

## **SECOND AMENDMENT TO RESIDENTIAL RECYCLING AGREEMENT**

This Amendment to the Residential Recycling Agreement (this “Amendment”) is made and entered into effective May \_\_\_, 2024 (the “Amendment Effective Date”) by and between Allied Waste Services of North America, LLC dba Republic Services of Utah (“Contractor”), and Payson City, Utah (“City”) (referred herein as a “Party”, and collectively as the “Parties”).

### **RECITALS**

A. Contractor and City entered into a certain Residential Recycling Agreement dated July 1, 2016, that was subsequently amended by 1<sup>st</sup> Addendum dated February 3, 2021, collectively the “Agreement”.

B. Pursuant to the Agreement the Contractor provides residential recycling collection services within the boundaries of the City.

C. City and Contractor now desire to extend the term of the Agreement and make certain changes as more fully set forth below.

### **AGREEMENT**

Now therefore, for good and valuable consideration the receipt and sufficiency of which the parties acknowledge, including but not limited to the mutual and dependent promises contained herein, the parties agree as follows:

1. Term. The Parties agree that this Amendment constitutes a mutual exercise of the right to extend the Agreement as set forth in Section 1 of the Agreement. The Parties agree to extend the Term of the Agreement for an additional three (3) years beginning July 1, 2024 and concluding June 30, 2027.

2. Pricing. The Parties Agree that as of July 1, 2024, the recycling price, for those participating in the curbside recycling program, shall be \$9.08 for each recycling container. Contractor reserves the right to negotiate an increase in rates if participation falls below 25%. If participation increases to 50% or greater, annual escalator will be waived for the next contract year.

3. Capitalized Terms. The parties agree that capitalized terms not otherwise defined in this Amendment shall have the meaning set forth in the Agreement.

4. Continuing Effect. Except as specifically amended by this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect. In the event of a conflict in meaning between the Agreement and this Amendment, this Amendment shall prevail.

5. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which combined shall constitute one and the same

instrument. Facsimile and/or electronic copies of the parties' signatures shall be valid and treated the same as original signatures.

IN WITNESS WHEREOF, the parties have entered into this Amendment to be effective as of the Amendment Effective Date.

Allied Waste Services of North America, LLC  
Dba Republic Services of Utah

Payson City, Utah

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: William R. Wright

Title: \_\_\_\_\_

Title: Mayor

Date: \_\_\_\_\_

Date: June 5, 2024

Attest:

\_\_\_\_\_  
Kim E. Holindrake, City Recorder