



County of San Bernardino

F A S

CONTRACT TRANSMITTAL

Amendment #2

FOR COUNTY USE ONLY

☐ New	FAS Vendor Code		SC	Dept. SWM	A	Contract Number 09-611A-2	
☒ Change							
☐ Cancel							
ePro Vendor Number					ePro Contract Number		
County Department DPW/Solid Waste Management			Dept. SWM		Orgn. SWM		Contractor's License No.
County Department Contract Representative Arthur L. Rivera, Division Manager					Telephone (909)386-8703		Total Contract Amount
Contract Type ☒ Revenue ☐ Encumbered ☐ Unencumbered ☐ Other:							
If not encumbered or revenue contract type, provide reason:							
Commodity Code		Contract Start Date 7/2/2009		Contract End Date 6/30/2021		Original Amount	Amendment Amount
Fund EAA	Dept. SWM	Organization WDP	Appr.	Obj/Rev Source 8350	GRC/PROJ/JOB No. 98008350	Amount	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount	
Project Name Solid Waste Handling Franchise Agreement				Estimated Payment Total by Fiscal Year			
				FY	Amount	I/D	
Amendment No. 2							
CFA 16							

CONTRACTOR Mountain Disposal Company

Federal ID No. or Social Security No. On-File

Contractor's Representative Tracy A. Sweeney

Address 9890 Cherry Ave, Fontana, CA 92335

Phone (909) 429 - 4200

Nature of Contract: : Attached is Amendment No. 2 dated June 18, 2013 to AGREEMENT BETWEEN THE COUNTY OF SAN BERNARDINO AND MOUNTAIN DISPOSAL COMPANY FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE AND OTHER SERVICES dated June 16 2009.

THIS IS NOT A CONTRACT
THIS IS A COVER
TRANSMITTAL ONLY

(Attach this transmittal to all contracts not prepared on the "Standard Contract" form.)

Approved as to Legal Form (sign in blue ink)	Reviewed as to Contract Compliance	Presented to BOS for Signature
I County Counsel		Department Head
Date	Date	Date

Amendment No. 2
to AGREEMENT BETWEEN
THE COUNTY OF SAN BERNARDINO AND
MOUNTAIN DISPOSAL COMPANY
FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE
AND OTHER SERVICES dated June 16, 2009

WHEREAS, on June 16, 2009 (Item No. 92), the Board of Supervisors ("Board") approved County Contract No. 09-611 between the County of San Bernardino ("County") and MOUNTAIN DISPOSAL COMPANY ("Grantee") to provide for the collection and transportation of solid waste and other services (the "Franchise Agreement");

WHEREAS, on November 6, 2012 (Item No. 96) the Board approved Amendment No. 1 to the Franchise Agreement which amended, Section 13.2 to clarify the methodology for the calculation of rates/Cost of Living Adjustment (COLA), allowed adjustments to be made in accordance with Section 13.2 when calculated in error, and updated the Exhibit "E" which sets the current rates for the franchise area,

WHEREAS, the County and Grantee desire to amend "Section 4, Term" of the Franchise Agreement.

NOW THEREFORE, the Franchise Agreement is amended as follows:

1. Section 4. Term is deleted in its entirety and replaced with the following:

SECTION 4. TERM

(a) The initial term of this Agreement shall commence on the later of (i) July 1, 2009 or (ii) the date on which amendments made to the County Code for consistency purposes become effective, and expiring on June 30, 2017. Thereafter, beginning on July 1, 2010, and on each July 1 anniversary date thereafter, the term of this Agreement will be extended automatically for one (1) additional year, so as to have a rolling term of eight (8) years. Should either party desire that said automatic renewal and extension provision be terminated, such party shall give the other written notice of nonrenewal between January 1 and June 30 in any odd-numbered year, but not before the year 2011; except that for any notice required to be given by June 30, 2013, such notice may instead be given no later than January 31, 2014. Any such notice, properly given, shall serve to terminate the automatic one year renewal and extension provision only, and this Agreement shall remain in effect for the balance of the term then outstanding. In the event that either party exercises its right to terminate the automatic renewal and extension provision under this paragraph, the parties may subsequently reinstate the automatic renewal and extension provision by mutual written agreement.

(b) Whether or not specifically mentioned or incorporated in this Agreement, exercise of the Franchise granted herein, and every provision of this Agreement, are subject to the terms, conditions and provisions of Division 6 of Title 4 of the County Code, as currently existing. With respect to each extended term of this Agreement, exercise of the Franchise granted herein, and every provision of the Agreement, are subject to the terms, conditions and provisions of Division 6 of Title 4 of the County Code, as currently existing or as hereinafter amended, so long as the amendment to the Division has been adopted by the Board prior to the date by which the Board is required to determine that this Franchise Agreement shall not be extended (as provided in Section 4), whether or not such amendment is effective prior to such date. Notwithstanding this section, Grantee acknowledges and agrees that Division 6 of Title 4 of the County Code will be amended after this Amendment No. 2 is approved by the Board to allow an extension of the time to give notice from June 30, 2013 to January 31, 2014 as described in amended Section 4(a) and Grantee agrees to be bound by the amended Division 6 of Title 4 of the County Code.

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2. Except as amended herein and in Amendment No. 1, all other terms and conditions of the Franchise Agreement shall remain in effect.

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COUNTY OF SAN BERNARDINO

►Janice Rutherford, Chair, Board of Supervisors

Dated: _____

SIGNED AND CERTIFIED THAT A COPY OF THIS
DOCUMENT HAS BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

Laura H. Welch
Clerk of the Board of Supervisors
of the County of San Bernardino

By _____

Deputy

MOUNTAIN DISPOSAL COMPANY
(Print or type name of corporation,
company, contractor, etc.)

By _____
(Authorized signature - sign in blue ink)

Name Tracy A. Sweeney
(Print or type name of person signing contract)

Title _____
(Print or Type)

Dated: _____

Address 9890 Cherry Ave
Fontana, Ca. 92335