

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TERMINATE THE AGREEMENT FOR RECYCLABLES PROCESSING SERVICES BETWEEN ECOLOGICAL PAPER RECYCLING, INC. AND THE CITY OF HOLLYWOOD, AND AUTHORIZE THE APPROPRIATE CITY OFFICIALS TO NEGOTIATE AND EXECUTE THE ATTACHED AGREEMENT FOR RECYCLABLES PROCESSING SERVICES BETWEEN PROGRESSIVE WASTE SOLUTIONS OF FL., INC. F/K/A WASTE SERVICES OF FLORIDA, INC. AND THE CITY OF HOLLYWOOD AND FOR AN ESTIMATED ANNUAL REVENUE IN THE AMOUNT OF \$226,560.00.

WHEREAS, the Department of Public Works requested that Procurement Services issue a bid to include Solid Waste Disposal Services, Commingled Waste Disposal Services, Drop-Off Household Hazardous Waste Services, Drop-Off Commingled Waste Services and Recyclables Processing Services; and

WHEREAS, Bid F-4365-13-IS was issued on March 8, 2013 and opened on April 18, 2013, and resulted in four (4) responses for Recyclables Processing Services as follows:

**Recyclables Processing Services**

(% of Average market Value minus Contractor's fee)

Ecological Paper Recycling, Inc.	80.0%	
Sun Bergeron	40.0%	
Waste Management Inc. of Florida	13.0%	
Waste Services of Florida, Inc.	35.5%	; and

WHEREAS, on June 19, 2013, the City Commission passed and adopted Resolution Number R-2013-168, authorizing the negotiation and execution, by the appropriate City Officials, of an Agreement embodying the terms and conditions as set forth in Bid F-4365-13-IS and as approved by the City Commission between Ecological Paper Recycling Inc. and the City of Hollywood for Recyclable Processing Services; and

WHEREAS, on July 2, 2013, the City entered into an agreement with Ecological Paper Recycling, Inc. of OpaLocka, Florida for Recyclables Processing Services for an initial five (5) year term with the option to renew for two (2) additional five (5) year periods under the same terms and conditions of the initial term; and

WHEREAS, the Public Works Department has requested that the agreement with Ecological Paper Recycling, Inc. be terminated without cause; and

WHEREAS, the Bid F-4365-13-IS document which is incorporated into the agreement states that the City of Hollywood reserves the right to cancel any contract resulting from this IFB with or without cause; and

WHEREAS, City staff contacted Sun Bergeron, the bidder who submitted the 2<sup>nd</sup> highest bid percentage and they notified the City that they could not honor their bid submitted under the same terms, conditions and bid percentage; and

WHEREAS, City staff contacted Waste Services of Florida, Inc. who legally changed their name to Progressive Waste Solutions of FL, Inc., the bidder who submitted the 3rd highest bid percentage and they notified the City that they will honor their bid submitted under the same terms, conditions and bid percentage; and

WHEREAS, the Director of Public Works and the Director of Procurement Services recommend that the City Commission authorize the termination of the agreement for Recyclables Processing Services with Ecological Paper Recycling, Inc. effective immediately; and

WHEREAS, the Director of Public Works and the Director of Procurement Services recommend that the City Commission authorize the appropriate City Officials to negotiate and execute an agreement for Recyclables Processing Services between Progressive Waste Solutions of FL., Inc and the City of Hollywood; and

WHEREAS, the initial term of this agreement is five (5) years , beginning on the agreement commencement date, with the right to renew for two (2) additional five (5) year periods under the same terms and conditions as the initial term, including amendments; and

WHEREAS, award is subject to the City receiving all performance bonds, insurance required and approved by the City's Risk Manager, along with signed statements of Hold Harmless and Indemnity to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That it hereby authorizes the appropriate City Officials to terminate the agreement between Ecological Paper Recycling Inc. and the City of Hollywood for Recyclable Processing Services effective immediately.

Section 2: That it hereby approves and authorizes the negotiation and execution, by the appropriate City Officials, of the attached Agreement embodying the terms and conditions as set forth in Bid F-4365-13-IS and as approved by the City Commission this date between Progressive Waste Solutions of FL., Inc. and the City of Hollywood for Recyclable Processing Services, in a form acceptable to the City Manager and approved as to form and legality by the City Attorney.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
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.

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JEFFREY P. SHEFFEL, CITY ATTORNEY