

THIRD AMENDMENT OF AGREEMENT FOR SINGLE-STREAM CURBSIDE RECYCLING

THIS THIRD AMENDMENT OF AGREEMENT FOR SINGLE-STREAM CURBSIDE RECYCLING ("Third Amendment") is entered into by and between **CITY OF OCALA**, a Florida municipal corporation ("City"), and **WASTE PRO OF FLORIDA, INC.**, a corporation duly organized and authorized to do business in the State of Florida (EIN# 59-3701785) ("Vendor").

WHEREAS, on May 15, 2018, City and Vendor entered into an Agreement for Single-Stream Curbside Recycling for a term of five (5) years from October 1, 2018 through and including September 30, 2023, City of Ocala Contract Number: PWD/18-014 (the "Original Agreement"); and

WHEREAS, on December 30, 2019, City and Vendor entered into a First Amendment ("First Amendment") of Agreement for Single-Stream Curbside Recycling to amend the compensation pursuant to the escalation provisions in the Original Agreement; and

WHEREAS, on June 10, 2021, City and Vendor entered into a Second Amendment ("Second Amendment") of Agreement for Single-Stream Curbside Recycling to amend the compensation pursuant to the escalation provisions in the Original Agreement; and

WHEREAS, City and Vendor now desire to further amend the compensation per Section 3, Escalation of the Original Agreement utilizing the CPI-U index.

NOW THEREFORE, in consideration of each of the foregoing recitals and the following mutual covenants, conditions and other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, City and Vendor agree as follows:

1. **RECITALS.** City and Vendor hereby represent and warrant that the Recitals set forth above are true and correct.
2. **INCORPORATION OF ORIGINAL AGREEMENT.** The Original Agreement between City and Vendor is hereby incorporated by reference as if set forth herein in its entirety and remains in full force and effect, except for those terms and conditions expressly amended by this Third Amendment.
3. **COMPENSATION.** Effective **OCTOBER 1, 2021**, the City shall pay the Vendor for the performance of the work, and in accordance with the contact documents a total of **\$352.30 per ton (THREE HUNDRED FIFTY-TWO AND 30/100 DOLLARS)** which represents a 3% increase based on the prior year's CPI-U index change. The City guarantees a minimum 3,800 tons during a 12-month recycling period. Beginning every October 1st of the contract year,

if recycling collections are less than 3,800 tons for the preceding 12-month period, the Vendor may invoice the City for the difference up to 3,800 tons at the contract price.

4. **NOTICES.** All notices, certifications or communications required by this Third Amendment shall be given in writing and shall be deemed delivered when personally served, or when received if by facsimile transmission with a confirming copy mailed by registered or certified mail, postage prepaid, return receipt requested. Notices can be concurrently delivered by email. All notices shall be addressed to the respective parties as follows:

If to Vendor:

Waste Pro of Florida, Inc.
Joseph Lourenco
408 Cypress Road
Ocala, FL 34472
PH: 352-857-3387
E-mail: jolourenco@wasteprousa.com

If to City of Ocala:

Tiffany L. Kimball, Contracting Officer
City of Ocala, City Hall
110 SE Watula Avenue, 3rd Floor
Ocala, Florida 34471
PH: 352-629-8366 FAX: 352-690-2025
Email: tkimball@ocalafl.org

Copy to:

Robert W. Batsel, Jr.
Gilligan, Gooding, Batsel, Anderson & Phelan, P.A.
1531 SE 36th Avenue
Ocala, Florida 34471
PH: 352-867-7707 FAX: 352-867-0237
Email: rbatsel@ocalalaw.com

5. **COUNTERPARTS.** This Third Amendment may be executed in counterparts, each of which shall be an original and all of which shall constitute the same instrument.
6. **ELECTRONIC SIGNATURE(S).** Vendor, if and by offering an electronic signature in any form whatsoever, will accept and agree to be bound by said electronic signature to all terms and conditions of this Third Amendment. Further, a duplicate or copy of the Third Amendment

that contains a duplicated or non-original signature will be treated the same as an original, signed copy of this original Third Amendment for all purposes.

7. **LEGAL AUTHORITY.** Each person signing this Third Amendment on behalf of either party individually warrants that he or she has full legal power to execute this Third Amendment on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Third Amendment.

IN WITNESS WHEREOF, the parties have executed this Third Amendment on 10/12/2021.

ATTEST:**CITY OF OCALA:**

Angel B. Jacobs
Angel B. Jacobs
City Clerk

Ken Whitehead
Ken Whitehead
Assistant City Manager

Approved as to form and legality:**WASTE PRO OF FLORIDA, INC.**

/s/ Robert W. Batsel, Jr.
Robert W. Batsel, Jr.
City Attorney

By: *Joseph Lourenco*
Joseph Lourenco
(Printed Name)
Division Manager
(Title)

TITLE	For Signature: Third Amendment to Single-Stream Curbside...
FILE NAME	For Signature - A... (PWD 18-014).pdf
DOCUMENT ID	86df812398edb5c5466eda3c36af8b91eda78aab
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Out For Signature

Document History



SENT

10 / 12 / 2021

11:56:33 UTC-4

Sent for signature to Robert W. Batsel, Jr. (rbatsel@ocalalaw.com), Ken Whitehead (kwhitehead@ocalafl.org), Angel B. Jacobs (ajacobs@ocalafl.org) and Waste Pro of Florida, Inc. (jlourenco@wasteprousa.com) from plewis@ocalafl.org
IP: 216.255.240.104



VIEWED

10 / 12 / 2021

14:08:15 UTC-4

Viewed by Robert W. Batsel, Jr. (rbatsel@ocalalaw.com)
IP: 216.255.247.51



SIGNED

10 / 12 / 2021

14:08:58 UTC-4

Signed by Robert W. Batsel, Jr. (rbatsel@ocalalaw.com)
IP: 216.255.247.51



VIEWED

10 / 12 / 2021

14:09:41 UTC-4

Viewed by Ken Whitehead (kwhitehead@ocalafl.org)
IP: 216.255.240.104



SIGNED

10 / 12 / 2021

14:14:41 UTC-4

Signed by Ken Whitehead (kwhitehead@ocalafl.org)
IP: 216.255.240.104

TITLE	For Signature: Third Amendment to Single-Stream Curbside...
FILE NAME	For Signature - A... (PWD 18-014).pdf
DOCUMENT ID	86df812398edb5c5466eda3c36af8b91eda78aab
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10 / 13 / 2021
08:49:28 UTC-4

Viewed by Angel B. Jacobs (ajacobs@ocalafl.org)
IP: 216.255.240.104



10 / 13 / 2021
08:49:42 UTC-4

Signed by Angel B. Jacobs (ajacobs@ocalafl.org)
IP: 216.255.240.104



10 / 13 / 2021
08:49:42 UTC-4

This document has not been fully executed by all signers.

TITLE	For Signature: Amendment 3 - Single-Stream Curbside...
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SENT

09 / 27 / 2022

12:35:05 UTC-4

Sent for signature to Waste Pro of Florida, Inc.
(jolourenco@wasteprousa.com) from plewis@ocalafl.org
IP: 216.255.240.104



VIEWED

09 / 27 / 2022

12:36:32 UTC-4

Viewed by Waste Pro of Florida, Inc.
(jolourenco@wasteprousa.com)
IP: 174.211.241.113



SIGNED

09 / 27 / 2022

13:21:32 UTC-4

Signed by Waste Pro of Florida, Inc.
(jolourenco@wasteprousa.com)
IP: 67.9.97.106



COMPLETED

09 / 27 / 2022

13:21:32 UTC-4

The document has been completed.