

RESOLUTION NO. 12-235

A RESOLUTION APPROVING A CONTRACT WITH WASTE PRO SERVICES OF FLORIDA, INC., FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS FOR A TEN-YEAR TERM COMMENCING OCTOBER 1, 2012, WITH OPTIONS TO RENEW FOR FIVE-YEAR TERMS, AT AN ESTIMATED INITIAL ANNUAL COST OF \$5,358,000 SUBJECT TO ADJUSTMENTS; WAIVING COMPETITIVE SELECTION REQUIREMENTS OF THE PURCHASING CODE AND MAKING FINDINGS THAT WAIVER IS IN THE BEST INTEREST OF THE CITY; APPROVING A COMMERCIAL LEASE AGREEMENT WITH WASTE PRO FOR LEASE OF THE STORAGE AND OFFICE FACILITY AT 925 SOUTH CLYDE MORRIS BOULEVARD IN CONNECTION WITH THE SOLID WASTE CONTRACT; APPROVING AN AGREEMENT FOR WASTE PRO TO OPERATE THE CITY'S CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL FACILITY LOCATED ON CLYDE MORRIS BOULEVARD ADJACENT TO THE STORAGE AND OFFICE FACILITY IN CONNECTION WITH THE SOLID WASTE CONTRACT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT AND LEASE DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance No. 07-282, the City Commission approved a contract and commercial lease with Waste Pro of Florida, Inc. (Waste Pro), for the collection and disposal of solid waste and recyclable materials throughout the City for a term commencing October 1, 2007, and ending September 30, 2012, at an initial estimated annual cost of \$5,192,161.29, subject to additions, deletions, and adjustments, with an option to renew on the same or negotiated terms for one additional period of five years; and

WHEREAS, Waste Pro has provided excellent service to City residents and property owners throughout the term of the contract; and

WHEREAS, in March 2007 Waste Pro notified the City that it would like to negotiate a renewal of the contract, and the City Commission authorized the City Manager to negotiate with Waste Pro for a new or renewed contract to be considered by the City Commission; and

WHEREAS, the City Manager and Waste Pro have conducted negotiations and propose that the parties enter into a new contract providing for an initial term of ten years, renewable for additional five-year periods on the same or modified terms by mutual agreement; and

WHEREAS, the proposed contract provides for conversion of the Waste Pro trucks to compressed natural gas (CNG) with a reduction in the fuel costs paid by the City, continued lease of the storage and office facility located at 925 Clyde Morris Boulevard and installation of a CNG fueling station on the property which will be available to the City and retail customers as well as Waste Pro, for Waste Pro to take over operation of the City's construction and demolition debris landfill, initiation of a recycling incentive program, and addition of special weekend waste collections on designated gateway streets; and

WHEREAS, the proposed new contract will benefit City residents by enhancement of waste services at a reduced collection fee, while receiving the continued excellence in solid waste services provided by Waste Pro; and

WHEREAS, the City will benefit financially by contract terms providing reduced contract costs, savings related to operation of the City landfill, payment to the City of a percentage of Waste Pro's retail revenues from CNG fuel sales, increased recycling revenues, and various other economic and service benefits; and

WHEREAS, section 30-81 of the City's Purchasing Code generally requires the purchase of goods or services to be made through the competitive selection procedures of sealed bids or sealed proposals; and

WHEREAS, §§ 30-1 and 30-58, City Code, authorize the City Commission to waive competitive selection procedures upon a finding that such waiver is in the City's best interest; and

WHEREAS, the Deputy City Manager/Operations recommends the City waive competitive selection procedures and approve the contract negotiated with Waste Pro of Florida, Inc., for the reasons stated above.

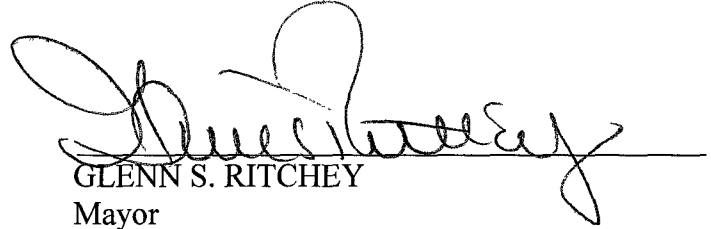
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The City Commission hereby approves the contract negotiated with Waste Pro of Florida, Inc., for the collection and disposal of solid waste and recyclable materials throughout the City (the "Solid Waste Contract"). The Solid Waste Contract is for an initial Term of ten years commencing October 1, 2012, with options to renew by mutual agreement thereafter on the same or modified terms for periods of five years. The estimated annual cost for the first year of the Solid Waste Contract is \$5,358,000, subject to additions, deletions, and adjustments in accordance with contract terms which is a substantial savings over the current year costs. A copy of the Solid Waste Contract in substantially final form is attached hereto and made a part hereof.

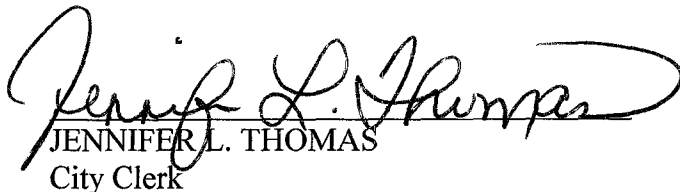
SECTION 2. Pursuant to §§ 30-1 and 30-58, City Code, and based upon the foregoing recitals, the City Commission hereby finds that waiver of the competitive selection procedures otherwise required by the Purchasing Code for the procurement of solid waste collection services is in the City's best interests.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute the Solid Waste Contract, the Commercial Lease for the facility at 925 Clyde Morris Boulevard, and the Construction and Demolition Debris Disposal Facility Operation Agreement with Waste Pro of Florida, Inc., copies of which in substantially final form are attached hereto and made a part hereof. The Commercial Lease and the Operation Agreement are Exhibits H and L, respectively, to the Solid Waste Contract.

SECTION 4. This Resolution shall take effect immediately upon its adoption.


GLENN S. RITCHEY
Mayor

ATTEST:


JENNIFER L. THOMAS
City Clerk

Adopted: September 5, 2012