

[Amending a contract with anticipated expenditures in excess of \$10 million.]

Resolution approving the Eleventh Amendment to the Agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company (Contractor) for sludge hauling, extending the term of the contract by ~~one year to May 31, 2009~~ 11 months to April 30, 2009 and increasing the total compensation to the Contractor by \$3 million, pursuant to San Francisco Charter Section 9.118(b).

WHEREAS, the Purchaser entered into an Agreement with Contractor dated December 6, 2001 for hauling of sludge, grit and other waste materials, as amended by the:

First Amendment, dated December 12, 2003,
Second Amendment, dated December 19, 2005,
Third Amendment, dated June 13, 2006,
Fourth Amendment, dated October 31, 2006,
Fifth Amendment, dated November 17, 2006,
Sixth Amendment, dated May 2, 2007,
Seventh Amendment, dated May 21, 2007,
Eighth Amendment, dated July 27, 2007,
Ninth Amendment, dated November 29, 2007, and
Tenth Amendment, dated February 14, 2008; and,

WHEREAS, the Purchaser and Contractor propose to enter into an Eleventh Amendment to extend the contract by ~~one year to May 31, 2009~~ eleven months to April 30, 2009 or sooner based on court action and/or notice of earlier termination date from the City, and to increase the total compensation from a not-to-exceed amount of \$13,615,000 to a not-to-exceed amount of \$16,615,000 and,

26 WHEREAS, San Francisco Charter Section 9.118(b) provides that when agreements of
27 \$10 million or more are amended to increase the not-to-exceed amount by \$500,000 or more, then
28 such amendments shall be subject to approval of the Board of Supervisors by resolution; and,

29 WHEREAS, the Agreement and the proposed Eleventh Amendment are on file with the
30 Clerk of the Board of Supervisors in File No. 080362, which are hereby declared to be a part of
31 this resolution as if set forth fully herein; now, therefore be it

32 RESOLVED, that the Board of Supervisors approves the Eleventh Amendment to the
33 Agreement.