

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO RENEW THE EXISTING AGREEMENT WITH BIOSOLIDS DISTRIBUTION SERVICES, LLC. FOR REMOVAL AND DISPOSAL OF BIOSOLIDS IN AN ESTIMATED ANNUAL EXPENDITURE OF \$1,550,000.00.

WHEREAS, on March 17, 2004, the City Commission passed and adopted Resolution No. R-2004-90 authorizing the negotiation and execution of an Agreement with Schwing Bioiset Technologies, Inc., ("Schwing") for the Design/Build of an on-site Treatment Facility to include Removal and Disposal of Waste Activated Biosolids; and

WHEREAS, on July 22, 2004, Schwing and the City entered into a Biosolids Hauling Agreement ("Agreement") requiring Schwing to provide biosolids hauling and disposal services to the City; and

WHEREAS, the initial term of the Agreement was for five years commencing on the completion of construction of the biosolids treatment facility at the Wastewater Treatment Plant and included the option to renew for three additional five year periods based on the mutual agreement of the parties; and

WHEREAS, on December 31, 2004, Schwing assigned all of its rights, title and interest in the Agreement to Biosolids Distribution Services, LLC ("BDS"); and

WHEREAS, on February 3, 2010, the City Commission passed and adopted Resolution No. R-2010-024 authorizing the execution of a First Amendment to the Agreement which renewed the Agreement until February 14, 2015; and

WHEREAS, on January 21, 2015, the City Commission passed and adopted Resolution No. R-2015-016 which authorized the second renewal of the Agreement with BDS for an additional five year term which expires on February 14, 2020; and

WHEREAS, the Department of Public Utilities and BDS desire to renew the current Agreement for a five year term in an estimated annual amount of \$1,550,000.00; and

WHEREAS, the renewal is subject to the City's receipt and approval of all insurance certificates required by the City's Risk Manager; and

WHEREAS, funding for this Agreement has been provided for in the Fiscal Year 2020 budget in the Department of Public Utilities Waste Disposal Account Number

442.400601.53600.543600.000000.000.000 and will be budgeted in subsequent fiscal years.

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 renewal of the existing Agreement with Biosolids Distribution Services, LLC, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency 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 _____, 2020.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

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

DOUGLAS R. GONZALES
CITY ATTORNEY