

**FIFTH AMENDMENT TO  
COOPERATIVE PROCUREMENT CONTRACT BETWEEN  
THE CITY OF SAN DIEGO  
AND  
HERC RENTALS INC.  
FOR EQUIPMENT RENTAL AND RELATED PRODUCTS AND SERVICES**

This Fifth Amendment to the Cooperative Procurement Contract (Contract) is made and entered into by and between the City of San Diego (City) and Herc Rentals Inc. (Herc) to memorialize changes to the terms of the Cooperative Procurement Contract between the City of San Diego and Herc entered into on June 1, 2019 (Contract). The City and Herc may be referred to individually as "Party" and collectively as "the Parties."

**RECITALS**

1. On May 22, 2018, the City of Charlotte on behalf of U.S. Communities Government Purchasing Alliance (Agency) issued a Request for Proposal (RFP) #269-2018-047 for equipment rental and related products and services.

2. On November 1, 2018 based on the results of the competitive process, Agency entered into a contract with Herc entitled "State of North Carolina County of Mecklenburg Contract to Provide Equipment Rentals and Related Products and Services" identified as Contract No. 2019000318, Vendor No. 20941 (Master Agreement); and

3. On February 20, 2019, the City's Purchasing Agent certified in writing that the Agency Agreement meets the requirements set forth in SDMC section 22.3208.

4. On June 1, 2019, The City and Herc entered into a cooperative procurement contract (Contract) incorporating the terms and conditions of the Master Agreement and attached as Exhibit 1.

5. The Contract may be amended by written agreement executed by duly authorized representatives of both Parties.

6. On February 5, 2020, the First Amendment to the Contract was executed to incorporate updated rental prices effective January 1, 2020 through January 1, 2021.

7. On January 26, 2021, the Second Amendment to the Contract was executed to incorporate updated rental prices effective January 1, 2021 through January 1, 2022.

8. On April 4, 2022, the Third Amendment to the Contract was executed to incorporate updated rental prices effective January 1, 2022 through January 1, 2023.

9. On January 5, 2023, the Fourth Amendment to the Contract was executed to increase the compensation.

10. The Parties wish to amend the Contract to reflect additional pricing changes made to the Master Agreement, as described in the Terms, below.

11. The City does not wish to extend the Terms of the Contract in this Fifth Amendment to the Contract at this time.

### TERMS

1. The Parties agree the Contract is hereby amended to incorporate Contract Amendment No. 8 to the Master Agreement as part of this Contract, except for paragraph 3 of Contract Amendment No. 8 to the Master Agreement. Contract Amendment No. 8 to the Master Agreement entitled "State of North Carolina County of Mecklenburg Eighth Amendment to the Agreement to Provide Equipment Rentals and Related Products and Services identified as Contract No. 2019000318, Amendment No. 5, Vendor No. 20941," is attached hereto as Exhibit A. Contract Amendment No. 8 to the Master Agreement incorporates an updated 2023 Equipment List and Platinum Pricing Schedule as specified in Exhibit A. For orders made on or after January 1, 2023, the 2023 Equipment List and Platinum Pricing Schedules supersede those originally contained in the Master Agreement.

2. This Fifth Amendment to the Contract does not incorporate paragraph 3 of Contract Amendment No. 8 to the Master Agreement, which extends the Term of the Master Agreement by the first of two (2) two-year renewal terms to expire on October 31, 2025.

3.. This Fifth Amendment shall be effective retroactive to January 1, 2023 upon execution by the last Party to sign the Agreement, and approval by the City Attorney in accordance with San Diego Charter Section 40.

4.. All provisions of the Contract not addressed in this Fifth Amendment remain in full force and effect.

**STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG**

**EIGHTH AMENDMENT TO THE AGREEMENT TO PROVIDE  
EQUIPMENT RENTALS AND RELATED PRODUCTS AND SERVICES**

**THIS EIGHTH AMENDMENT TO THE AGREEMENT TO PROVIDE EQUIPMENT RENTALS AND RELATED PRODUCTS AND SERVICES** (this "Eighth Amendment") is made and entered into this 21st of December 2022, by and between Herc Rentals, Inc., a Florida corporation doing business in North Carolina (the "Company"), and the City of Charlotte, a North Carolina municipal corporation (the "City").

**Statement of Background and Intent**

- A. The City of Charlotte and the Company entered into an Agreement for Equipment Rentals and Related Products and Services dated November 1, 2018 (the "Contract") pursuant to which the Company agreed to provide Equipment Rentals and Related Products and Services for the City of Charlotte.
- B. The parties amended the Contract on July 15, 2019 to incorporate an updated equipment list and gold and platinum pricing schedules.
- C. The parties amended the Contract on January 1, 2020 to incorporate an updated equipment list and gold and platinum pricing schedules.
- D. The parties amended the Contract January 1, 2021 to incorporate an updated equipment list and gold and platinum pricing schedules and the option to recover any administrative or contract fees imposed by any Participating Public Agency.
- E. The parties amended the Contract on August 23, 2021 to replace the Pricing Schedules with the addition of new equipment.
- F. The parties amended the Contract on January 1, 2022 to make adjustments to unit pricing, to replace the Commercial Non-Discrimination clause and to incorporate certain other changes.
- G. The parties amended the Contract on February 1, 2022 to delete and replace the CBI Form 4 documents.
- H. The parties amended the Contract on July 20, 2022 to incorporate an updated equipment list and gold and platinum pricing schedules, to add a CBI Form 4 and to incorporate certain other changes.
- I. The parties now desire to amend the Contract to extend the Term of the Contract by the first of two (2) two-year renewal terms, to incorporate an updated equipment list and gold and platinum pricing schedules, and to incorporate updated discount schedules for equipment purchases.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree to the following:

**AGREEMENT**

- 1. The terms of the Contract are restated by and incorporated into this Eighth Amendment by reference.

IN WITNESS WHEREOF, this Fifth Amendment is executed by the City of San Diego and Herc Rentals Inc. acting by and through their authorized officers.

**Herc Rentals Inc.**

By: 

Name: JASON COSTE

Title: VICE PRESIDENT

Date: 3/1/2023

**City of San Diego**

By: 


Name: Claudia Abarca

Title: Director, Purchasing & Contracting

Date: May 31, 2023

Approved as to form this 31<sup>st</sup> day of  
May 2023.

MARA W. ELLIOTT, City Attorney

By:   
Daniel Orloff (May 31, 2023 11:10 PDT)

Deputy City Attorney

**Daniel Orloff**

Print Name










# Fifth Amendment\_Herc Rentals Inc\_Pricing

Final Audit Report

2023-05-31

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