



Meeting Date: 06 10 08

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info Consent
<input type="checkbox"/> Ord. No(s) _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s) _____	<input type="checkbox"/> Public Hearing (Info consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Grant Dunne, Management Analyst III Agenda Item No. I-14

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other D. L. Scala

DATE: June 2, 2008

TO: City Council

FROM: Mark Norris, Assistant Director of Public Works [Signature]

SUBJECT: **First Amendment to Agreement No. A7025 for Purchase of Containers and Services Between the City of Oxnard and Toter, Incorporated**

**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute a First Amendment to Agreement No. A7025 for Purchase of Containers and Services Between the City of Oxnard and Toter, Incorporated.

**DISCUSSION**

On March 18<sup>th</sup>, 2008 City Council approved and authorized the Mayor to execute Agreement No. A7025 for the purchase of containers and services with Toter, Incorporated. Approximately 75% of the City is now converted to the three-cart residential collection system with the remaining 25% on schedule to be completed by June 30<sup>th</sup>. Agreement No. A7025 allows the City to purchase 70,000 carts from Toter, Incorporated to complete the citywide project; however, staff believes an additional 2,350 containers are needed to complete the project and to establish a reserve inventory for contingencies. The First Amendment will increase the agreement value from \$3,441,062 to \$3,574,588 or \$133,526.

**FINANCIAL IMPACT**

There are sufficient funds appropriated in Solid Waste Enterprise Fund Account Number 631-6307-843-8134 (Solid Waste/Residential Collection/Supplies/Minor Equipment) in the Fiscal Year 2007-08 budget that covers for the expense of purchasing the containers.

GD

Attachment #1 – First Amendment to Agreement For Purchase of Containers and Services Between the City of Oxnard and Toter, Incorporated.

**FIRST AMENDMENT TO AGREEMENT FOR PURCHASE  
OF CONTAINERS AND FOR SERVICES**

This First Amendment, entered into on June 10, 2008, by and between the City of Oxnard ("City") and Toter, Incorporated ("Vendor") amends that certain Agreement for Purchase of Containers and Services ("the Agreement"), entered into by the City and Vendor on March 18, 2008.

City and Vendor agree that the Agreement is amended as follows:

- 1. In Section 4, "Exhibit C" is deleted and replaced by "Exhibit C-1".
- 1. In Section 1 of Exhibit A, the number "35,000" is deleted and replaced by "37,350".
- 2. In Section 2 of Exhibit B, the number "35,000" is deleted and replaced by "37,350".
- 4. Exhibit C-1 attached hereto and incorporated herein by reference, is added to the Agreement, and replaces Exhibit C.

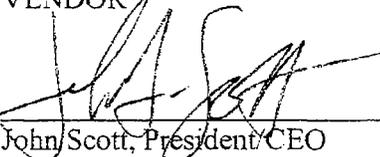
City and Vendor further agree that this First Amendment shall become effective on June 10, 2008, and that as so amended, the Agreement remains in full force and effect.

Dated: June 10, 2008.

CITY OF OXNARD

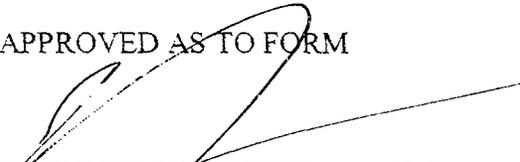
VENDOR

\_\_\_\_\_  
Thomas E. Holden

  
\_\_\_\_\_  
John Scott, President/CEO

APPROVED AS TO FORM

APPROVED AS TO INSURANCE

  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

  
\_\_\_\_\_  
James Cameron, Finance Director

APPROVED AS TO CONTENT

  
\_\_\_\_\_  
Dennis Scala, Project Manager

## Exhibit C-1 Cost of Services Provided

Vendors shall provide the following pricing that projects the total cost of the completed project as specified in the terms and conditions under this Agreement. The following quantities are estimates only. Unit price for container shall include lids, wheels, and all hardware. Unit prices for removal of old containers and assembly and set-out of new containers shall include all labor, equipment, materials and supplies provided by Vendor to complete project in accordance with this Agreement.

Item	Qty.	Description	Unit Price	Total Price
a.	70,350	96 gallon size container	\$43.00	\$3,025,050.00
b.	2,000	64 gallon size container	\$38.00	\$76,000.00
c.	36,200	Removal of old container	\$4.50	\$162,900.00
d.	72,350	Assembly and set-out of new container	\$3.50	\$253,225.00
e.	35,000	Buyback of old containers	(\$13.00)	(\$445,000.00)
f.	72,350	Delivery/Shipping	\$3.69	\$266,971.50
g.		Applicable taxes		\$235,441.55
<b>GRAND TOTAL PRICE:</b>				<b>\$3,574,588.05</b>