



City Manager's Office

① ✓ 5/7/15 (L)

ITEMS FOR SIGNATURE/REVIEW

CMO LOG #: MAY-13

TODAY'S DATE: 5/5/2015

Assigned to: **L. FELDMAN** **S. HAWTHORNE** **S. TORRIENTE**

Title of Document for Signature: First amendment to corrective agreement for
Recyclables processing services with Sun-Bergeron, JV
ITB# 2012-13/22

Memo/Doc # (if applicable): 14-1213 CM-19 **Date of Doc.:** 10/7/2014

Document received from: Procurement **Vote Summary:** 5/0

APPROVED FOR LEE FELDMAN'S SIGNATURE

PENDING APPROVAL (See comments below)

N/A FOR L. FELDMAN TO SIGN

PER ASSISTANT CITY MANAGER:

S. HAWTHORNE _____ **or S. TORRIENTE** _____
(Initial and date above) (Initial and date above)

Rejection/Questions/Additional Information Request:

Please leave this routing form attached to
these agreements so the Clerks office knows
who to return them to

Comments/Tracking Information:

Wendy - Please return these
agreements to myself in Procurement - Lura X5165

FIRST AMENDMENT TO CORRECTIVE AGREEMENT FOR RECYCLABLES PROCESSING SERVICES BETWEEN THE CITY OF FORT LAUDERDALE AND SUN RECYCLING, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND BERGERON ENVIRONMENTAL AND RECYCLING, LLC A FLORIDA LIMITED LIABILITY COMPANY, JOINTLY AND SEVERALLY, d/b/a SUN-BERGERON, JV

THIS FIRST AMENDMENT TO CORRECTIVE AGREEMENT FOR RECYCLABLES PROCESSING SERVICES BETWEEN THE CITY OF FORT LAUDERDALE AND SUN RECYCLING, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND BERGERON ENVIRONMENTAL AND RECYCLING, LLC A FLORIDA LIMITED LIABILITY COMPANY, JOINTLY AND SEVERALLY, d/b/a SUN-BERGERON, JV, ("First Amendment"), made and entered into this 17th day of March, 2014, is by and between the City of Fort Lauderdale, a Florida municipality, ("City"), whose address is 100 North Andrews Avenue, Fort Lauderdale, FL 33301-1016, and Sun Recycling LLC, a Florida limited liability company, and Bergeron Environmental and Recycling, LLC, a Florida limited liability company, jointly and severally, d/b/a Sun-Bergeron, J.V., ("Contractor"), whose address is 2380 College Avenue, Davie, FL 33317.

WHEREAS, on July 2, 2013, the City Commission of the City of Fort Lauderdale approved an agreement with Contractor for recyclables processing services; and

WHEREAS, on January 7, 2014, the City Commission of the City of Fort Lauderdale approved a corrective agreement with Contractor for recyclables processing services ("Corrective Agreement"),

NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth herein and other good and valuable consideration, the City and the Contractor covenant and agree to amend the Corrective Agreement as follows:

1. Any adjustment to the composition percentages provided in the Bid Schedule for Recyclables Processing pursuant to Section 3.5.1.2 of the City of Deerfield Beach Agreement shall be reversed effective March 1, 2015, in the event an equivalent composition study for the City of Coral Springs, Florida, pursuant to the same provision, is not completed and implemented on or before March 1, 2015.

2. Section 3.o. of the Corrective Agreement is amended to provide as follows:

Section 2 – Standard Terms and and General Conditions is not applicable.

3. Section 3.r. of the Corrective Agreement is amended to provide as follows:

Section 4.2.1 replace the second sentence with the following:

The City will only consider a Contractor whose proposed Designated Recycling Facility is located within a fifteen (15) mile driving distance of the City's City Hall and that is operational at the time of Bid submission.

4. Section 3.s. of the Corrective Agreement is amended to provide as follows:

Section 4.3.1 replace the first sentence with the following:

Beginning on the Commencement Date, to the extent consistent with the corresponding contract, the City shall direct the City's Contract Hauler, and also City collection vehicles to deliver all Program Recyclables to the Designated Recycling Facility during the scheduled receiving hours specified herein.

IN WITNESS WHEREOF, the City and the Contractor execute this First Amendment as follows:

CITY OF FORT LAUDERDALE

By: [Signature]
City Manager

Approved as to form:

[Signature]
Senior Assistant City Attorney

Sun Recycling, LLC

By: Southern Waste Systems Holdings, LP
Managing Member

By: Southern Waste Holdings Management, LLC
General Partner

ATTEST:

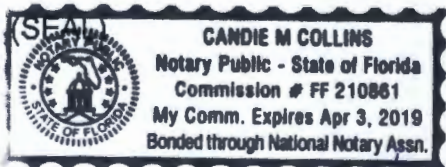
[Signature]
Print Name: John Casagrande
Title: VP. Business Development

By: [Signature]
Charles Gusmano
Managing Member

(Seal)

STATE OF FL
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 20 day of April, 2015, by Charles Gusmano as managing member for Southern Waste Holdings Management, LLC, a Delaware limited liability company authorized to transact business in the State of Florida, as general partner for Southern Waste Systems Holdings, LP, a _____ limited partnership, as managing member for Sun Recycling, LLC, a Florida limited liability company.



[Signature]
Notary Public, State of _____
(Signature of Notary Public)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification _____

Type of Identification Produced _____

Type of Identification Produced _____

ATTEST:

Bergeron Environmental and Recycling, LLC

By: [Signature]
Print Name: Lee J. Pickles
Title _____

By: [Signature]
Print Name: Lonnie N. Bergeron
Managing Member

(Seal)

STATE OF Florida :
COUNTY OF Broward :

The foregoing instrument was acknowledged before me this 3rd day of February, 2015 by Lonnie N. Bergeron as managing member for Bergeron Environmental and Recycling, LLC, a Florida limited liability company.

(SEAL)

[Signature]
Notary Public, State of _____
(Signature of Notary Public)



(Print Type or Stamp of Notary Public) _____
Name of Notary Public

Personally Known OR Produced Identification _____

Type of Identification Produced _____