

FIRST AMENDMENT TO AGREEMENT NO. 10-2929  
BETWEEN THE CITY OF LOS ANGELES  
AND  
CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.

Agreement No. 10-2929 granted to CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. is hereby amended a First time as follows:

1. Section 5, COMPENSATION, of AGREEMENT No. 10-2929 is amended as follows:

Section 5.1 is amended by deleting "Two Million Dollars (\$2,000,000)" and inserting in its place "Two Million Five Hundred Thousand Dollars (\$2,500,000)".

2. Section 13, SMALL BUSINESS DEVELOPMENT PROGRAM, is amended by replacing Exhibit N, with the new Exhibit N attached hereto.

Except as amended herein, as previously amended, all remaining terms and conditions of Agreement No. 10-2929 shall remain the same.

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IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Agreement No. 10-2929 on the date to the left of their signatures.

THE CITY OF LOS ANGELES, by its  
Board of Harbor Commissioners

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Executive Director

Attest \_\_\_\_\_  
Board Secretary

CLEAN HARBORS ENVIRONMENTAL  
SERVICES, INC.

Dated: 6-12-13

By [Signature]

Robert Sheeman SVP Field Operations  
(Type/Print Name and Title)

Attest [Signature]  
Scott M. [Signature] SVP Field Services  
(Type/Print Name and Title)

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_, 2013  
CARMEN A. TRUTANICH, City Attorney  
JANNA B. SIDLEY, General Counsel

By \_\_\_\_\_  
CHRISTOPHER B. BOBO, Assistant

Account #	54260	W.O. #	1111
Ctr/Div #	1172	Job Fac. #	111-11
Proj/Prog #	000		
Budget			
FY:		Amount:	
2012/13		\$0	
2013/14		\$500,000	
TOTAL		\$500,000	
For Acct/Budget Div. Use Only			
Verified by:			
Verified funds available:			
Date Approved:			

CBB/aeb  
06/04/13

## EXHIBIT N – SMALL BUSINESS ENTERPRISE PROGRAM

The City of Los Angeles Harbor Department is committed to creating an environment that provides all individuals and businesses open access to the business opportunities available at the Harbor Department in a manner that reflects the diversity of the City of Los Angeles. The Harbor Department's Small Business Enterprise (SBE) Program was created to provide additional opportunities for small businesses to participate in professional service and construction contracts. An overall Department goal of 25% SBE participation, including 5% Very Small Business Enterprise (VSBE) participation, has been established for the Program. The specific goal or requirement for each contract opportunity may be higher or lower based on the scope of work.

It is the policy of the Harbor Department to solicit participation in the performance of all service contracts by all individuals and businesses, including, but not limited to, SBEs, VSBEs, women-owned business enterprises (WBEs), minority-owned business enterprises (MBEs), and disabled veteran business enterprises (DVBES). The SBE Program allows the Harbor Department to target small business participation, including MBEs, WBEs, and DVBES, more effectively. It is the intent of the Harbor Department to make it easier for small businesses to participate in contracts by providing education and assistance on how to do business with the City, and ensuring that payments to small businesses are processed in a timely manner. **In order to ensure the highest participation of SBE/VSBE/MBE/WBE/DVBES, all proposers shall utilize the City's contracts management and opportunities database, the Los Angeles Business Assistance Virtual Network (LABAVN), at <http://www.labavn.org>, to outreach to potential subcontractors.**

The Harbor Department defines a SBE as an independently owned and operated business that is not dominant in its field and meets criteria set forth by the Small Business Administration in Title 13, Code of Federal Regulations, Part 121. Go to [www.sba.gov](http://www.sba.gov) for more information. The Harbor Department defines a VSBE based on the State of California's Micro-business definition which is 1) a small business that has average annual gross receipts of \$3,500,000 or less within the previous three years, or (2) a small business manufacturer with 25 or fewer employees.

The SBE Program is a results-oriented program, requiring consultants who receive contracts from the Harbor Department to perform outreach and utilize certified small businesses. **Based on the work to be performed, it has been determined that the percentage of small business participation will be 10% for non-emergency services, including \_\_\_% VSBE participation.** Emergency response services provided under the agreement will be exempt from this requirement. The North American Industry Classification System (NAICS) Code for the scope of services is \_\_\_\_\_. This NAICS Code is the industry code that corresponds to at least 51% of the scope of services and will be used to determine the size standard for SBE participation of the Prime Consultant. The maximum SBE size standard for this NAICS Code is \$\_ million.

Consultant shall be responsible for determining the SBE status of its subconsultants for purposes of meeting the small business requirement. Subconsultants must qualify as an SBE based on the type of services that they will be performing under the Agreement. All business participation will be determined by the percentage of the total amount of compensation under the agreement paid to SBEs. The Consultant shall not substitute an SBE firm without obtaining prior approval of the City. A request for substitution must be based upon demonstrated good cause. If substitution is permitted, Consultant shall endeavor to make an in-kind substitution for the substituted SBE.

In the event of Consultant's noncompliance during the performance of the Agreement, Consultant shall be considered in material breach of contract. In addition to any other remedy available to City under this Agreement or by operation of law, the City may withhold invoice payments to Consultant until noncompliance is corrected, and assess the costs of City's audit of books and records of Consultant and its subconsultants. In the event the Consultant falsifies or misrepresents information contained in any form or other willful noncompliance as determined by City, City may disqualify the Consultant from participation in City contracts for a period of up to five (5) years.

Consultant shall complete, sign, notarize (where applicable) and submit as part of the executed agreement the attached Affidavit and Contractor Description Form. The Contractor Description Form, when signed, will signify the Consultant's intent to comply with the SBE requirement. Prior to contract award, the Harbor Department

**AFFIDAVIT OF COMPANY STATUS**

"The undersigned declares under penalty of perjury pursuant to the laws of the State of California that the following information and information contained on the attached Contractor Description Form is true and correct and include all material information necessary to identify and explain the operations of

Clean Harbors Environmental Services, Inc.

Name of Firm

as well as the ownership thereof. Further, the undersigned agrees to provide either through the prime consultant or, directly to the Harbor Department, complete and accurate information regarding ownership in the named firm, any proposed changes of the ownership and to permit the audit and examination of firm ownership documents in association with this agreement."

Please indicate the ownership of your company: SBE MBE WBE OBE

- A Small Business Enterprise (SBE) is an independently owned and operated business that is not dominant in its field and meets criteria set forth by the Small Business Administration in Title 13, Code of Federal Regulations, Part 121.
- A Minority Business Enterprise (MBE) is defined as a business in which a minority owns and controls at 51% of the business. A Woman Business (WBE) is defined as a business in which a woman owns and controls at least 51% of the business. For the purpose of this project, a minority includes:
  - (1) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
  - (2) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
  - (3) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, The Indian Subcontinent, or the Pacific Islands); and
  - (4) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

- An OBE (Other Business Enterprise) is any enterprise that is not a MBE or WBE.

Signature *Danny L. Stubbs*

Title Vice President

Printed Name Danny L. Stubbs

Date Signed September 3, 2010

**NOTARY**

On this 3rd day of September 20 10, before me appeared

Danny L. Stubbs to me personally known, who being duly sworn, did execute the

Name

foregoing affidavit, and did state that he/she was properly authorized by Clean Harbors Environmental Services, Inc.

Name of Firm

to execute the affidavit and did so act and deed.

SEAL

Notary Public

*Jacqueline A. Cox*  
My commission expires June 2, 2015

Commission Expires \_\_\_\_\_

## Contractor Description Form

### PRIME CONTRACTOR

Contract #: N/A Award Date: N/A Contract Term: N/A

Contract Title: Emergency Response and Hazardous Waste Management Services  
Clean Harbors

Business Name: Environmental Services Award Total: \$ 70-90%

Owner's Ethnicity: N/A Gender N/A Group: SBE MBE WBE OBE (Please check all that apply)

Address: 2500 East Victoria Street

City/State/Zip: Compton, CA 90220

Telephone: (310) 764-5851 FAX: (310) 764-5863

Contact Person/Title: Alec Gonzales, Field Service Specialist

Email Address: gonzales.alec@cleanharbors.com

### SUBCONTRACTOR

Business Name: Cruz Containers, Inc. Award Total: \$ 1-6%

Services to be provided: Supplier for drums and absorbents

Owner's Ethnicity: Hispanic Gender M Group: SBE x MBE x WBE OBE (Please check all that apply)

Address: 2761 South Lilac Ave.

City/State/Zip: Bloomington, CA 92316

Telephone: (909) 562-0580 FAX: (909) 562-0579

Contact Person/Title: William Cruz

Email Address: ksteele@cruzcontainers.com

### SUBCONTRACTOR

Business Name: IQ Personnel Award Total: \$ 1-6%

Services to be provided: Supplier for temporary labor

Owner's Ethnicity: Hispanic Gender M Group: SBE x MBE x WBE OBE (Please check all that apply)

Address: 9424 Firestone Blvd.

City/State/Zip: Downey, CA 90241

Telephone: (562) 803-1299 FAX: (562) 803-1699

Contact Person/Title: Richard Clavesilla

Email address: rclavesilla@iq-personnel.com