

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH WASTE CONNECTIONS OF FLORIDA, INC., FOR RECYCLABLES PROCESSING SERVICES IN AN ESTIMATED ANNUAL AMOUNT OF \$430,000.00.

WHEREAS, the Department of Public Works, Environmental Services Division requires an agreement with a qualified contractor to provide recyclable processing services Citywide; and

WHEREAS, on May 7, 2014, the City Commission passed and adopted Resolution No. 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., d/b/a Waste Connection of Florida ("Waste Connections"), to provide recyclables processing services, in accordance with Bid F-4365-13-IS, under the same terms and conditions as the initial term for an annual estimated revenue amount of \$226,560.00; and

WHEREAS, on June 6, 2018, the City Commission passed and adopted Resolution No. R-2018-193, which approved and authorized the execution of a First Amendment to the Agreement to allow for an interim contract term and revised compensation in order to allow the City to evaluate its Solid Waste and Recyclable Processing Services; and

WHEREAS, in accordance with the First Amendment to the Agreement, the term will expire on July 3, 2019; and

WHEREAS, the interim agreement was at no cost to the City, but the recyclable processing revenue share (rebate) set forth changed from 35.5% per ton to 0% per ton during this extension period; and

WHEREAS, on October 17, 2018, a Solid Waste Workshop was conducted and the City Commission supported Public Works recommendation to negotiate with Waste Connections for both a solid waste disposal agreement and a recyclable processing services agreement; and

WHEREAS, the Department of Public Works and its Consultant have negotiated a recyclable processing services agreement with Waste Connections that revises the revenue calculations to be paid by Waste Connections to the City based upon the revenue requirements set forth in Exhibit "A" of the Second Amendment entitled Section 6.1.7 Payment Calculation; and

WHEREAS, the proposed Second Amendment to the Agreement also sets forth that the City shall remit payment, if any, due to Waste Connections based upon the calculations

set forth in Exhibit "A" of the attached Second Amendment Agreement; and

WHEREAS, the proposed Second Amendment to the Agreement provides that the term will expire on July 2, 2023 and may be extended for one additional five year term under the same terms and conditions, subject to City Commission approval; and

WHEREAS, Section 38.48 (C)(8) of the Purchasing Ordinance provides that, when the Commission declares by a five-sevenths (5/7ths) affirmative vote that competitive bidding and competitive proposals are not in the best interest of the City, such purchases are exempt from the competitive bidding and competitive proposal requirements; and

WHEREAS, funding for this service has been provided in the FY 2019 budget in the Department of Public Works Budget Account Number 445.520102.53400.531170.000000.000.000.

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 Second Amendment to the Recyclables Processing Services Agreement with Waste Connections of Florida, Inc., 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 _____, 2019.

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