

CONTRACT AMENDMENT

CITY OF TUCSON DEPARTMENT OF PROCUREMENT
255 W. ALAMEDA, 6TH FLOOR, TUCSON, AZ 85701
P.O. BOX 27210, TUCSON, AZ 85726
PHONE: (520) 837-4134 / FAX: (520) 791-4735
Cynthia.Thompson@tucsonaz.gov
ISSUE DATE: December 18, 2018

CONTRACT #171717-01
CONTRACT AMENDMENT NUMBER: FIVE (5)
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CT/tla
SENIOR CONTRACT OFFICER: CYNTHIA THOMPSON, CPPB

REFUSE & RECYCLING CONTAINER SOLUTIONS AND RELATED PRODUCTS, EQUIPMENT AND SERVICES

AMENDMENT NO. FIVE (5)

THIS CONTRACT IS AMENDED AS FOLLOWS:

ITEM ONE (1): PRICE ADJUSTMENT MODIFICATIONS

Pursuant Standard Terms and Conditions, 10. Contract Amendments; both parties agree to replace Special Terms and Conditions, 3. Price Adjustment in its entirety with the following:

The City will review fully documented requests for price adjustments on a quarterly basis after the Contract has been in effect for three (3) months. Price adjustments, if approved, will become effective on May 1st, August 1st, November 1st, or February 1st. If a price adjustment is denied, the prior quarter's price shall remain until a subsequent price adjustment is approved.

The City will determine whether a requested price adjustment or an alternative option is in the City's best interest.

Requests for price adjustment shall be made as soon as practical, but no less than three (3) weeks prior to the date of its anticipated effectiveness.

Any price adjustment request relating to plastic products will be made in accordance with plastics products pricing based on the *Plastics News Index* pursuant to the following conditions:

- Daily Averages will be used for all index calculations. Data will be collected for every day in the 3 month period being analyzed to determine Daily Average to be used for each index

Sample calculation based on hypothetical data for the period of January 1, 2019 through March 31, 2019: January 1, 2019 - Plastics products price of \$0.695/lb; March 20, 2019 – Plastics products price changed to \$0.570/lb. The Daily Average would be calculated using \$0.695 for each day from January 1, 2019 through March 19, 2019 (78 days) and \$0.570 for each day from March 20, 2019 through March 31, 2019 (12 days).

$$[(\$0.695 \times 78) + (\$0.570 \times 12)] \div (78 + 12) = (\$54.21 + \$6.84) \div 90 = \$61.05 \div 90 = \$0.678$$

- Data Used for "Current Index" calculations shall be for the complete 3 month period prior to submission of the request. For this calculation, unedited data shall be used.

Example: An Adjustment Request to be effective on May 1, 2019 will use *Plastics News Index* data for January 1, 2019 through March 31, 2019.

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Calculations of Change in Index

Standard: Current Index – Prior Index = Change in Index
Non-Market Move: Corrected Current Index – Prior Index = Change in Index

Calculation of New Cart Price

Prior Cart Price + (Change in Index × Weight of Plastic in Cart) = New Cart Price

ITEM TWO (2): RENEWAL

Pursuant to Special Terms and Conditions, 7. Term and Renewal; the City is hereby exercising its option to renew the contract for the period of **February 1, 2019 through January 31, 2020.**

***** END OF AMENDMENT *****

ALL OTHER PROVISIONS OF THE CONTRACT SHALL REMAIN IN THEIR ENTIRETY.

CONTRACTOR: TOTER, LLC

CONTRACTOR HEREBY ACKNOWLEDGES RECEIPT OF
AND UNDERSTANDING OF THE ABOVE AMENDMENT

Laura P. Hubbard 12/19/18
Signature of person authorized to sign Date

Laura P. Hubbard, Director of Municipal Sales
Name and Title (typed or printed legibly)

Toter, LLC
Company Name

841 Meacham Road
Address

lhubbard@wastequip.com
Email Address

Statesville NC 28677
City State Zip

Contact information for Sales/Account Representative
for daily business operations:

Maribel Ramos, Pacific Southwest Regional Mgr
Name and Title (typed or printed legibly)

(323) 477-4555
Phone Number

mramos@wastequip.com
Email Address

CITY OF TUCSON:

THE ABOVE REFERENCED CONTRACT AMENDMENT
IS HEREBY EXECUTED THIS 19th DAY
OF December, 2018, AT TUCSON, ARIZONA.

Nathan Saon
as Director of Procurement and not personally