

RESOLUTION NO. 2019-129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DISPENSING WITH THE FORMAL REQUEST FOR PROPOSAL PROCEDURES PURSUANT TO ELK GROVE MUNICIPAL CODE CHAPTER 3.42 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT TO THE CONTRACT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. EXTENDING THE TERM TO JUNE 30, 2024; INCREASING TOTAL COMPENSATION BY \$4,500,000 TO \$7,560,000; UPDATING EXHIBITS A THROUGH G; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ADDITIONAL AMENDMENTS TO THE TRANSPORTATION AND DISPOSAL RATES PROVIDED THOSE CHANGES DO NOT INCREASE TOTAL COMPENSATION BY MORE THAN FIVE PERCENT COMBINED

WHEREAS, the City contracted with Clean Harbors Environmental Services, Inc. ("Clean Harbors") in 2013 to provide services associated with the daily operations of the City's Special Waste Collection Center (SWCC) as well as transportation and disposal of household hazardous waste (HHW) collected onsite; and

WHEREAS, the City has exercised all extensions on the current contract with Clean Harbors and the Contract will expire on June 30, 2019; and

WHEREAS, Clean Harbors submitted a proposal to continue providing daily operations of the SWCC and City staff evaluated said proposal and determined it to be reasonable and advantageous to the City; and

WHEREAS, this proposal was presented to the City Council on February 27, 2019 and the Council directed staff to pursue a contract amendment based upon the terms included in that proposal; and

WHEREAS, Clean Harbors has provided excellent service to the City and its residents through operation of the SWCC and the transportation and disposal of all waste collected; and

WHEREAS, Requests for Proposals (RFPs) for similar services in other jurisdictions have yielded a small number of proposals that were similar in pricing and services; thus, the time and expense of performing a RFP for these services is unlikely to yield a more advantageous result than the proposal received by Clean Harbors; and

WHEREAS, pursuant to Elk Grove Municipal Code section 3.42.188(B)(3), the City Council may dispense with the formal request for proposals procedure when, as here, and for the reasons presented, in the judgment of the City Council, compliance with the procedure is not in the best interest of the City; and

WHEREAS, changes in the type and quantity of waste received in the past have necessitated changes to the Transportation and Disposal Rates included in Table 1 and Table 2 of Exhibit C and it is in the best interests of the City to be able to respond to future changes in the waste stream or the addition of new programs to address these changes as quickly as possible.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove finds that a formal request for proposals process is not in the best interest of the City, and hereby dispenses with the formal request for proposals procedure pursuant to Elk Grove Municipal Code section 3.42.188(B)(3), and authorizes the City Manager to execute the Third Amendment to the contract with Clean Harbors Environmental Services, Inc. ("Clean Harbors") extending the term to June 30, 2024; increasing total compensation by \$4,500,000 to \$7,560,000; and updating Exhibits A through G.

AND BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute additional amendments to the Clean Harbors contract that address changes to the Transportation and Disposal Rates included as Table 1 and Table 2 in Exhibit C Compensation and Method of Payment, provided that said amendments do not increase total compensation by more than five percent combined.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of June 2019



PATRICK HUME, VICE MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-129

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 26, 2019 by the following vote:

AYES: **COUNCILMEMBERS:** *Hume, Detrick, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Ly*



Jason Lindgren, City Clerk
City of Elk Grove, California