

**RESOLUTION APPROVING THE SELECTION OF REPUBLIC SERVICES, INC. TO
PROVIDE THE CURBSIDE GARBAGE AND RECYCLING PROGRAM AND
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A
CONTRACT**

NO. 2019-109

WHEREAS, the City of Commerce City ("City") currently provides, as a service to its residents, the collection, disposal, and processing of certain garbage and recyclable materials in addition to the City's municipal buildings and parks using a private contractor ("Program");

WHEREAS, because the City's existing Program agreement will expire on December 31, 2019, the City recently solicited proposals from qualified entities for the provision of the Program services after the existing agreement expires;

WHEREAS, after engaging in a formal competitive and public proposal process consistent with the City's Procurement Policy, the City has determined that the lowest responsive and responsible entity whose proposal provides the best value to the City is Republic Services, Inc. ("Contractor");

WHEREAS, the City decided to select Contractor for the Program after considering the qualifications of the Contractor to meet the requirements of the City's Program, Contractor's proposed customer service plan, the City's evaluation of Contractor's past and current performance for other similar work, Contractor's capabilities in terms of quality of services provided, and Contractor's proposed cost for the Program;

WHEREAS, the Contractor's proposal offers services meeting the City's requirements at an annual rate that is approximately \$700,000 less than that of the next lowest respondent;

WHEREAS, the cost to the City for the Program will exceed \$250,000.00 and, pursuant to the City's procurement policies and the City Manager's commitment to the City Council, the City Council must approve any procurement in excess of \$250,000.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. The City Council hereby finds and determines that the selection of the Contractor to carry out the Program is and shall be in the best interests of the residents of the City. The award of a contract for the Program in that amount to the Contractor is hereby approved, subject to successful contract negotiation and execution consistent with this resolution. Any real or alleged irregularities in the Contractor's proposal are found to be immaterial and are hereby waived.

2. The City Manager is hereby authorized to negotiate with the Contractor a written contract for a term of up to five (5) years, subject to annual appropriation, for the base service as provided in the solicitation and any additional services or terms not involving a change in price, as the City Manager deems appropriate. The rates of compensation payable to the Contractor shall not exceed the rates set forth in the proposal as follows for 2020:

Price/Unit/Month (Trash/Recycle)	\$13.10
Price/Unit/Month (Trash/Trash)	\$13.10
Multi-family 3-yard Dumpsters (1 x per week)	\$85 per week per unit
Municipal/City Facility Dumpsters	\$84,865 annually

The Contractor's rates of compensation for the second and subsequent years of the contract shall not exceed said rates, with the exception of annual upward or downward adjustments to reflect changes in the cost of doing business, as measured by fluctuations in the Consumer Price Index published by the U.S. Department of Labor, not to exceed four percent (4.0%) per year. The actual cost will depend on the units served.

3. Upon successful finalization of the contract and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the contract on behalf of the City. The terms of the Contractor's proposal shall not be deemed accepted unless agreed to by the City Manager. This resolution shall not be deemed to grant any right or interest to the award of the contract to the Contractor until the execution of a written contract acceptable to the City Manager.

4. The City Manager is hereby authorized to execute amendments to the contract to account for contingencies and additional services related to the Program not affecting price.

RESOLVED AND PASSED THIS 7TH DAY OF OCTOBER 2019.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST

Laura J. Bauer, MMC, City Clerk