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RESOLUTION NO. 2014 - 06

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, APPROVING THE 2ND AMENDMENT TO AGREEMENT BY AND BETWEEN THE CITY OF HALLANDALE BEACH AND PROGRESSIVE WASTE SOLUTIONS OF FLORIDA, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2ND AMENDMENT TO AGREEMENT IN SUBSTANTIALLY THE SAME FORM AS ATTACHED IN EXHIBIT "A", FOR AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$1,125,000.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 6, 2010, the City Commission entered into an Agreement with Choice Environmental Services of Broward, Inc. ("Choice Broward") for Transfer and Disposal of Solid Waste and Processing of Single Stream Recyclables ("Contract"); and

WHEREAS, on January 1, 2012, the City and Choice Broward entered into a Renewal of Agreement (the "First Amendment"); and

WHEREAS, Choice Broward was a wholly-owned subsidiary of Choice Environmental Services, Inc. ("CES") at the time that the City and Choice Broward entered into the Contract and First Amendment (collectively referred to as the "Agreement"); and

WHEREAS, CES was purchased by Waste Services of Florida, Inc. ("WSI") on November 2012; and

WHEREAS, WSI changed its name to Progressive Waste Solutions of FL, Inc. on June 4, 2013; and

WHEREAS, Choice Broward was merged into CES on August 16, 2013. With CES being the surviving entity; and

40 **WHEREAS**, CES was merged into Progressive Waste Solutions of FL, Inc. on
41 September 19, 2013 with Progressive Waste Solutions of FL, Inc. being the surviving
42 entity; and

43 **WHEREAS**, over the past year the competitive market for solid waste disposal
44 has resulted in significant price decreases. As a result, staff has met with the current
45 vendor (Progressive Waste Solutions of FL.) to discuss the reduction of rates prior to
46 January 2015, the date the City could cancel the contract at the current contract prices.
47 As a result of discussions with staff, Progressive Waste Solutions of FL. has proposed
48 an agreement which would result in an immediate decrease in current rates; and

49
50 **WHEREAS**, the City is amenable to amending and extending the Agreement to
51 provide for an immediate reduction in current rates, including a rebate rate for
52 recyclables conditioned upon the additional terms as set forth in the 2nd Amendment to
53 Agreement attached as Exhibit "A", for an amount not to exceed one million one hundred
54 twenty five thousand dollars (\$1,125,000.00); and

55
56 **WHEREAS**, City Staff recommends that the Mayor and City Commission
57 approve the 2nd Amendment to Agreement to allow for an immediate decrease in current
58 rates, including a rebate rate for recyclables; and authorize the City Manager to execute
59 the 2nd Amendment to Agreement as conditioned upon the additional terms set forth
60 therein.

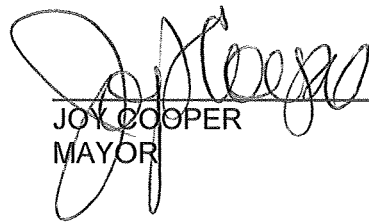
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62 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY**
63 **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

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65 **SECTION 1. City Manager's Authorization.** The Mayor and City Commission
66 hereby approve the 2nd Amendment to Agreement as attached in Exhibit "A", and
67 authorize the City Manager to execute the 2nd Amendment to Agreement in substantially
68 the same form as attached as Exhibit A for an amount not to exceed one million one
69 hundred twenty five thousand dollars (\$1,125,000.00).

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71 **SECTION 2. Effective Date.** This Resolution shall take effect immediately upon
72 its passage and adoption.

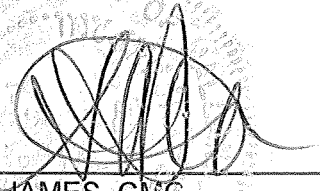
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74 APPROVED AND ADOPTED this 8th day of January, 2014.
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JOY COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

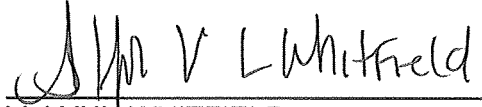
ATTEST:



SHEENA JAMES, CMC
CITY CLERK

VOTE	
AYE/NAY	
Mayor Cooper	<input checked="" type="checkbox"/>
Vice Mayor Lewy	<input checked="" type="checkbox"/>
Comm. Julian	<input checked="" type="checkbox"/>
Comm. Lazarow	<input checked="" type="checkbox"/>
Comm. Sanders	<input checked="" type="checkbox"/>

APPROVED AS TO LEGAL SUFFICIENCY AND FORM



V. LYNN WHITFIELD
CITY ATTORNEY