

SEVENTH AMENDMENT OF SOLID WASTE
AND RECYCLING COLLECTION FRANCHISE AGREEMENT
FOR LEE COUNTY SERVICE AREA NUMBER ONE (1)

THIS SEVENTH AMENDMENT OF THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT (“Agreement”), Lee County Contract No. 6319, is made and entered into on this 16th day of June, 2020, by and between the Lee County Board of County Commissioners (“County”) and Advanced Disposal Services Solid Waste Southeast, Inc. (“Contractor”), collectively, “the Parties”.

RECITALS

WHEREAS, the County Solid Waste and Recycling Collection Franchise Agreement, Lee County Contract No. 6319 (formerly 5170), dated March 9, 2010 is such that the Contractor provide collection and hauling service for Franchise Service Area Number One (1) in Lee County (Agreement); and

WHEREAS, the Agreement will terminate on September 30, 2020 without further action by the parties; and

WHEREAS, the Parties desire to make certain amendments to the Agreement in accordance with **Section 39. MODIFICATION** of the Agreement, including an extension to the Term of the Agreement; and

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND THE
MUTUAL COVENANTS CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

1. **Recitals.** The recitals set forth above are true and correct and incorporated herein as is set forth below.
2. **Amendments.** The Parties hereby agree that the following Articles in the Agreement are superseded as follows:

ARTICLE 1. TERM

The Term of this Agreement shall begin on October 1, 2020 for the initial period of four years plus an additional three one-year extensions, and unless sooner terminated by the County, this Agreement shall terminate on September 30, 2027.

ARTICLE 6.D - Extraordinary Rate Adjustment:

The Contractor will receive a one-time Residential Rate Adjustment of four percent (4.0%) equivalent to a total monthly rate of \$11.78 per Dwelling Unit. The calculation of this Rate Increase is based on the current FY19/20 Residential Collection Rates. The Contractor will further receive a four percent (4.0%) Commercial Collection Rate Adjustment for FY20/21. Future price adjustments (Consumer and Fuel Price Indices rate increase) must be requested in writing to the Solid Waste Director and require specific approval by the Board of County Commissioners. The not-to-exceed rates for Commercial Recycling Collection Service may not exceed the rate of Municipal Solid Waste Collection Service.

3. **Remainder.** All other provisions of the Agreement remain in full force and effect.

In Witness Whereof, Lee County, at a regular meeting thereof, by action of the Board of County Commissioners authorizing and directing the foregoing be adopted, has caused these presents to be signed by the Chairman of the Lee County Board of County Commissioners, and the County's seal to be hereunto affixed, and Advanced Disposal Services Solid Waste Southeast, Inc. has executed this Agreement all as of the day and year first written above.

ATTEST: LINDA DOGGETT
CLERK OF THE COURTS

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Missy Flint
Deputy Clerk

BY: Brian Hamman
Chairman

Frank Mann

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: Andrea Fraser
Office of County Attorney

Advanced Disposal Services
Solid Waste Southeast, Inc.

Witness Tammy Wilson

BY: William F. Soffera
Authorized Signature

Witness Michelle Schluter
Witness Michelle Schluter

NAME: WILLIAM F. SOFFERA
Printed Name

TITLE: Senior Vice President, Operations

CORPORATE SEAL:

CONTRACT REVIEW CHECKLIST**CONTRACT TYPE:** Service Provider**SUBJECT:** Project known as: Solid Waste and Recycling Collection Franchise Agreement – Area 1

Between Lee County and Advanced Disposal Services Solid Waste Southeast, Inc. (2)

Reference: Board action approving contract/agreement

Board Date: 6/16/20

Agenda Item No.:

21

Please sign the attached documents on appropriate signature lines. When complete, please send entire packet to the next Department on the numbered list below. Please return to Procurement Management when fully completed.

The subject contract is forwarded herewith for review and/or endorsements:

(1) **By the Director of:** Routed by Procurement

Project Sponsoring Department

Recommendation to execute

Not recommending execution for the following reason(s):

Date received:

Date returned/forwarded:

Signed:

(2) **By Procurement Management:**

☒ Recommending execution

Not recommending execution for the following reason(s):

Procurement Contract Reviewed by:

Date:

Date received:

Date returned/forwarded:

Signed:

(3) **By the Risk Management**

☒ Recommending execution

Not recommending execution for the following reason(s):

Date received:

Date returned/forwarded:

Signed:

(4) **By the County Attorney:**

☒ Recommending execution

Not recommending execution for the following reason(s):

Date received:

Date returned/forwarded:

Signed:

(5) **Board**

(6) **Clerk's Office, Minutes Department**

(7) **Procurement Management**

Leah Chin

2020 JUN 23 PM 12:05
RECEIVED
MINUTE OFFICE

2020 JUN 19 PM 1:04
RECEIVED BY
LEE CO. ATTORNEY