

SECTION 2. The following exhibit(s) to the Contract is/are hereby amended to read as set forth in the attachment(s) to this Amendment, which are incorporated in full by this reference:

- a. Exhibit "C" entitled "SCHEDULE OF FEES".

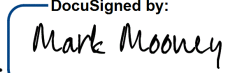
SECTION 3. Except as herein modified, all other provisions of the Contract, including any exhibits and subsequent amendments thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have by their duly authorized representatives executed this Amendment on the date first above written.

CITY OF PALO ALTO

CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.

 City Manager

DocuSigned by:

 By: _____
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Name: Mark Mooney

APPROVED AS TO FORM:

Title: Regional Vice President of Sales

 Deputy City Attorney

Attachments:

EXHIBIT "C": SCHEDULE OF FEES

**EXHIBIT C- AMENDMENT NO.1
SCHEDULE OF FEES**

BID ITEM A – ASH HAULING AND DISPOSAL
BID ITEM B – SLUDGE HAULING AND DISPOSAL

Clean Harbors - Amended									
Bid Item	Approx. Quantity	Unit	Description	Year 1 Unit Price	Subtotal	Year 2 Unit Price	Subtotal	Year 3 Unit Price	Subtotal
A-1	259	Ton	Disposal cost of ash			\$ 103.00	\$ 26,696.43		
A-2	19	Load	Transportation cost of ash			\$ 1,261.75	\$ 23,973.25		
A-3	19	Load	Liner installation fee for ash per load			\$ 56.65	\$ 1,076.35		
A-4	136	Days	Bin rental for ash			\$ 10.30	\$ 1,400.80		
A-5	136	Ton	CA non-RCRA taxes			\$ 21.11	\$ 2,870.96		
A-6	259	Ton	Local taxes for ash, as necessary, per ton			\$ 10.30	\$ 2,669.65		
A-7	1	LS	Surcharges/fees for ash, lump sum			\$ -	\$ -		
A-1 (amended)	464	Ton	Disposal cost of ash - *20 ton minimum*			\$ 66.00	\$ 44,880.00		
A-2 (amended)	34	Load	Transportation cost of ash			\$ 2,600.00	\$ 88,400.00		
A-3 (amended)	34	Load	Liner installation fee for ash per load			\$ 55.00	\$ 1,870.00		
A-4 (amended)	229	Days	Bin rental for ash			\$ 10.00	\$ 2,290.00		
A-5 (amended)	229	Ton	CA non-RCRA taxes			\$ 21.11	\$ 4,834.19		
A-6 (amended)	464	Ton	Local taxes for ash, as necessary, per ton			\$ 10.30	\$ 4,779.20		
A-7 (amended)	1	LS	Surcharges/fees for ash, lump sum			\$ -	\$ -		
A-1	723	Ton	Disposal cost of ash - *20 ton minimum*	\$ 100.00	\$ 72,300.00			\$ 67.98	\$ 72,058.80
A-2	53	Load	Transportation cost of ash	\$ 1,225.00	\$ 64,925.00			\$ 2,678.00	\$ 141,934.00
A-3	53	Load	Liner installation fee for ash per load	\$ 55.00	\$ 2,915.00			\$ 56.65	\$ 3,002.45
A-4	365	Days	Bin rental for ash	\$ 10.00	\$ 3,650.00			\$ 10.30	\$ 3,759.50
A-5	723	Ton	CA non-RCRA taxes	\$ 21.11	\$ 15,262.53			\$ 21.11	\$ 15,262.53
A-6	723	Ton	Local taxes for ash, as necessary, per ton	\$ 10.00	\$ 7,230.00			\$ 10.61	\$ 7,670.31
A-7	1	LS	Surcharges/fees for ash, lump sum	\$ -	\$ -			\$ -	\$ -
B-1	150	Ton	Disposal cost of sludge	\$ 24.00	\$ 3,600.00	\$ 24.72	\$ 3,708.00	\$ 25.46	\$ 3,819.24
B-2	12	Load	Transportation cost for sludge	\$ 670.00	\$ 8,040.00	\$ 690.10	\$ 8,281.20	\$ 710.80	\$ 8,529.64
B-3	12	Load	Liner installation fee for sludge - per load	\$ 30.00	\$ 360.00	\$ 30.90	\$ 370.80	\$ 31.83	\$ 381.92
B-4	12	Days	Bin rental for sludge	\$ 10.00	\$ 120.00	\$ 10.30	\$ 123.60	\$ 10.61	\$ 127.31
B-5	150	Ton	Local taxes for sludge as necessary, per ton	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
B-6	1	LS	Surcharges/fees for sludge, lump sum	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
B-7	6	Each	Roll-off bin mobilization during backup sludge hauling service	\$ 670.00	\$ 4,020.00	\$ 690.10	\$ 4,140.60	\$ 710.80	\$ 4,264.82
B-8	48	HR	Onsite truck and truck driver to move sludge bins	\$ 95.00	\$ 4,560.00	\$ 97.85	\$ 4,696.80	\$ 100.79	\$ 4,837.70
					\$ 186,982.53		\$ 227,061.83		\$ 265,648.22
								total	\$ 679,692.58

EXHIBIT C- AMENDMENT NO.1
SCHEDULE OF FEES

BID ITEM A – ASH HAULING AND DISPOSAL
BID ITEM B – SLUDGE HAULING AND

Clean Harbors - Original									
Bid Item	Approx. Quantity	Unit	Description	Year 1 Unit Price	Subtotal	Year 2 Unit Price	Subtotal	Year 3 Unit Price	Subtotal
A-1	723	Ton	Disposal cost of ash	\$ 100.00	\$ 72,300.00	\$ 103.00	\$ 74,469.00	\$ 106.09	\$ 76,703.07
A-2	53	Load	Transportation cost of ash	\$ 1,225.00	\$ 64,925.00	\$ 1,261.75	\$ 66,872.75	\$ 1,299.60	\$ 68,878.93
A-3	53	Load	Liner installation fee for ash per load	\$ 55.00	\$ 2,915.00	\$ 56.65	\$ 3,002.45	\$ 58.35	\$ 3,092.52
A-4	365	Days	Bin rental for ash	\$ 10.00	\$ 3,650.00	\$ 10.30	\$ 3,759.50	\$ 10.61	\$ 3,872.29
A-5	723	Ton	CA non-RCRA taxes	\$ 21.11	\$ 15,262.53	\$ 21.11	\$ 15,262.53	\$ 21.11	\$ 15,262.53
A-6	723	Ton	Local taxes for ash, as necessary, per ton	\$ 10.00	\$ 7,230.00	\$ 10.30	\$ 7,446.90	\$ 10.61	\$ 7,670.31
A-7	1	LS	Surcharges/fees for ash, lump sum	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
B-1	150	Ton	Disposal cost of sludge	\$ 24.00	\$ 3,600.00	\$ 24.72	\$ 3,708.00	\$ 25.46	\$ 3,819.24
B-2	12	Load	Transportation cost for sludge	\$ 670.00	\$ 8,040.00	\$ 690.10	\$ 8,281.20	\$ 710.80	\$ 8,529.64
B-3	12	Load	Liner installation fee for sludge - per load	\$ 30.00	\$ 360.00	\$ 30.90	\$ 370.80	\$ 31.83	\$ 381.92
B-4	12	Days	Bin rental for sludge	\$ 10.00	\$ 120.00	\$ 10.30	\$ 123.60	\$ 10.61	\$ 127.31
B-5	150	Ton	Local taxes for sludge as necessary, per ton	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
B-6	1	LS	Surcharges/fees for sludge, lump sum	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
B-7	6	Each	Roll-off bin mobilization during backup sludge hauling service	\$ 670.00	\$ 4,020.00	\$ 690.10	\$ 4,140.60	\$ 710.80	\$ 4,264.82
B-8	48	HR	Onsite truck and truck driver to move sludge bins	\$ 95.00	\$ 4,560.00	\$ 97.85	\$ 4,696.80	\$ 100.79	\$ 4,837.70
					\$ 186,982.53		\$ 192,134.13		\$ 197,440.28
								total	\$ 576,556.94

1.11 PRICES AND ANNUAL INCREASES

A. Standard bid of ash shall include all fees, taxes, and surcharges:

1. Bin rental: no overlapping charge shall be applied on the day of bin exchange.

B. ADDITIONAL PRICING CONDITIONS

- Demurrage will not be charged for pickup of waste up to and including 90 minutes of loading and unloading time. After 90 minutes, the demurrage charge of \$95/hour applies will apply if the city causes the delay.
- Demurrage will not be charged for delays caused by the hauler not having proper paperwork at the time of arrival at the plant site.
- Unloading demurrage will not be charged for wastes being delivered unless the City of Palo Alto creates a condition such as an improperly identified waste or nonconforming waste.
- A minimum volume of 10 tons (or yards, whichever is greater) will be billed for all waste received in a rolloff container, intermodal, or dump trailer delivered to hauler's waste disposal facility.
- Haulers' owned or leased roll-off containers or other equipment that are damaged by City of Palo Alto may be repaired by contractor and invoice City at a quoted hourly rate for labor and parts invoiced at no more than cost plus 30%.
- Roll-off washout charges are to be included in the pricing.
- In the event sludge can be hauled to East Bay Municipal Utilities District, the pricing for emergency sludge disposal shall be cost plus 10%. For the base contract, the prices in Section B above shall apply.
- In case of price increase due to new regulatory fees, waste hauler must notify the City of Palo Alto in writing before any additional fees will be allowed.
- Quoted disposal rate for sludge, item B-1, includes up to 3% total solids. Should the total solids be above 3%, then an additional \$0.02 / gallon for each full or partial percentage above 3% will be applied to the invoice.
- Regarding Item A-5, BOE fees will be billed according to BOE schedule of Fees at time of disposal.
- Cancellation of a pickup with less than 24 hours notice will incur a \$287 cancellation fee.
- Solidification of free liquids in a bulk solid container will be subject to a Bin Top Stabilization Fee of \$261 per container.
- Pricing for Bid Item B-7 and B-8 may take place on Contractor's company holidays. In such cases additional charges will be negotiated between Clean Harbors and the project manager.

C. ANNUAL INCREASES

- The price increase for the second and third 12-month periods of this contract is to be determined in the Base Bid Schedules.
- The price increase for the first optional 12 month extension of this contract is 3%, which shall apply to scope items 1.12.A.1, 2, 3, 4, and 6 and 1.12.B.1, 2, 3, 4, 6, 7, and 8 only.
- The price increase for the second optional 12 month extension of this contract is 3%, which shall apply to scope items 1.12.A.1, 2, 3, 4, and 6 and 1.12.B.1, 2, 3, 4, 6, 7, and 8 only.

Attachment: B

Three Year Ash Hauling Contract Cost Comparison			
	Original Clean Harbors Contract	Amended Clean Harbors Contract	Synagro - 2nd Lowest Bidder
Year 1	\$ 186,982.53	\$ 186,982.53	\$ 228,821.55
Year 2	\$ 192,134.13	\$ 227,061.83	\$ 240,200.13
Year 3	\$ 197,440.28	\$ 265,648.22	\$ 252,147.63
Total	\$ 576,556.94	\$ 679,692.58	\$ 721,169.31

Additional Cost Breakdown			
	Original Clean Harbors Contract	Amended Clean Harbors Contract	Cost Increase
Year 1	\$ 186,982.53	\$ 186,982.53	\$ -
Year 2	\$ 192,134.13	\$ 227,061.83	\$ 34,927.70
Year 3	\$ 197,440.28	\$ 265,648.22	\$ 68,207.94
Total Cost Increase			\$ 103,135.64