>	<u>\$3,970.14</u>
<b>3 CY Compactor</b>						
Collection Element	<u>\$246.92</u>	<u>\$425.72</u>	<u>\$496.86</u>	<u>\$622.98</u>	<u>\$755.28</u>	<u>\$891.88</u>
Disposal Element	<u>\$645.06</u>	<u>\$1,290.15</u>	<u>\$1,935.21</u>	<u>\$2,580.30</u>	<u>\$3,225.36</u>	<u>\$3,870.45</u>
Franchise Fee Element (14% of Total Rate)	<u>\$145.21</u>	<u>\$279.33</u>	<u>\$395.92</u>	<u>\$521.46</u>	<u>\$648.01</u>	<u>\$775.26</u>
<b>Total Rate</b>	<u>\$1,037.19</u>	<u>\$1,995.20</u>	<u>\$2,827.99</u>	<u>\$3,724.74</u>	<u>\$4,628.65</u>	<u>\$5,537.59</u>
<b>4 CY Compactor</b>						
Collection Element	<u>\$292.47</u>	<u>\$486.86</u>	<u>\$502.46</u>	<u>\$544.68</u>	<u>\$728.47</u>	<u>\$792.77</u>
Disposal Element	<u>\$860.10</u>	<u>\$1,720.23</u>	<u>\$2,580.33</u>	<u>\$3,440.43</u>	<u>\$4,300.53</u>	<u>\$5,160.66</u>
Franchise Fee Element (14% of Total Rate)	<u>\$187.63</u>	<u>\$359.29</u>	<u>\$501.85</u>	<u>\$648.74</u>	<u>\$818.67</u>	<u>\$969.16</u>
<b>Total Rate</b>	<u>\$1,340.20</u>	<u>\$2,566.38</u>	<u>\$3,584.64</u>	<u>\$4,633.85</u>	<u>\$5,847.67</u>	<u>\$6,922.59</u>

**MFD Scheduled Extra Pick-Ups**

<b>Curbside or On-Premise Collection</b>	<b>Monthly Rates</b>	<b>One-Time Pickup</b>
Commercial Can (based on 64G can)	<u>\$86.37</u>	<u>\$19.95</u>
1 YD Bin	<u>\$278.07</u>	<u>\$64.22</u>
1.5 Yd Bin	<u>\$357.63</u>	<u>\$82.59</u>
2 YD Bin	<u>\$437.23</u>	<u>\$100.98</u>
3 YD Bin	<u>\$537.14</u>	<u>\$124.05</u>
4 YD Bin	<u>\$673.45</u>	<u>\$155.53</u>
6 YD Bin	<u>\$916.01</u>	<u>\$211.55</u>

If extra service is not scheduled, the Contractor shall follow the overage protocol (Section 3.02.4.).

**Exhibit 1A - Additional Rates**

**City of Santa Rosa, CA**

Service Recipient Rates Effective January 1, 2019 - December 31, 2019

**Commercial Garbage Collection**

Disposal / Residual Cost Per Ton	Facility Name					Rate
	Sonoma County Landfill/Transfer System					<b>\$137.66</b>
Container Size	Collection Frequency					
2 CY Compactor	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
Collection Element	<u>\$232.67</u>	<u>\$369.34</u>	<u>\$492.80</u>	<u>\$637.58</u>	<u>\$707.58</u>	<u>\$834.08</u>
Disposal Element	<u>\$430.05</u>	<u>\$860.07</u>	<u>\$1,290.12</u>	<u>\$1,720.17</u>	<u>\$2,150.19</u>	<u>\$2,580.24</u>
Franchise Fee Element (14% of Total Rate)	<u>\$107.88</u>	<u>\$200.14</u>	<u>\$290.24</u>	<u>\$383.82</u>	<u>\$465.22</u>	<u>\$555.82</u>
<b>Total Rate</b>	<b><u>\$770.60</u></b>	<b><u>\$1,429.55</u></b>	<b><u>\$2,073.16</u></b>	<b><u>\$2,741.57</u></b>	<b><u>\$3,322.99</u></b>	<b><u>\$3,970.14</u></b>
3 CY Compactor	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
Collection Element	<u>\$246.92</u>	<u>\$425.72</u>	<u>\$496.86</u>	<u>\$622.98</u>	<u>\$755.28</u>	<u>\$891.88</u>
Disposal Element	<u>\$645.06</u>	<u>\$1,290.15</u>	<u>\$1,935.21</u>	<u>\$2,580.30</u>	<u>\$3,225.36</u>	<u>\$3,870.45</u>
Franchise Fee Element (14% of Total Rate)	<u>\$145.21</u>	<u>\$279.33</u>	<u>\$395.92</u>	<u>\$521.46</u>	<u>\$648.01</u>	<u>\$775.26</u>
<b>Total Rate</b>	<b><u>\$1,037.19</u></b>	<b><u>\$1,995.20</u></b>	<b><u>\$2,827.99</u></b>	<b><u>\$3,724.74</u></b>	<b><u>\$4,628.65</u></b>	<b><u>\$5,537.59</u></b>
4 CY Compactor	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
Collection Element	<u>\$292.47</u>	<u>\$486.86</u>	<u>\$502.46</u>	<u>\$544.68</u>	<u>\$728.47</u>	<u>\$792.77</u>
Disposal Element	<u>\$860.10</u>	<u>\$1,720.23</u>	<u>\$2,580.33</u>	<u>\$3,440.43</u>	<u>\$4,300.53</u>	<u>\$5,160.66</u>
Franchise Fee Element (14% of Total Rate)	<u>\$187.63</u>	<u>\$359.29</u>	<u>\$501.85</u>	<u>\$648.74</u>	<u>\$818.67</u>	<u>\$969.16</u>
<b>Total Rate</b>	<b><u>\$1,340.20</u></b>	<b><u>\$2,566.38</u></b>	<b><u>\$3,584.64</u></b>	<b><u>\$4,633.85</u></b>	<b><u>\$5,847.67</u></b>	<b><u>\$6,922.59</u></b>

**Commercial Scheduled Extra Pick-Ups**

Curbside or On-Premise Collection	Monthly Rates	One-Time Pickup
Commercial Can (based on 64G can)	<u>\$86.37</u>	<u>\$19.95</u>
1 YD Bin	<u>\$278.07</u>	<u>\$64.22</u>
1.5 Yd Bin	<u>\$357.63</u>	<u>\$82.59</u>
2 YD Bin	<u>\$437.23</u>	<u>\$100.98</u>
3 YD Bin	<u>\$537.14</u>	<u>\$124.05</u>
4 YD Bin	<u>\$673.45</u>	<u>\$155.53</u>
6 YD Bin	<u>\$916.01</u>	<u>\$211.55</u>

If extra service is not scheduled, the Contractor shall follow the overage protocol (Section 3.02.4.).

**Commercial Organic Waste Collection Green Waste**

Per Ton Processing Organic Waste (Green / Wood Waste)	Facility Name		Rate			
	SCWMA Designation		<b>\$78.92</b>			
Per Ton Processed Organic Waste (Yard Trimmings & Food Waste)	West Contra Costa Republic		<b>\$137.66</b>			
Container Size	Collection Frequency					
6 CY Bin	1X Week	2X Week	3X Week			
Collection Element	<u>\$357.72</u>	<u>\$489.48</u>	<u>\$748.06</u>			
Organic Waste Processing Element	<u>\$347.93</u>	<u>\$695.85</u>	<u>\$1,043.78</u>			
Franchise Fee Element (14% of Total Rate)	<u>\$114.87</u>	<u>\$192.96</u>	<u>\$291.69</u>			
<b>Total Rate</b>	<b><u>\$820.52</u></b>	<b><u>\$1,378.29</u></b>	<b><u>\$2,083.53</u></b>			

Compactor rates in this Exhibit 1A are for front-load compactors. Compactor rates in Exhibit 1 are for larger-size compactors.

Exhibit 2-B City of Santa Rosa, CA COLLECTION ELEMENT ADJUSTMENT METHODOLOGY	
<b>Refuse Rate Index (RRI) Financial Statement Format</b>	
<b><u>Operating Costs</u></b>	
<b>Labor:</b>	List all administrative, officer, operation and maintenance salary accounts, and pension, health insurance, workers' compensation, and temporary labor & subcontractor costs.  List payroll tax accounts directly related to the above salary accounts.
<b>Diesel Fuel:</b>	List all diesel fuel costs.
<b>CNG Fuel:</b>	List all CNG fuel costs.
<b>Vehicle Replacement:</b>	List all collection and collection related vehicle depreciation accounts.  List all vehicle lease or rental accounts related to collection or collection related vehicles.
<b>Vehicle Maintenance:</b>	List all collection or collection related vehicle parts accounts.
<b>All Other:</b>	List all other expense accounts related to the services provided under this Agreement. This category includes general liability insurance, fire insurance, truck damage insurance; rent on property, truck licenses and permits; real and personal property taxes; telephone and other utilities; employee uniforms; safety equipment; general yard repairs and maintenance; office supplies; postage; trade association dues and subscription; advertising; profit sharing contributions; regulatory expenses; overhead allocations; professional services and miscellaneous other expenses.

**Exhibit 2-B**  
**City of Santa Rosa, CA**  
**COLLECTION ELEMENT ADJUSTMENT METHODOLOGY**

The "Refuse Rate Index" adjustment to the *Collection Element* of the Service Recipient Rates shall be calculated in the following manner:

1. The expenses of providing Collection Services in the Service Area for the designated fiscal period shall be prepared in the format set forth in the RRI Financial Statement Format on the previous page of this Exhibit.
2. The expenses of providing Collection Services in the Service Area shall be broken down into one of the following six cost categories: Labor; Diesel Fuel; CNG Fuel; Vehicle Replacement; Vehicle Maintenance and All Other. Each cost category is assigned a weighted percentage factor on that cost category's proportionate share of the total of the costs shown for all cost categories.
3. The following indices are used to calculate the adjustment for each cost category. The percentage change in each index is calculated based on the percentage change in twelve-month annual averages, from July of the prior year through June of the current year as set forth in the Agreement.

<u>Cost Category</u>	<u>Index</u>
<b>Labor:</b>	Series ID: cis201s000000000i Service-Producing Industries
<b>Diesel Fuel:</b>	California No 2 Diesel Ultra Low Sulfur (0-15 ppm). Currently provided at the following web address: < <a href="http://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&amp;s=emd_epd2dxl0_pte_sca_dpg&amp;f=m">http://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&amp;s=emd_epd2dxl0_pte_sca_dpg&amp;f=m</a> >
<b>CNG Fuel:</b>	PG&E Schedule G-NGV2 – Compressed Gas for Motor Vehicles. Currently provided at the following web address: < <a href="http://www.pge.com/notes/rates/tariffs/GRF.SHTML">http://www.pge.com/notes/rates/tariffs/GRF.SHTML</a> >
<b>Vehicle Replacement:</b>	Series ID: pcu336211336211 truck, bus, car and other vehicles bodies, for sale separately
<b>Vehicle Maintenance:</b>	Series ID: pcu3339243339243 parts and attachments for industrial work trucks
<b>All Other:</b>	Series ID: cuurs49bsa0 not Seasonally Adjusted, All Items, All Urban Consumers (CPI-U) for San Francisco-Oakland-Hayward, California.

The percentage weight for each cost category is multiplied by the change in each appropriate index to calculate a weighted percentage for each cost category. The weighted percentage changes for each cost category are added together to calculate the Refuse Rate Index.