

**AMENDMENT NO. 1
INCORPORATED COUNTY OF LOS ALAMOS
SERVICES AGREEMENT NO. 18-01**

This **AMENDMENT NO. 1** is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("County"), and **Friedman Recycling of Albuquerque, LLC**, an Arizona corporation ("Contractor"), to be effective for all purposes September 11, 2019.

WHEREAS, County and Contractor entered into Agreement No. AGR18-01, dated September 26, 2017, for Mixed Recycling Services; and

WHEREAS, County Council approved this Agreement at a public meeting held on September 10, 2019; and

WHEREAS, both parties wish to amend the amount of compensation as well as the compensation schedule from the effective date of the Amendment.

NOW, THEREFORE, for good and valuable consideration, County and Contractor agree as follows:

- I. Section C(1) Amount of Compensation is deleted in its entirety and replaced with the following:
1. **Amount of Compensation.** County shall pay compensation for performance of the Services in an amount not to exceed FOUR HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED NINETY-FIVE DOLLARS (\$417,595.00), throughout the term of the Agreement, and which amount does not include applicable New Mexico gross receipts taxes ("NMGRT"). Compensation shall be paid in accordance with the terms and rate schedule set out in Exhibit "A-1" attached hereto and made a part hereof for all purposes.

Except as expressly modified by this Amendment, the terms and conditions of the Agreement remain unchanged and in effect.


 LACF2019-0137 10/01/2019 02:06 PM
 Page(s): 4 Naomi D Maestas - County Clerk
 Los Alamos County, NM Victoria L Martinez - Deputy




IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 on the date(s) set forth opposite the signatures of their authorized representatives to be effective for all purposes on the date first written above.

ATTEST

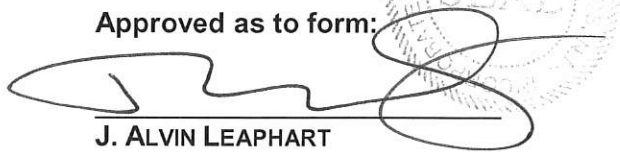


NAOMI D. MAESTAS
COUNTY CLERK

INCORPORATED COUNTY OF LOS ALAMOS

BY:  _____ 9/12/19
HARRY BURGESS
COUNTY MANAGER DATE

Approved as to form:



J. ALVIN LEAPHART
COUNTY ATTORNEY

FRIEDMAN RECYCLING OF ALBUQUERQUE, LLC, AN
ARIZONA LIMITED LIABILITY CORPORATION


BY:  _____ 9.25.19
DAVID FRIEDMAN
CHIEF EXECUTIVE OFFICER DATE

Exhibit "A-1"
Compensation Rate Schedule
AGR18-01-A1

I. This compensation rate schedule shall be in effect beginning with the effective date of the Amendment, and shall not apply to services and deliverables provided by Contractor prior to the effective date of this Amendment. Services and deliverables provided by the Contractor prior to the effective date of this Amendment are governed by the original terms and conditions contained in AGR18-01 Exhibit "A" which was effective for all purposes on September 26, 2017 through the effective date of this Amendment.

II. As of the effective date of this Amendment, the Contractor shall be compensated for accepting Mixed Recyclables, exclusive of the recyclables listed in Section C below, by payment of a Processing Fee Per Ton, as provided below in Chart A, that is subject to a reduction or increase equal to the amount established by the Rebate Thresholds provided below in Chart B. The Rebate Schedule (Chart B) shall be applied to the processing fee (Chart A) due to the Contractor and may increase or decrease based upon the ranges of the Rebate Threshold (Chart B, left Column AMV).

For example: May 2019 AMV was -12.328.
Processing Fee: \$16. per ton
Rebate or Additional Processing Fee: \$9. per ton
Total Fee Per Ton: \$25.

Chart A: Mixed Recycling Processing Fees

| Year | Processing Fee Per Ton | Estimated Tons (1.5 % annual increase) | Annual Cost w/o Rebate | Annual Cost with Additional Processing Fee \$19 Per Ton |
|---|-------------------------------|---|-------------------------------|--|
| September 26, 2017 - September 25, 2018 | \$15 | 1791 | \$26,872 | \$26,872 |
| September 26, 2018 - September 10, 2019 | \$16 | 1818 | \$29,094 | \$29,094 |
| September 11, 2019 - September 10, 2020 | \$17 | 1846 | \$31,376 | \$66,442 |
| September 11, 2020 - September 10, 2021 | \$18 | 1873 | \$33,720 | \$69,312 |
| September 11, 2021 - September 10, 2022 | \$19 | 1901 | \$36,127 | \$72,253 |
| September 11, 2022 - September 10, 2023 | \$20 | 1930 | \$38,599 | \$75,267 |
| September 11, 2023 - September 25, 2024 | \$21 | 1959 | \$41,136 | \$78,355 |
| Total Compensation for 7 Years | | | \$236,922* | \$ 417,595* |

* Does not include applicable New Mexico gross receipts taxes ("NMGRT")

Chart B: Rebate Schedule

| Rebate Threshold based on Average Market Value (AMV) | Rebate or Additional Processing Fee |
|---|---|
| \$-20 and Below | No Rebate and Payment to Contractor of \$19 per ton |
| \$-20+ to \$55 | No Rebate and Payment to Contractor of \$9 per ton |
| \$55+ to \$75 per ton | No Rebate Available |
| \$75+ to \$95 per ton | \$15 per ton rebate to County |
| \$95+ to \$115 per ton | \$30 per ton rebate to County |
| \$115+ to \$140 per ton | \$40 per ton rebate to County |
| \$140+ and Above | \$50 per ton |

Section C: Sorted Office Paper (SOP) Grade 1, Sorted Office Paper (SOP) Grade 2, Loose Old Corrugated Cardboard, and Baled Old Corrugated Cardboard

1. The Processing Fee due the Contractor for (SOP) Grade 1 is an amount equal to the value of Standard Office Paper #37, as listed on the Pulp & Paper Index (PPI) of the Official Board Markets (OBM) for LA Domestic Ports, as of the date of delivery of the (SOP) Grade 1 recyclable to the Contractor, multiplied by the weighted amount in ton units of the (SOP) Grade 1 recyclable delivered to the Contractor, less an amount equivalent to Ninety-Five Dollars (\$95.00) per ton of the (SOP) Grade 1 recyclable delivered to the Contractor.
2. The Processing Fee due the Contractor for (SOP) Grade 2 is an amount equal to the value of Standard Office Paper #37, as listed on the Pulp & Paper Index (PPI) of the Official Board Markets (OBM) for LA Domestic Ports, as of the date of delivery of the (SOP) Grade 2 recyclable to the Contractor, multiplied by the weighted amount in ton units of the (SOP) Grade 2 recyclable delivered to the Contractor, less an amount equivalent to One Hundred Fifteen Dollars (\$115.00) per ton of the (SOP) Grade 2 recyclable delivered to the Contractor.
3. The Processing Fee due the Contractor for Loose Old Corrugated Cardboard is an amount equal to the value of #11 OCC, as listed on the Pulp & Paper Index (PPI) of the Official Board Markets (OBM) for LA Domestic Ports for Free Alongside Shipping (FAS), as of the date of delivery of the Loose Old Corrugated Cardboard recyclable to the Contractor, multiplied by the weighted amount in ton units of the Loose Old Corrugated Cardboard recyclable delivered to the Contractor, less an amount equivalent to Ninety-Nine Dollars (\$99.00) per ton of the Loose Old Corrugated Cardboard recyclable delivered to the Contractor.
4. The Processing Fee due the Contractor for Baled Old Corrugated Cardboard is an amount equal to the value of #11 OCC, as listed on the Pulp & Paper Index (PPI) of the Official Board Markets (OBM) for LA Domestic Ports for Free Alongside Shipping (FAS), as of the date of delivery of the Baled Old Corrugated Cardboard recyclable to the Contractor, multiplied by the weighted amount in ton units of the Baled Old Corrugated Cardboard recyclable delivered to the Contractor, less an amount equivalent to Seventy-Nine Dollars (\$79.00) per ton of the Baled Old Corrugated Cardboard recyclable delivered to the Contractor.