

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH WASTE PRO OF FLORIDA, INC. FOR SOLID WASTE COLLECTION, RECYCLABLES COLLECTION, YARD WASTE/BULK WASTE COLLECTION AND YARD WASTE/BULK WASTE DISPOSAL FOR AN ESTIMATED ANNUAL AMOUNT OF \$9,410,955.00; DECLARING THAT IT IS IN THE BEST INTEREST OF THE CITY TO WAIVE COMPETITIVE BIDDING PURSUANT TO SECTION 38.40(C)(8) OF THE PURCHASING ORDINANCE.

WHEREAS, the Department of Public Works, Environmental Services Division requires an agreement with a qualified contractor to provide solid waste collection, recyclables collection, yard waste/bulk waste collection and yard waste/bulk waste disposal for approximately 34,659 residences Citywide; and

WHEREAS, the Environmental Services Division requested the Office of Procurement Services to solicit bids for solid waste collection, recyclables collection, yard waste/bulk waste collection and yard waste/bulk waste disposal to include six collection options with separate pricing for each option as set forth in the bid; and

WHEREAS, Bid F-4609-19-PB for Residential Solid Waste Collections and Commingled/Bulk/Yard Waste Collection/Processing and Disposal was advertised on Bidsync February 21, 2019, and closed on April 15, 2019, in accordance with Section 38.42 (A)(1) of the City's Purchasing Ordinance; and

WHEREAS, on March 7, 2019, a pre bid conference was held at the Public Works Facility; and

WHEREAS, on April 15, 2019, Bid F-4609-19-PB was opened and resulted in only one bid for all collection options and yard waste/bulk waste/ commingled waste processing from Waste Pro of Florida, and a bid from Coastal Waste and Recycling of Broward County, LLC. for yard waste/bulk waste/ commingled waste processing and disposal only; and

WHEREAS, two no-bids were submitted, by Republic Services of Florida and Waste Management; and

WHEREAS, bids were thoroughly reviewed by Procurement Services, Public Works, and Kessler Consulting, and both Waste Pro of Florida and Coastal Waste & Recycling were found to be Responsive and Responsible; and

WHEREAS, on June 19, 2019, a Special Commission Meeting was held and the Director of Public Works and the Director of the Office of Procurement Services and Contract Compliance recommended the award of the contract to the lowest responsive, responsible bidder for Option 2A, Waste Pro of Florida, and the City Commission passed and adopted Resolution R-2019-166 approving the award to Waste Pro of Florida; and

WHEREAS, at the time of approving Resolution No. R-2019-166, the City Commission provided direction for staff to negotiate a better price for service with Waste Pro of Florida; and

WHEREAS, as result of the negotiations with Waste Pro, on August 28, 2019, the City Commission passed and adopted Resolution No. R 2019- \_\_\_\_\_, which cancelled the bid award pursuant to Resolution No. R-2019-166; and

WHEREAS, the existing agreement with Waste Pro will expire on September 30, 2019; and

WHEREAS, should the City elect to re-compete for these services, an extension of these services would be necessary and there is a high probability of a higher price during the extension period with an unknown outcome of obtaining a reasonable price; and

WHEREAS, current pricing provided for the services offered is fair and reasonable in comparison with surrounding municipalities; and

WHEREAS, current service provided by Waste Pro remains at a satisfactory level; and

WHEREAS, based upon the negotiations with Waste Pro, the Department of Public Works and the Director of Procurement Services recommend the execution of an agreement with Waste Pro of Florida for the services outlined in the attached Exhibit "A", along with the terms set forth in the attached Exhibit "B"; and

WHEREAS, Section 38.40(C)(8) of the Code of Ordinances exempts from competitive bidding and competitive proposals purchases of and contracts for supplies or contractual services, when the City 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; and

WHEREAS, the term of this agreement is for an initial ten year period with the option to renew for one additional three year period subject to vendor acceptance, satisfactory performance of the vendor and determination that the renewal will be in the best interest of the City; and

WHEREAS, funding for this service will be provided in the FY 2020 budget in the Department of Public Works Environmental Services Administration Account Number

445.520101.53400.531170.000000.000.000 - Contractual Services Account, 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 appropriate City officials to execute an agreement embodying the terms and conditions as set forth above and in the attached Exhibits with Waste Pro of Florida, 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.

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DOUGLAS R. GONZALES, CITY ATTORNEY