

RESOLUTION NO. 05262021

WHEREAS, the City of Abernathy, Texas, a Type A general law municipality (“City”) and South Plains Waste Service, Inc. and Contractor entered into a Waste Disposal Services Contract (“Contract”) on September 13, 2013; and

WHEREAS, the Contract was extended by mutual agreement of the parties on March 25, 2018, for an additional five (5) year term until September 23, 2023, with all other terms and conditions of the Contract remaining the same; and

WHEREAS, the Contractor has requested that Section 6.01 of the Contract be amended regarding the insurance required to be carried by the Contractor;

WHEREAS, the City Council of the City of Abernathy believes it to be in the best interest of the City to agree to this amendment;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABERNATHY:

THAT the Mayor of the City of Abernathy is authorized and directed to execute on behalf of the City of Abernathy the amendment with South Plains Waste Service, Inc., which is attached hereto as Exhibit “A” and incorporated herein as though set forth fully herein.

Passed and approved this 26th day of May 2021.

Ron Johnson, Mayor

ATTEST:

Krista Adames, City Secretary

Exhibit "A"

WASTE DISPOSAL SERVICES CONTRACT AMENDMENT

The State of Texas §
 §
County of Hale §

This amendment to the Waste Disposal Services Contract is made and entered into as of the 26th day of May, 2021, by and between the City of Abernathy, Texas, a Type A general law municipality ("City") and South Plains Waste Service, Inc. ("Contractor").

RECITALS

WHEREAS, the City and Contractor entered into a Waste Disposal Services Contract ("Contract") on September 13, 2013; and

WHEREAS, the Contract was extended by mutual agreement of the parties on March 25, 2018, for an additional five (5) year term until September 23, 2023, with all other terms and conditions of the Contract remaining the same; and

WHEREAS, the Contractor has requested that Section 6.01 of the Contract be amended regarding the insurance required to be carried by the Contractor;

WHEREAS, the City deems it advantageous to agree to this amendment request by the Contractor;

NOW THEREFORE, for and in consideration of the covenants and conditions herein contained and other valuable consideration, the sufficiency of which is hereby acknowledged, the parties do agree as follows:

1. Section 6.01 of the Contract is hereby amended by eliminating the requirement for the Contractor to carry excess umbrella liability insurance of \$5,000,000 for each occurrence.
2. All other terms of the Contract, as extended on March 25, 2018 to September 23, 2023, not specifically amended herein remain in full force and effect including, but not limited to, the insurance requirements outlined in Section 6.01.
3. All signatories to this amendment hereby represent and warrant that they have the authority to execute this amendment and bind the respective parties.

{Signature Page to Follow}

SOUTH PLAINS WASTE SERVICES, INC.

CITY OF ABERNATHY

Garry LaDuke, Manager

Ron Johnson, Mayor

DATE: _____

DATE: _____

ATTEST:

ATTEST:

Krista Adames, City Secretary