

**AMENDMENT TWO TO
PROFESSIONAL SERVICES AGREEMENT WITH
WARE DISPOSAL, INC.**

This Amendment Two ("Amendment") is made and entered into this 1st day of August, 2023 ("Effective Date"), by and among the CITY OF COSTA MESA, a municipal corporation ("City") and WARE DISPOSAL, INC., a California corporation ("Contractor").

WHEREAS, City and Contractor entered into an agreement dated August 1, 2020 for solid waste collection services at City facilities (the "Agreement"); and

WHEREAS, Section 4.1 of the Agreement provides for a term of two years, with the option to extend the Agreement for three additional one year periods; and

WHEREAS, Section 2.1 of the Agreement allows Contractor to request a contract extension and a price increase based on an increase in the Consumer Price Index for all Urban Consumers in the Los Angeles-Long Beach-Anaheim area determined upon the May index of the present year and the May index of the preceding year; and

WHEREAS, on August 1st, 2022 the City and Contractor entered into Amendment One to City and Contractor exercising the first of three options to extend the term through July 31, 2024; and

WHEREAS, the Parties now desire to exercise the second of three options to extend the term and to approve a rate adjustment.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the Agreement as follows:

1. The term of the Agreement shall extend through July 31, 2024.
2. Exhibit B of the Agreement is amended to authorize an increase in Contractor's rates, as more specifically set forth in Attachment 1 to this Amendment. The increase is based upon the increase in the Consumer Price Index and shall take effect on the Effective Date of this Amendment.
3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement, as amended.
4. All other terms, conditions, and provisions of the Agreement, as amended, shall remain in full force and effect.
5. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one Agreement together with this Amendment Number Two and Amendment Number One.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first above written.

CONTRACTOR

WARE DISPOSAL, INC.

Consultant

Jay Green *em*
Name and Title

Date: 7/25/23

CITY OF COSTA MESA

Lori Ann Farrell Harrison

Lori Ann Farrell Harrison
City Manager

Date: 8/28/2023

ATTEST:

Brenda Green
Brenda Green
City Clerk



Date: 8/29/2023

APPROVED AS TO FORM:

Kimberly Hall Barlow
Kimberly Hall Barlow
City Attorney

Date: 8/23/23

APPROVED AS TO CONTENT:

Salem Afeworki
Salem Afeworki
Project Manager

Date: 8/10/2023


DEPARTMENTAL APPROVAL:

Raja Sethuraman
Raja Sethuraman

Date: 8/11/2023

Public Services Director

APPROVED AS TO PURCHASING:



Carol Molina
Finance Director

Date: July 27, 2003



Providing Solid Waste and Recycling Services Since 1968

22 June 2023

Ms Salem Afeworki
Energy and Sustainability Services Manager
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92626 6520

RE: FY 2024 Annual Rate Adjustment Request

Dear Ms Afeworki:

Pursuant to Section 2.1, Compensation, of the agreement between the parties, Ware Disposal Inc. (Contractor) may request a rate adjustment based on the Consumer Price Index for All Urban Consumers for the Los Angeles-Long Beach-Anaheim area for the period of May 2022 through May 2023.

With this written request, Ware Disposal Inc. hereby requests the annual rate adjustment for the FY 2024 period (1 July 2023-30 June 2024). Based off the change in the CPI for the Los Angeles area, we request a 3.18% rate adjustment for FY 2024. Additionally, Ware Disposal Inc. will provide the organics containers to the two (2) community gardens within the not-to-exceed contract amount.

Attached, please find the supporting documents:

- a. The revised rate sheet, including the organics containers at the two (2) community gardens;
- b. The CPI series report with the calculation of the 3.18% rate adjustment on said sheet.

Should you have any questions and/or concerns related to this request, please feel free to contact me.

Sincerely,



JAY WARE
General Manager
Ware Disposal Inc.

ACCT NO.	FACILITY	SERVICE LEVEL	FY 2023 RATE	3.18 % INC.	FY 2024 PROP. RATE
1219	Old Corporation Yard	1 3y 3x	\$ 81.25	1.0318	\$ 83.83
1220	Tewinkle Park/Bark Park	1 3y 3x	\$ 81.25	1.0318	\$ 83.83
1221	Jack Hammet Sports Complex	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
1222	New Corporation Yard	40y on call	\$ 649.50	1.0318	\$ 670.15
10249	Lions Park Library	Scout	\$ 57.75	1.0318	\$ 59.59
10250	Westside Police Facility	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
10281	Fire Station no. 1	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
12190	OC Model Engineer	1 3y 1x	\$ 102.98	1.0318	\$ 106.25
16723	Bridge Shelter	1 3y 2x	\$ 190.17	1.0318	\$ 196.22
16723	Bridge Shelter	1 3y 1x recyc	\$ 80.52	1.0318	\$ 83.08
16723	Bridge Shelter	1 65g 1x org.	\$ 142.00	1.0318	\$ 146.52
16723	Bridge Shelter	Scout	\$ 63.39	1.0318	\$ 65.41
142934	City Hall	1 3y 3x	\$ 81.25	1.0318	\$ 83.83
142934	City Hall	1 65g 1x org.	\$ 95.00	1.3018	\$ 123.67
142945	Police Facility	1 3y 3x	\$ 81.25	1.0318	\$ 83.83
142967	Fire Station no. 2	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
142970	Fire Station no. 3	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
142981	Fire Station no. 4/Corp. Yard	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
142992	Fire Station no. 5	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
143014	Fire Station no. 6	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
143036	Downtown Rec. Fac.	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
143047	Baleric Center	1 3y 2x	\$ 100.88	1.0318	\$ 104.09
143050	Lions Neighbourhood Center	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
161312	Hamilton Comm. Garden	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
16132	Hamilton Comm. Garden organics	Organics	\$ -	1.0318	\$ -
175844	Senior Citizen Center	1 4y 5x	\$ 278.54	1.0318	\$ 287.40
175844	Senior Citizen Center	1 65g 1x org.	\$ 95.00	1.0318	\$ 98.02
181071	Tewinkle Park Athletics	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
277284	Del Mar Comm. Garden	1 3y 1x	\$ 37.50	1.0318	\$ 38.69
277284	Del Mar Comm Garden organics	Organics	\$ -	1.0318	\$ -
337960	707-711 West 18th Street	1 3y 2x	\$ 237.30	1.0318	\$ 244.85
337971	745 West 18th Street	1 3y 2x	\$ 237.30	1.0318	\$ 244.85
337982	734 West James Street	1 3y 2x	\$ 237.30	1.0318	\$ 244.85
337993	734-740 West James Street	1 3y 2x	\$ 237.30	1.0318	\$ 244.85
338004	717 West James Street	1 3y 2x lock	\$ 260.09	1.0318	\$ 268.36
338015	721 West James Street	1 3y 2x lock	\$ 260.09	1.0318	\$ 268.36

**CPI for All Urban Consumers (CPI-U)
Original Data Value**

Series Id: CUURS49ASA0
 Not Seasonally Adjusted
 Series Title: All items in Los Angeles-Long Beach-Anaheim, CA, all
 Area: Los Angeles-Long Beach-Anaheim, CA
 Item: All items
 Base Period: 1982-84=100
 Years: 2013 to 2023

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2013	238.015	239.753	239.995	239.043	239.346	239.223	238.920	239.219	239.611	239.940	238.677	238.742	239.207	239.229	239.185
2014	239.857	241.059	242.491	242.437	243.362	243.528	243.727	243.556	243.623	243.341	241.753	240.475	242.434	242.122	242.746
2015	239.724	241.297	243.738	243.569	246.093	245.459	247.066	246.328	245.431	245.812	245.711	245.357	244.632	243.313	245.951
2016	247.155	247.113	247.873	248.368	249.554	249.789	249.784	249.700	250.145	251.098	250.185	250.189	249.246	248.309	250.184
2017	252.373	253.815	254.525	254.971	255.674	255.275	256.023	256.739	257.890	258.883	259.135	259.220	256.210	254.439	257.982
2018	261.235	263.012	264.158	265.095	266.148	265.522	266.007	266.665	268.032	269.482	268.560	267.631	265.962	264.195	267.730
2019	269.468	269.608	271.311	273.945	274.479	274.380	274.682	274.579	276.054	278.075	277.239	275.553	274.114	272.199	276.030
2020	277.755	278.657	276.589	275.853	276.842	278.121	279.899	280.116	279.366	279.947	280.102	279.560	278.567	277.303	279.832
2021	280.178	281.347	282.648	285.808	287.620	289.218	290.890	291.333	292.209	294.961	296.790	297.925	289.244	284.470	294.018
2022	301.209	302.164	306.679	308.302	310.649	314.072	313.415	313.608	315.033	317.014	314.633	312.601	310.782	307.179	314.384
2023	318.591	317.571	317.873	320.089	320.514										

Calculation
0.031756098