

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

This Amendment Number Three ("Amendment") is dated August 1, 2024, ("Effective Date"), by and between 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 on August 1, 2020 for Contractor to provide solid waste collection services at City facilities (the "Agreement"); and

WHEREAS, City and Contractor originally established an annual not-to-exceed amount of \$133,380.40; 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, 2023 the City and Contractor entered into Amendment Two 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

WHEREAS, City and Contractor intend and desire that this Amendment Number Three be retroactive to the Effective Date; and

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

1. This amendment shall be retroactive to the Effective Date.
2. The term of the Agreement shall extend through July 31, 2025.
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.

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

Jay Ware
Signature
Jay Ware GM
Name and Title

Date: *8/8/24*

CITY OF COSTA MESA

Lori Ann Farrell H
Lori Ann Farrell Harrison
City Manager

Date: *8/27/2024*

ATTEST:

Brenda Green
Brenda Green
City Clerk



Date: *8/29/2024*

APPROVED AS TO FORM:

[Signature] *ACA*
Kimberly Hall Barlow
City Attorney

Date: *8/26/24*

APPROVED AS TO CONTENT:

[Signature]
Kevin Gaxiola
Project Manager

Date: *8/22/24*

DEPARTMENTAL APPROVAL:

Raja Sethuraman
Raja Sethuraman
Public Works Director

Date: 8/22/24

PURCHASING APPROVAL:
Carol Molina
Carol Molina
Finance Director

Date: August 14, 2024

APPROVED AS TO INSURANCE:
Ruth Wang
Ruth Wang
Risk Management

Date: 8/14/24