

DANIELS

General Contractors

January 17, 2014

City of Madison
Attn: Janet Dailey, P.E.
210 Martin Luther King, Jr. Blvd., Rm 115
Madison, WI 53703

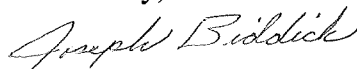
Re: Central Park – Phase 1A

Daniels Construction requests that the City of Madison compensate Daniels Construction for the cost of the generator tax on the Industrial Fill Contaminated Material, which was disposed of at Waste Management's landfill in Sun Prairie, Wisconsin. The bid item in the specifications states that the contractor shall be responsible for hauling and paying the tipping fees associated with this contaminated material. The DNR requires the landfill to pay the State a generator tax on this material above and beyond the tipping fees associated with the disposal fees. The specifications do not specify that the contractor is directly responsible for paying this generator tax imposed by the State, nor should Daniels be responsible for paying this tax because Daniels Construction was merely the transporter of this material, not the generator of said material.

On the manifests, the City of Madison is listed as the generator of this Contaminated Material, and Daniels Construction is listed as the transporter of this material. Even on the quote for the disposal of this material, Waste Management listed the direct disposal fees separate from the generator tax. Again, Daniels Construction is not the generator of this contaminated material.

Finally, the generator tax is a tax levied by the State, and the fees are all charges for the disposal of the contaminated material paid to Waste Management directly. Daniels Construction did not include the generator tax because there was no language in the bid item which indicated that the contractor would be responsible for this cost. Therefore, Daniels Construction expects to be compensated in full for the generator tax that Waste Management charged Daniels for the disposal of the Industrial Fill Contaminated Material.

Sincerely,



Joseph Biddick



INDUSTRIAL WASTE & DISPOSAL SERVICES AGREEMENT

Exhibit A

CUSTOMER INFORMATION
Joe Daniels Construction
919 Applegate Rd
Madison WI 53713-3215
Contact Name: Joe Biddick
Contact Phone: 608-271-4800

GENERATOR INFORMATION (If different from Customer Information)
200 Ingersoll St
Madison WI 53703

PROFILE NUMBER:
DISPOSAL FACILITY: Madison Prairie
EXPIRATION DATE:
PO NUMBER:

Service Information	Material / Ticket Description	Anticipated Volume	Rate / UOM / Minimum
Direct Landfill	Contaminated Soil w/ Heavy Metals	6450 tons	\$26.50/Ton
Profile Fee	Waste Approval Fee		WAIVED
Tax	WI Generator Tax		\$13/Ton
Fuel	Landfill Fuel Surcharge		WAIVED
Environmental	Environmental Surcharge		WAIVED

Fees below are on an as needed basis only:

Digout (frozen load): \$50.00/load	Washout Fee: \$100.00/load	Certificate of Burial / Destruction: \$50.00/each event
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Containers provided by WM:	Quantity:	Size:	Quantity:	Size:
Additional Information/Special Handling:	<ul style="list-style-type: none">- Acceptance of waste is contingent upon the completion, submittal and approval of special waste profile sheet, required analytical, Industrial Waste & Disposal Services Agreement (ISA), and Exhibit A. All loads must be manifested. Confirmation will be sent to customer upon approval to ship into designated facility.- Prices quoted herein are valid for 60 days from Tuesday, July 02, 2013 unless Waste Management is hired for this project prior to the expiration of this 60 day period in which case pricing remains valid in accordance with the terms of the Service Agreement- The fuel surcharge percentage can fluctuate on a weekly basis; www.wm.com provides the current Fuel Surcharge and DOE average. The actual percentage rate applied to the total project invoice will be determined the week that the invoice is generated.- If Waste Management (or a Waste Management contracted hauler) is NOT providing the transportation services, you must ensure that the transporter is licensed and approved to haul the Special Waste or Hazardous Waste.- Please see profile approval form for special handling instructions.			

THE WORK CONTEMPLATED BY THIS EXHIBIT A IS TO BE DONE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE INDUSTRIAL SERVICES AGREEMENT OR OTHER CONTRACTUAL AGREEMENT BETWEEN THE PARTIES DATED:

COMPANY Waste Management of Wisconsin, Inc.

By: _____
Name: Ashley Roesselet
Title: Technical Service Representative
(800)WMDisposal or (800) 963-4776

Date

CUSTOMER

By: _____
Name: Joe Biddick
Title: _____
Date