

RESOLUTION NO. 14-254

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED FIRST AMENDMENT TO CONTRACT FOR SOLID WASTE COLLECTION AND PROCESSING SERVICES BETWEEN THE CITY AND WASTE MANAGEMENT OF FLORIDA, INC. (WMI); AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO CONTRACT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on May 6, 2014, the City Commission awarded the bid of Waste Management Inc. (WMI) of Florida in response to ITB 14-009, and on June 25<sup>th</sup> a Contract was executed for the collection, transfer and disposal of solid waste and recyclable materials and transfer station operation; and

WHEREAS, the City and WMI desire to amend the Contract to provide for the collection of solid waste from residential units once each week, also known as the 1-1-1 service plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached "First Amendment to Contract" between the City and WMI is hereby approved.

Section 2: That the City Manager, upon the advice and consent of the City Attorney, is authorized to execute the attached First Amendment to Contract.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 3rd day of September, 2014.

Authenticated by the presiding officer and Clerk of the Commission on September 4, 2014.

Filed with the Clerk September 4, 2014.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Absent</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>No</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>No</u>

  
CRAIG CATES, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK

## **FIRST AMENDMENT TO CONTRACT**

This First Amendment to Contract is entered into this 3rd day of September, 2014, by and between the City of Key West, Florida, a municipal corporation (hereinafter the "CITY") and Waste Management Inc. of Florida, a Florida corporation (hereinafter "WMI").

### **WITNESSETH**

WHEREAS, on the 6<sup>th</sup> day of May, 2014, the City Commission of the City of Key West, Florida, passed Resolution No. 14-134, selecting the response of WMI to Invitation to Bid #14-009, which was the lowest responsive bid for the 2-1-1 service option, commercial solid waste franchise, recyclables/yard waste processing and transfer station operation; and

WHEREAS, CITY and WMI entered into a Contract on the 25<sup>th</sup> day of June, 2014, (the "Contract"), pertaining to the collection, transfer and disposal of solid waste and recyclable materials and transfer station operation; and

WHEREAS, the said Contract includes a provision requiring WMI to collect solid waste from residential units twice each week; and

WHEREAS, CITY and WMI desire to amend the Contract to provide for the collection of solid waste from residential units once each week, also referred to as the 1-1-1 service option; and

WHEREAS, WMI's response to Invitation to Bid #14-009 for the 1-1-1 service option, commercial solid waste franchise, recyclables/yard waste processing and transfer station operation was the lowest responsive bid received.

NOW, THEREFORE, in mutual consideration of the benefits conferred upon the parties by the terms of this Amendment, CITY and WMI agree to modify the Contract as follows:

RECITALS: That the above recitals are true and correct and made a part hereof;

**Section 1:** The first sentence of paragraph 5.2.1 of the Contract is hereby deleted in its entirety and replaced with the following:

The Contractor shall collect unlimited Solid Waste from Residential Units receiving curbside service once per week in City-provided and Contractor-maintained Garbage Carts equipped with RFID technology.

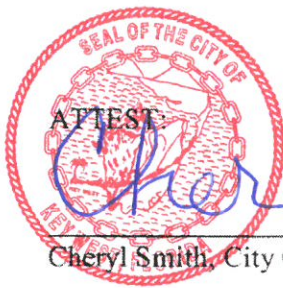
**Section 2:** Exhibit 1 attached to the Contract, pertaining to Service Rates, is hereby deleted in its entirety and replaced with Exhibit 1(A), which is attached hereto and incorporated by reference.


**Section 3:** Except as modified herein, the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Contract on the date first written above.

CITY OF KEY WEST, FLORIDA

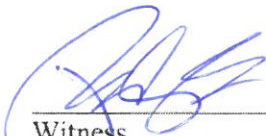
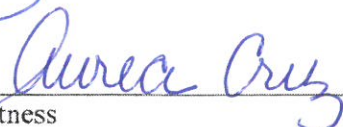
By:   
Jim Scholl, City Manager



  
Cheryl Smith, City Clerk

WASTE MANAGEMENT INC. OF  
FLORIDA

By:   
Timothy S. Hawkins, President

  
Witness  
  
Witness

## EXHIBIT 1 – SERVICE RATES

### COLLECTION SERVICES

Option 1.		Option 2.	
Residential Units	\$/Unit/Mo	Residential Units	\$/Unit/Mo
Solid Waste (1 x week)	\$8.52	Solid Waste (2 x week)	
Recycling (1 x week)	\$2.46	Recycling (1 x week)	
Yard Waste (1 x week)	\$2.53	Yard Waste (1 x week)	
Bulk Waste (on-call)	<i>Included in Solid Waste</i>	Bulk Waste (on-call)	<i>Included in Solid Waste</i>
<b>Total</b>	<b>\$13.51</b>	<b>Total</b>	

Special Services	Rate
Yard Waste Clean up	\$ 20.00 per cubic yard (includes disposal)
Bulk Waste Clean up	\$ 20.00 per cubic yard (includes disposal)

Residential Container Services	Fee
Curbside Container Exchange (after 1 free exchange per Container type per year)	\$30.00
Additional Garbage Cart fee	\$60.00
Additional Recycling Cart fee	\$0.00

**2014 FLORIDA PROFIT CORPORATION ANNUAL REPORT**

DOCUMENT# 279946

**Entity Name:** WASTE MANAGEMENT INC. OF FLORIDA**Current Principal Place of Business:**1001 FANNIN  
SUITE 4000  
HOUSTON, TX 77002**Current Mailing Address:**1001 FANNIN, SUITE 4000  
ATTN: TAX DEPARTMENT  
HOUSTON, TX 77002**FEI Number:** 59-1094518**Certificate of Status Desired:** No**Name and Address of Current Registered Agent:**CT CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324 US*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.***SIGNATURE:**

Electronic Signature of Registered Agent

Date

**Officer/Director Detail :**

Title P  
Name HAWKINS, TIMOTHY B  
Address 1001 FANNIN, SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title VP  
Name CARROLL, THOMAS G  
Address 1001 FANNIN, SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title TREA  
Name RANKIN, DEVINA A  
Address 1001 FANNIN, SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title VP & AS  
Name LAMBROS, JAMES F.  
Address 1001 FANNIN  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title VP  
Name MYHAN, DAVID M  
Address 1001 FANNIN, SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title CFO  
Name CARPENTER, DON P  
Address 1001 FANNIN, SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title VP,A  
Name LOCKETT, MARK A  
Address 1001 FANNIN, SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title VP, S & DIRECTOR  
Name SMITH, LINDA J.  
Address 1001 FANNIN  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002

**Continues on page 2**

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

**SIGNATURE:** MARK A. LOCKETT

VP &amp; AT

01/15/2014

Electronic Signature of Signing Officer/Director Detail

Date

**Officer/Director Detail Continued :**

Title VP & ASST GENERAL COUNSEL  
Name TSAI , S. JOHN  
Address 1001 FANNIN  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title AT  
Name BENNETT , JEFF  
Address 1001 FANNIN  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title AS  
Name KAPLAN , RONALD M.  
Address 1001 FANNIN  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title VP & AS  
Name VAN GESSEL , JOHN T.  
Address 1001 FANNIN  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title VP  
Name WILT , DENNIS M.  
Address 1001 FANNIN  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title AS  
Name FOSTER , JANNE C.  
Address 1001 FANNIN  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title AS  
Name TIPPY , COURTNEY A.  
Address 1001 FANNIN  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002

Title VICE PRESIDENT  
Name DEES , CHARLES D. III  
Address 1001 FANNIN,  
SUITE 4000  
City-State-Zip: HOUSTON TX 77002