

Introduced by the Council President at the request of the Mayor and amended by the Neighborhoods, Community Services, Public Health and Safety Committee:

ORDINANCE 2023-23-E

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND THE CORPORATION SECRETARY TO EXECUTE A FOURTH AMENDMENT TO THE EXISTING AGREEMENT WITH WASTE PRO OF FLORIDA, INC., SETTING RATES COMMENCING OCTOBER 1, 2022, SETTING FUEL CAPS FOR FISCAL YEAR 2022-2023, AND APPROVING THE PREMISE COUNT CONDUCTED IN CONNECTION WITH THE RATE REVIEW; PROVIDING A MONTHLY BASE RATE; PROVIDING FOR CITY OVERSIGHT BY THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 382, Part 3, *Ordinance Code*, provides for a rate review to determine the rate and measure of compensation to be paid under each residential waste and recycling contractor's Agreement for Residential Waste and Recycling Collection and Transportation Services with the City, and the resulting contracts with each residential waste and recycling contractor likewise provide for a rate review and rate adjustment; and

WHEREAS, the Council approved an amended and restated contract with Waste Pro of Florida, Inc. ("Waste Pro") pursuant to Ordinance 2013-39-E (the "Contract") which was subsequently amended by that certain First Amendment approved by the Council pursuant to Ordinance 2014-284-E, that certain Second Amendment approved pursuant to Ordinance 2017-59-E, and that certain Third Amendment approved by

Ordinance 2020-206-E; and

WHEREAS, the Council Auditor and City Administration performed a rate review of the compensation previously paid and projected to be paid to Waste Pro for residential waste (garbage, yard waste, tires, and white goods) and recycling collection and transportation services to the City, and reported their review and rate recommendation to the Council; and

WHEREAS, the Council has established a rate to be paid to Waste Pro as outlined in Section 2 herein; now, therefore

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

Section 1. Approval and Authorization to Execute. The terms established by the Council Rate Review Process as set forth in **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev Terms, February 6, 2023 - NCSPHS", attached hereto and incorporated herein by this reference. The Mayor, or his designee, and the Corporation Secretary are hereby authorized to execute a Fourth Amendment to Amended and Restated Agreement for Residential Waste and Recycling Collection and Transportation Services (Service Area III) between the City and Waste Pro of Florida, Inc., in substantially the same form attached hereto as **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev Agmt Amd, February 6, 2023 - NCSPHS" and incorporated herein by this reference. The Fourth Amendment incorporates the terms approved by Council as set forth in **Exhibit 3**. These terms include the terms of the Council Rate Review Process set forth in **Revised Exhibit 1** with the exception of increasing the Monthly Base Rate Component and striking reference to adjusting the rate, if necessary, for future vehicle purchases.

Section 2. Monthly Base Rate. The monthly base rate component of \$23.11 set forth in **Exhibit 3** is inclusive of a mark-up on operating expenses before profit, interest expenses, and corporate taxes.

Section 3. Oversight. The Solid Waste Division of the

Department of Public Works shall oversee the Contract described herein.

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

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation prepared by: Mary E. Staffopoulos

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