

1 Introduced by Council Member Boylan and amended by the Rules
2 Committee:

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5 **ORDINANCE 2023-249-E**

6 AN ORDINANCE APPROVING AND AUTHORIZING THE
7 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION
8 SECRETARY TO EXECUTE A FIFTH AMENDMENT TO
9 AMENDED AND RESTATED AGREEMENT FOR RESIDENTIAL
10 WASTE AND RECYCLING COLLECTION AND
11 TRANSPORTATION SERVICES (SERVICE AREA III)
12 BETWEEN THE CITY OF JACKSONVILLE AND WASTE PRO
13 OF FLORIDA, INC., TO EXTEND THE AGREEMENT TERM
14 THROUGH SEPTEMBER 30, 2029, ADJUST THE ANNUAL
15 CONSUMER PRICE INDEX (CPI) INCREASE FROM A NOT-
16 TO-EXCEED CAP OF 3% TO 5%, AND PROVIDE THAT THE
17 BASE RATE IS NOT LOWERED AS A RESULT OF THE RATE
18 REVIEW PROCESS; WAIVING SECTION 382.308(L)(2)
19 (PROCEDURES FOR EXTENSION OF CONTRACTS),
20 *ORDINANCE CODE*; PROVIDING FOR CITY OVERSIGHT BY
21 THE SOLID WASTE DIVISION OF THE DEPARTMENT OF
22 PUBLIC WORKS; PROVIDING AN EFFECTIVE DATE.

23
24 **WHEREAS,** the City of Jacksonville ("City") and Waste Pro of
25 Florida, Inc. ("Contractor") entered into the Amended and Restated
26 Agreement for Residential Waste and Recycling Collection and
27 Transportation Services dated March 1, 2013, as amended by the First
28 Amendment dated July 1, 2014, as further amended by the Second
29 Amendment dated August 1, 2017, as further amended by the Third
30 Amendment dated July 29, 2020, and as further amended by the Fourth
31 Amendment effective October 1, 2022 (collectively, the "Agreement");

1 and

2 **WHEREAS,** the Agreement is set to expire on September 30, 2023;

3 and

4 **WHEREAS,** pursuant to Section 382.308(1) of the *Ordinance Code*,
5 and the Agreement terms, the City may extend the Agreement for an
6 additional six (6) years through September 30, 2029; and

7 **WHEREAS,** the Council and the Contractor desire to amend the
8 Agreement to (i) extend the contract for an additional six (6) years
9 in accordance with Chapter 382, *Ordinance Code*, (ii) adjust the annual
10 CPI increase from a not-to-exceed cap of 3% to 5%, and (iii) provide
11 that the Base Rate (as defined in the Agreement) is not lowered as a
12 result of the Rate Review (as defined in the Agreement) process; now,
13 therefore

14 **BE IT ORDAINED** by the Council of the City of Jacksonville:

15 **Section 1. Recitals.** The above recitals are true and
16 correct and incorporated herein by reference.

17 **Section 2. Approval and Authorization to Execute.** The
18 Mayor, or his designee, and the Corporation Secretary are hereby
19 authorized to execute the Fifth Amendment to Amended and Restated
20 Agreement for Residential Waste and Recycling Collection and
21 Transportation Services (Service Area III) between the City and
22 Contractor (the "Fifth Amendment") in substantially the same form
23 attached hereto as **Revised Exhibit 1**, labeled as "Revised Exhibit 1,
24 Rev Agmt Amd, May 1, 2023 - Rules" and incorporated herein by this
25 reference.

26 **Section 3. Waiver of Section 382.308(1)(2) (Procedure for**
27 **extension of contracts), *Ordinance Code*.** The provisions of Section
28 382.308(1)(2) (Procedures for extension of contracts), *Ordinance*
29 *Code*, are waived. The waiver is necessary to effectuate the Fifth
30 Amendment.

31 **Section 4. Oversight.** The Solid Waste Division of the

1 Department of Public Works shall oversee the Fifth Amendment described
2 herein.

3 **Section 5. Effective Date.** This Ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

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7 Form Approved:

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9 /s/ Mary E. Staffopoulos

10 Office of General Counsel

11 Legislation Prepared By: Lawsikia J. Hodges

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