

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

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 SECOND 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 \$862,000.00 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 option 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 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 cubic yards which was later converted to tons using a conversion factor provided by the Consultant; and

WHEREAS, in June 2015, the Department of Public Works determined that the estimated conversion factor from cubic yard to tons utilized did not accurately reflect the actual tonnage quantities being disposed, and so staff recommended the original estimated annual tonnage amount of 15,000 tons commingled waste disposal be adjusted by 6,000 tons to an estimated annual tonnage of 21,000 tons for the remainder of the initial five year contract term; and

WHEREAS, on July 8, 2015, the City Commission passed and adopted Resolution Number R-2015-207 which approved and authorized the execution of the first amendment to the Commingled Waste Disposal Services Agreement to reflect the estimated increased tonnage of 21,000 and the estimated annual amount of \$682,500.00 for the remainder of the initial five (5) year term; and

WHEREAS, from 10/1/15 to 1/31/16, the Department of Public Works, Environmental Services Division began experiencing higher than normal monthly commingled service tonnages resulting in increased monthly expenditures of \$8,000.00 average per month; and

WHEREAS, in addition, commingled disposal for the months of February, March and April in FY16 totaled \$61,000.00 higher when compared to the months of February, March, and April in FY15, which has been attributed to increased brush disposal due to the February 16<sup>th</sup> storm that resulted in extensive brush damage throughout the City; and

WHEREAS, the disposal quantities associated with illegal dumping compared to the previous year has substantially increased in incident and size; and

WHEREAS, due to these fluctuations in tonnage experienced, the current term estimated tonnage was reached in May and expenditures to date for the current term were authorized in the amount of \$708,660.34, exceeding the estimated annual amount by \$26,160.34; and

WHEREAS, due the increase in tonnage experienced in the contract year from July 15, 2015 to July 14, 2016, a total of \$152,854.29 of pending invoices for the months of May, June and July require Commission authorization; and

WHEREAS, the Director of Public Works requests that the City Commission authorize the expenditure of an additional \$179,500.00 to provide funding for commingled waste disposal services based upon the Department of Public Works increased tonnage estimate for the services and pending invoices for the agreement term of 7/15/15 through 7/14/16 as well as 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 increased expenditure amount of \$682,500.00 and the original estimated annual expenditure amount, combined with the requested additional funding in the amount of \$179,500.00, will increase the annual estimated expenditure amount to \$862,000.00 which is based upon an annual disposal of 26,650 tons; 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 2016 budget in the Department of Public Works Budget Account Numbers 45.5121.00000.534.004360 - Waste Disposal and 45.5121.00000.534.004631- Waste Disposal – Broward County; and

WHEREAS, funding will be made available for the amended blanket purchase order authorizing an estimated annual expenditure of \$862,000.00 upon the approval of the proposed budget transfer in the amount of \$350,000.00 from account # 45.5121.00000.534.004631 to account # 45.5121.00000.534.004360 as detailed in the attached Exhibit 1; and

WHEREAS, upon the approval of the transfer of funding as detailed in Exhibit 1, a revised blanket purchase order will be authorized to be issued between Waste Management Inc. of Florida and the City of Hollywood for the purchase of said services;

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

Section 1: That it hereby approves and authorizes, the execution by the appropriate City Officials, of the attached Second 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 transfer of funds in the amount of \$350,000.00 as detailed in Exhibit 1 attached hereto and by this reference made a part hereof.

Section 3: 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.

RESOLUTION APPROVING AND AUTHORIZING THE ATTACHED SECOND AMENDMENT TO THE COMMINGLED WASTE DISPOSAL SERVICES AGREEMENT BETWEEN THE CITY OF HOLLYWOOD AND WASTE MANAGEMENT INC. OF FLORIDA

Section 4: That this resolution shall be in full force and effect immediately upon its passage and adoption

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
PETER BOBER, MAYOR

ATTEST:

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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