

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2010-278

RESOLUTION AUTHORIZING THE EXECUTION OF A SOLID WASTE FRANCHISE AGREEMENT (AGREEMENT) WITH WASTE MANAGEMENT INC. OF FLORIDA (WMIF) AND AUTHORIZING A WAIVER OF THE CITY'S PROCUREMENT CODE BY A FOUR-FIFTHS (4/5THS) VOTE OF THE CITY COMMISSION, IN ACCORDANCE WITH SECTION 2-825 OF THE PROCUREMENT CODE ENTITLED, "MULTI-YEAR CONTRACTS," TO ALLOW THE AWARD OF THE AGREEMENT TO WMIF PURSUANT TO SECTION 2-583(d) OF THE PROCUREMENT CODE.

WHEREAS, the City of Coral Gables (City) has a Solid Waste and Recycling Collection Service Contract (Contract) with Waste Management Inc. of Florida (WMIF), which authorizes WMIF to collect solid waste and recyclable materials from multi-family residences and commercial businesses in the City; and

WHEREAS, the City's Contract with WMIF is scheduled to expire on March 30, 2011; and

WHEREAS, the City and WMIF have negotiated the terms of a Solid Waste Franchise Agreement (Agreement), which will replace the Contract, effective January 1, 2011; and

WHEREAS, the Agreement will authorize WMIF to continue providing its services in the City until September 30, 2018, subject to various conditions and limitations, and the Agreement will authorize the City to renew the Agreement for an additional two years, at the City's option;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission by a four-fifths vote, does hereby approve the Agreement (attached hereto) and the City Manager and City Clerk are hereby authorized to execute, on behalf of the City of Coral Gables, the Agreement between the City and WMIF, including the Guaranty that is attached to the Agreement as Exhibit 7, after WMIF provides a fully executed Guaranty to the City.

SECTION 3. That the City Commission does hereby waive any and all requirements in the City's procurement code that would otherwise apply to the procurement of WMIF's services or the execution of the Agreement. For the purposes of this waiver, the City's procurement code shall be construed broadly to include but not be limited to the requirements adopted in Ordinance No. 2009-53 and Article VIII of the City Code, as well as the requirements set forth in the City's procurement manuals, policies, and regulations. The City Commission finds that this waiver is necessary in order to proceed with the issuance of a contract that is in the best interests of the City. The City Commission also finds that (a) the Agreement provides an attractive combination of economic and other benefits for the City and its residents, and (b) continuing to do business with WMIF avoids the disruptions in service that would occur if the City executed the Agreement with a different company. This waiver is authorized and adopted pursuant to Article VIII, Division 1, Section 2-583(d) of the City's procurement code.

SECTION 4. That the executed Agreement shall be made a part of this resolution and kept on file in the Office of the City Clerk.

SECTION 5. That this resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF DECEMBER, A.D., 2010.

(Moved: Withers / Seconded: Anderson)

(Yea: Kerdyk, Withers, Anderson, Slesnick)

(Majority: (4-1) Vote)

(Nays: Cabrera)

(Non-Agenda Item)

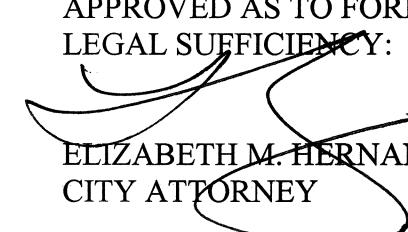
APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


ELIZABETH M. HERNANDEZ
CITY ATTORNEY