

1 Introduced by Council Member Boylan:
2
3

4 **ORDINANCE 2023-249**

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

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

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

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

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

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

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

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

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

1 **Section 4. Oversight.** The Solid Waste Division of the
2 Department of Public Works shall oversee the Fifth Amendment described
3 herein.

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

7
8
9

10

11 Form Approved:

12

13 _____/s/ Lawsikia J. Hodges_____

14 Office of General Counsel

15 Legislation prepared by: Lawsikia J. Hodges

16 GC-#1558320-v2-Fifth_Amendment_(Extension)_Legislation_-_Waste_Pro.docx

17