

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN EXTENSION OF THE CITY'S EXISTING NON-EXCLUSIVE FRANCHISE WASTE CONTRACTOR AGREEMENTS AND SERVICE AGREEMENT WITH, RESPECTIVELY: 1) WASTE MANAGEMENT INC. OF FLORIDA; AND 2) PROGRESSIVE WASTE SOLUTIONS OF FL, INC., ON A MONTH-TO-MONTH BASIS, COMMENCING ON OCTOBER 1, 2019, FOR A PERIOD NOT-TO-EXCEED SIX (6) MONTHS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE FOREGOING AGREEMENTS WITH EACH OF THE CITY'S FRANCHISE WASTE CONTRACTORS, TO MEMORIALIZE THE FOREGOING EXTENSION AND THE INCREASE OF THE CITY'S FRANCHISE FEE, AS APPROVED BY THE CITY COMMISSION PURSUANT TO RESOLUTION NO. 2019-_____; AND FURTHER, DIRECTING THE ADMINISTRATION TO NEGOTIATE A NEW SERVICE AGREEMENT WITH THE FRANCHISEES, SUBJECT TO FINAL APPROVAL THEREOF BY THE CITY COMMISSION, AT WHICH TIME THE CITY COMMISSION SHALL ALSO DETERMINE WHETHER TO RENEW THE EXISTING FRANCHISE AGREEMENTS FOR THE REMAINDER OF THE RENEWAL TERM PROVIDED IN SECTION 90-230(B) OF THE CITY CODE.

WHEREAS, in 2013, the City issued a Request for Qualifications (RFQ) for a franchise for waste haulers; and

WHEREAS, pursuant to Resolution No. 2014-28681, the City entered into a Non-Exclusive Franchise Waste Contractor Agreement with (1) Waste Management Inc. of Florida, and (2) Progressive Waste Solutions of FL, Inc., and further, the City entered into a separate Service Agreement with the foregoing contractors for municipal solid waste and recycling services; and

WHEREAS, the City's Non-Exclusive Franchise Waste Contractor Agreements, and the related Service Agreement had an initial term of five (5) years, effective as of October 1, 2014, and contemplated a renewal term, at the City's option, of up to three (3) years; and

WHEREAS, as the current providers are performing at an acceptable level, the Administration has recommended the renewal of the foregoing agreements on a month-to-month basis, for a period not-to-exceed six (6) months, pending negotiations with the franchisees of a new service agreement for municipal solid waste and recycling services, with additional public benefits to the City; and

WHEREAS, on July 31, 2019, the Finance and Citywide Projects Committee (FCWPC) discussed the renewal, and recommended that the item be forwarded to the City Commission for its consideration; and

WHEREAS, on July 26, 2019, the FCWPC recommended that the City Commission increase the franchise fee set forth in Section 90-221 of the City Code, from the current franchise fee of eighteen percent (18%) to twenty percent (20%) of the franchisee's monthly gross revenues; and

WHEREAS, if the City Commission approves the extension of the existing agreements, and also approves the proposed increase to the franchise fee, the foregoing would be memorialized in an amendment to the City's agreements with Waste Management Inc. of Florida, and with Progressive Waste Solutions of FI, Inc.; and

WHEREAS, the six month extension will permit the Administration to negotiate the new Service Agreement with the franchisees, and present the final negotiated agreement to the City Commission for its consideration and approval, at which time the City Commission shall also consider whether to renew the existing franchise agreements for the remainder of the renewal term provided in Section 90-230(b) of the City Code.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve an extension of the City's existing Non-Exclusive Franchise Waste Contractor Agreement and Service Agreement with, respectively: 1) Waste Management Inc. of Florida; and 2) Progressive Waste Solutions of FI, Inc., on a month-to-month basis, for a period not-to-exceed six (6) months; authorize the Mayor and City Clerk to execute an amendment to the foregoing agreements with each of the City's franchise waste contractors, to memorialize the foregoing extension and the increase of the City's franchise fee, as approved by the City Commission pursuant to Resolution No. 2019-_____; and further, direct the Administration to negotiate a new Service Agreement with the franchisees, subject to final approval thereof by the City Commission, at which time the City Commission shall also determine whether to renew the existing franchise agreements for the remainder of the renewal term provided in Section 90-230(b) of the City Code.

PASSED AND ADOPTED this ____ day of September, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael Granado 8/29/19
City Attorney RAG Date