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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 2<sup>ND</sup> 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 2<sup>ND</sup> 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

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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 2<sup>nd</sup> 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

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56       **WHEREAS**, City Staff recommends that the Mayor and City Commission  
57       approve the 2<sup>nd</sup> 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 2<sup>nd</sup> Amendment to Agreement as conditioned upon the additional terms set forth  
60       therein.

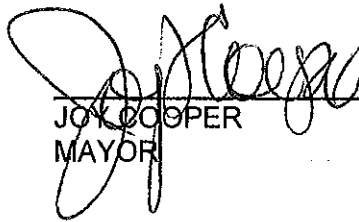
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62       **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY**  
63       **COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

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65       **SECTION 1. City Manager's Authorization.** The Mayor and City Commission  
66       hereby approve the 2<sup>nd</sup> Amendment to Agreement as attached in Exhibit "A", and  
67       authorize the City Manager to execute the 2<sup>nd</sup> 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 8<sup>th</sup> 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