

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT RENEWING THE AGREEMENT FOR RECYCLABLES PROCESSING SERVICES WITH WASTE CONNECTIONS OF FLORIDA, INC. IN AN ESTIMATED AMOUNT OF \$1,900,000.00 FOR A FIVE-YEAR PERIOD.

WHEREAS, the Department of Public Works, Environmental Services Division is responsible for recyclable processing services, and required an agreement with a qualified contractor to provide solid waste disposal services Citywide; and

WHEREAS, on May 7, 2014, the City Commission passed and adopted Resolution Number R-2014-111, which authorized the City to enter into an agreement with Progressive Waste Solutions of FL, Inc., f/k/a Waste Services of Florida, Inc. and now d/b/a Waste Connections of Florida, Inc. ("Waste Connections"), to provide recyclables processing services in accordance with Bid F-4365-13-IS, for an initial five-year term for an estimated annual expenditure of \$380,000.00, with the option to renew for two additional five-year periods; and

WHEREAS, on June 6, 2018, the City Commission passed and adopted Resolution Number R-2018-193, which authorized the execution of a First Amendment with Waste Connections to allow for an interim contract term and revise the compensation to allow the City to evaluate its Solid Waste and Recyclables Processing Services; and

WHEREAS, on June 19, 2019, the City Commission passed and adopted Resolution Number R-2019-165, which authorized the execution of a Second Amendment with Waste Connections to set the term and revise the compensation; and

WHEREAS, the current contract with Waste Connections expired on July 3, 2023, which had a renewal option for an additional five-year period; and

WHEREAS, the contract renewal was delayed due to a recycling contamination study that was completed by Waste Connections to determine the contamination rate for the City in order to begin price negotiations; and

WHEREAS, recyclables processing fees set forth in the Waste Connections agreement will increase from \$61.81 per ton to \$181.00 per ton; and

WHEREAS, at no cost to the City, Waste Connections conducted a composition study from April 3, 2023 to April 8, 2023, which involved their staff members taking three

sample piles from each loaded Wastepro USA truck received with recycling material, then separating the materials to study contamination levels; and

WHEREAS, the study resulted in a contamination rate of 81.5%, but after the first full contract year, at the City's expense, the City shall conduct a third-party composition study of the Program Recyclables and if contamination is determined to be 25% or less, the City and Contractor shall negotiate a possible adjustment to the processing fee and a possible revenue share percentage of the Average Market Value of the Program Recyclables; and

WHEREAS, as a result of the foregoing delays, the City Manager extended the Contract deadline utilizing the 120 day extension period granted to him, for operational purposes, by City Code; and

WHEREAS, the Director of the Department of Public Works recommends that the City Commission approve and authorize the execution of the attached Third Amendment to the Agreement with Waste Connections for recyclables processing services in an estimated amount of \$1,900,000.00 over a five-year period; and

WHEREAS, Section 38.49(C)(1) of the Procurement Code states that when a contract entered into by the City pursuant to City Commission approval provides for one or more renewals by affirmative action of the City and the estimated annual cost of a renewal exceeds \$250,000.00, only the City Commission is authorized to approve such renewals, which includes this desired renewal; and

WHEREAS, funding for the renewal agreement is available in account number 445.520102.53400.534980.000000.000.000.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached Third Amendment to the Agreement with Waste Connections of Florida, Inc., together with such non-material changes as may subsequently be agreed to by the City Manager and approved as to form by the City Attorney.

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

A RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT RENEWING THE AGREEMENT FOR RECYCLABLES PROCESSING SERVICES WITH WASTE CONNECTIONS OF FLORIDA, INC. IN AN ESTIMATED AMOUNT OF \$1,900,000.00 OVER A FIVE-YEAR PERIOD.

PASSED AND ADOPTED this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY