

RESOLUTION NO. R-2015-207

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION BY THE APPROPRIATE CITY OFFICIALS OF THE ATTACHED FIRST AMENDMENT TO THE COMMINGLED WASTE DISPOSAL SERVICES AGREEMENT BETWEEN THE CITY OF HOLLYWOOD AND WASTE MANAGEMENT INC. OF FLORIDA; AND APPROVING AND AUTHORIZING THE ISSUANCE OF THE ATTACHED BLANKET PURCHASE ORDER INCREASING THE ESTIMATED ANNUAL EXPENDITURE FOR SAID SERVICES TO AN ESTIMATED ANNUAL AMOUNT OF \$682,500.00 FOR THE REMAINDER OF THE INITIAL FIVE YEAR CONTRACT TERM (JULY 14, 2018.)

WHEREAS, the Department of Public Works, Environmental Services Division required an agreement with a qualified contractor to provide commingled waste disposal services Citywide; and

WHEREAS, on June 19, 2013, the City Commission passed and adopted Resolution Number R-2013-168 which authorized the issuance of blanket purchase order number B002496 to Waste Management Inc. of Florida for Commingled Waste Disposal Services, in accordance with Bid F-4365-13-IS, for an initial five (5) year term for an annual estimated expenditure amount of \$487,500.00 with the right to renew for two (2) additional five (5) year periods; and

WHEREAS, when the agreement between the City and Waste Management Inc. of Florida was executed in July of 2013, the estimated tonnage for the commingled waste disposal services was in the amount of 15,000 tons annually; and

WHEREAS, the 2013 tonnage estimate was formulated by the Department of Public Works in conjunction with Kessler Consulting utilizing the City's FY11 and FY12 historical commingled waste disposal data in which the unit of measure utilized was by the truckload which was later converted to tons using an approved conversion factor; and

WHEREAS, the Department of Public Works researched and reviewed their actual commingled waste disposal tonnage statistical data from the past contract agreement year and have determined that the original estimated annual tonnage amount of 15,000 tons commingled waste disposal must be increased by 6,000 tons for the remainder of the initial five year contract term; and

WHEREAS, the City's established blanket purchase order number B002496 with Waste Management Inc. of Florida was awarded for the estimated annual expenditure amount of \$487,500.00 and the original estimated annual expenditure amount combined with the requested additional funding in the amount of \$195,000.00 will increase the annual estimated expenditure amount to \$682,500.00; and

WHEREAS, the Director of Public Works requests that the City Commission authorize the expenditure of an additional \$195,000.00 to provide funding for commingled waste disposal services based upon the Department of Public Works increased tonnage estimate for the remainder of FY15; and

WHEREAS, pursuant to Section 38.42(E) (1) of the Purchasing Ordinance of the City of Hollywood, when any goods, supplies, materials or contractual services shall be purchased and the estimated annual amount to be paid therefore by the City shall be more than \$50,000.00, the Director shall have the authority to recommend the award of a contract to the Manager for Commission action; and

WHEREAS, funding for this service has been provided in the FY 2015 budget in the Department of Public Works Budget Account Numbers 45.5121.00000.534.004360 - Waste Disposal and 45.5121.00000.534.004631- Maintenance – Equipment;

Section 1: That it hereby approves and authorizes, the execution by the appropriate City Officials, of the attached First Amendment to the Commingled Waste Disposal Services Agreement between the City of Hollywood, Florida and Waste Management Inc. of Florida, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

Section 2: That it hereby approves and authorizes the issuance, by the appropriate City Officials, of the attached Blanket Purchase Order between Waste Management Inc. of Florida and the City of Hollywood, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION BY THE APPROPRIATE CITY OFFICIALS OF THE ATTACHED FIRST AMENDMENT TO THE COMMINGLED WASTE DISPOSAL SERVICES AGREEMENT BETWEEN THE CITY OF HOLLYWOOD AND WASTE MANAGEMENT INC. OF FLORIDA; AND APPROVING AND AUTHORIZING THE ISSUANCE OF THE ATTACHED BLANKET PURCHASE ORDER INCREASING THE ESTIMATED ANNUAL EXPENDITURE FOR SAID SERVICES

Section 3: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 8 day of July, 2015.



PETER BOBER, MAYOR

ATTEST:



PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.



JEFFREY P. SHEFFEL, CITY ATTORNEY

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF
HOLLYWOOD, FLORIDA AND WASTE MANAGEMENT INC. OF FLORIDA
FOR COMMINGLED WASTE DISPOSAL SERVICES**

THIS FIRST AMENDMENT to the Agreement dated July 1, 2013, is hereby made and entered into on _____, 2015, by and between the City of Hollywood, a municipal corporation of the State of Florida ("City") and Waste Management Inc. of Florida, a Florida Corporation, authorized to do business in the State of Florida ("Waste Management").

RECITALS

WHEREAS, on July 1, 2013, the City and Waste Management entered into an agreement pursuant to Bid No. F-4365-13-IS for Waste Management to provide commingled waste disposal services; and

WHEREAS, when the agreement between that City and Waste Management Inc. of Florida was executed in July of 2013 the estimated tonnage for the commingled waste disposal was estimated to be in the amount of 15,000 tons annually; and

WHEREAS, the 2013 tonnage estimate was formulated by the Department of Public Works in conjunction with Kessler Consulting utilizing the City's FY11 and FY12 historical commingled waste disposal data in which the unit of measure utilized was by the truckload which was later converted to tons using an approved conversion factor ; and

WHEREAS, the Department of Public Works, Environmental Services Division has experienced fluctuations in the normal monthly services tonnage resulting in increased monthly expenditures; and

WHEREAS, the Department of Public Works researched and reviewed their actual commingled waste disposal tonnage statistical data from the past contract agreement year and have determined that the original estimated annual tonnage amount of 15,000 tons commingled waste disposal must be increased by 6,000 tons for the remainder of the initial five year contract term; and

WHEREAS, the City's established blanket purchase order number B002496 with Waste Management Inc. of Florida was awarded for the estimated annual expenditure amount of \$487,500.00 and the original estimated annual expenditure amount combined with the requested additional funding in the amount of \$195,000.00 will increase the annual estimated expenditure amount to \$682,500.00; and

WHEREAS, due to the increase and tonnage which results in an increase in the expenditure for such services, the July 1, 2013 agreement must be amended to reflect such changes; and

NOW, THEREFORE, in consideration of the mutual covenants herein, and for other valuable consideration received, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. That Article IV entitled "Compensation" is hereby amended as follows:

In accordance with the IFB Documents, City shall pay Vendor a Commingled Waste Fee in the amount of \$32.50 per ton for an estimated amount of ~~\$487,500.00~~ \$682,500.00 based on ~~45,000~~ 21,000 tons. Payment of said Fee shall be pursuant to the IFB Documents and shall be adjusted pursuant to the IFB Documents.

2. All other terms and conditions of the July 1, 2013 Agreement shall remain in full force and effect.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

ATTEST:

CITY OF HOLLYWOOD, a municipal Corporation of the State of Florida

Patricia A. Cerny, MMC
City Clerk

By: _____
Peter Bober, Mayor

Approved as to Form & Legality
for the use and reliance of the
City of Hollywood, Florida, only.

Approved by: _____
Matthew Lalla, Director
Financial Services

Jeffrey P. Sheffel, City Attorney

Vendor

Witness:

Waste Management Inc. of Florida

Secretary
Print Name: _____

By: _____
Signature
Title: _____