

WAIVER
Solid Waste and Recycling Collection Franchise Agreement – Area I
Advanced Disposal Services Solid Waste Southeast, Inc. - Amendment No. 2

Contract # 9892

**SECOND AMENDMENT OF SOLID WASTE AND RECYCLING COLLECTION
FRANCHISE AGREEMENT FOR LEE COUNTY SERVICE AREA NUMBER ONE**

THIS SECOND AMENDMENT OF THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT FOR LEE COUNTY SERVICE AREA NUMBER ONE, is made and entered into by and between the Lee County Board of County Commissioners, a political subdivision of the State of Florida ("County") and Advanced Disposal Services Solid Waste Southeast, Inc. ("Contractor"), collectively, the "Parties."

WHEREAS, the County entered into an Agreement for the purchase of collection and hauling services for Franchise Service Area Number One in Lee County with Contractor on the 29th day of September, 2023 ("Agreement"); and,

WHEREAS, after execution of the Agreement, it was discovered that a scrivener's error had occurred in the Sample Performance Bond calculation in Exhibit V. Collection Franchise Agreement Performance Bond Requirement of the Agreement; and,

WHEREAS, County and Contractor desire to enter into this Second Amendment to correct the sample calculations in Exhibit V. Collection Franchise Agreement Performance Bond Requirement of the Agreement from "0.33 x \$2,450,000 = \$1,300,000" to "0.5 x \$2,450,000 = \$1,300,000."

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

1. Exhibit V. Collection Franchise Agreement Performance Bond Requirement of the Agreement shall be superseded by:

[Remainder of the page left intentionally blank.]

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EXHIBIT V

COLLECTION FRANCHISE AGREEMENT

PERFORMANCE BOND REQUIREMENT

The annual performance bond due to the County from the Contractor is calculated as:

The estimated annual total collection service fees as initially accepted by the County for the first year of the Contract Term x 0.5, rounded up to the next \$100,000.00 = Performance Bond Required

Sample Performance Bond Requirement

Total Annual Service Fees \$2,450,000

Annual Performance Bond Requirement = $0.5 \times \$2,450,000 = \$1,300,000$

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IN WITNESS WHEREOF, this Second Amendment of the Agreement has been signed and sealed,
in duplicate, by the respective parties hereto.

DATED this 7/25/2024 | 4:22 PM EDT by the Lee County Board of County Commissioners.

COUNTY: LEE COUNTY, FLORIDA

DocuSigned by:

BY: Douglass L. Whitehead
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Douglass Whitehead
Director of Solid Waste, on behalf of the
Board of County Commissioners

APPROVED as to Form for the Reliance of
Lee County Only

DocuSigned by:

BY: Amanda L. Swindle
EC9B5A5584DD473...
County Attorney's Office

DATED this 25 day of July, 2024 by Advanced Disposal Services Solid Waste
Southeast, Inc.

ATTEST:

Coleen Houlihan
Coleen Houlihan
(Witness)

BY: David M. Myhan
Authorized Signature

David M. Myhan
Authorized Signature Printed Name

President
Authorized Signature Title

CORPORATE SEAL: