

Grants & Contracts - Transmittal Memo

DATE: March 15, 2018

FROM: Purchasing Division, Contracts

TO: Jamie Bailey
Sally Palmi

CONTRACT #: 9675

VENDOR: WCA of Florida, LLC

DESCRIPTION: #9675 4th Amendment WCA of Florida, LLC for solid waste, recyclable materials and yard trash collection

APPROVED BY: Board of County Commissioners

APPROVAL DATE: 3/13/2018

RECEIVED ON: March 15, 2018

TERM START: 3/13/2018

TERM END: 9/30/2021

AMOUNT: NTE \$3,538,257.48

ACCOUNT:

ENCUMBRANCE #:

RFP/BID #: 15-21

ACTIONS REQUIRED: Please forward a copy to the vendor & retain a copy for your files.

COPY TO: Finance and Accounting
Risk Division
File

**FOURTH AMENDMENT TO AGREEMENT #9675
BETWEEN ALACHUA COUNTY AND WCA OF FLORIDA, LLC
FOR SOLID WASTE, RECYCLABLE MATERIALS, AND YARD TRASH COLLECTION**

THIS FOURTH AMENDMENT TO COLLECTION AGREEMENT, made and entered into this 13th day of March A.D. 2018, by and between Alachua County, a charter county and political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as "County", and WCA of Florida, LLC, hereinafter referred to as "Contractor" (hereinafter, the County and the Contractor are collectively referred to as the "Parties").

WHEREAS, the Parties hereto previously made and entered into the Solid Waste, Recyclable Materials and Yard Trash Collection Renewal Agreement dated April 22, 2014 (the "Collection Agreement"), for the period April 22, 2014 through September 30, 2021; and

WHEREAS, the Parties made and entered into the First, Second, and Third Amendments to the Collection Agreements on December 9, 2014, November 10, 2015, and August 22, 2017, respectively; and

WHEREAS, the Parties wish to amend the Collection Agreement again, in accordance with section 1.11.1.3 of Attachment B, General and Technical Specifications, of the Collection Agreement, to reflect the amount due the Contractor for the County's Fiscal Year 2017-2018 based on the total number of Universal Collection Area Residential units as determined by the 2017 Certification of Non-ad Valorem Assessment Roll; and

WHEREAS, the Parties also wish to provide for an adjustment to the compensation due to the Contractor for the costs associated with the Alachua County Government Minimum Wage Ordinance during the Fiscal Year 2017-18.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated by reference and shall be deemed an integral part of this Fourth Amendment and in consideration of the mutual covenants and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to amend the Collection Agreement as follows:

1. The recitals above are true and correct and incorporated herein.

2. The total number of Universal Collection Area residential units, by cart size, for Fiscal Year 2017-18 certified to the Alachua County Tax Collector for the 2017 Non-Ad Valorem Assessment Roll are in the table below.

<u>Cart Size</u>	<u>Number of Units</u>
Mini	572
35 gallons	2,938
64 gallons	16,044
96 gallons	3,823
Total Units	23,377

The maximum indebtedness of the County to the Contractor for Fiscal Year 2017-2018 under the Collection Agreement, as based on the total number of Universal Collection Area residential units determined by the 2017 Non-ad Valorem Assessment Roll (total unit count of 23,377), shall not exceed Three million, five hundred and thirty-eight thousand, two hundred and fifty-seven dollars and forty eight cents (\$3,538,257.48) plus additional service charges, and the compensation adjustment related to Contractor's increased cost associated with the County Minimum Wage Ordinance, as more particularly described in paragraph 3, below. The Retroactive Compensation due to Contractor for the period of October 1, 2017 through March 31, 2018, as a result of adjusting the total number of Universal Collection Area residential units, is \$21,374.04. Contractor shall add, as a line item to its April 2018 monthly invoice to County, the following line item: **Lump Sum Compensation for Adjustment to Universal Collection Area Residential Units for the Period of October 1, 2017 through March 31, 2018: \$21,374.04.** Commencing with its April 2018 invoice to the County, the amount charged to the County in each monthly invoice shall be Two hundred and ninety-four thousand, eight hundred and fifty-four dollars and seventy-nine cents (\$294,854.79) until the Parties amend the Collection Agreement again in accordance with the provisions of Section 1.11.1.3 of Attachment B to the Collection Agreement.

3. Fiscal Year 2017-2018 Compensation Adjustments related to the County's Minimum Wage

Ordinance. The Alachua County Government Minimum Wage for Fiscal Year 2017-18 is \$13.00 per hour when health benefits are provided at the equivalent value of \$2.04 per hour, and \$15.04 per hour when health benefits are not provided by the employer. Contractor is entitled to the amount of \$39,749.00 as a compensation adjustment for costs associated with the Wage Ordinance for the period of October 1, 2017 through September 30, 2018. This is in addition to the previous \$98,241.00 compensation adjustment approved for the Fiscal Year 2016-17 term. The total due to the Contractor as a compensation adjustment for Fiscal Year 2017-18 is \$137,987.00. The Retroactive Compensation due to Contractor for the period of October 1, 2017 through March 31, 2018, as a result of adjusting Contractor's cost to comply with the Wage Ordinance is \$19,874.50. Contractor shall add, as a line item to its April 2018 monthly invoice to County, the following line item: **Lump Sum Compensation Adjustment for Costs Associated with Wage Ordinance for the Period of October 1, 2017 through March 31, 2018: \$19,874.50.** Commencing with its April 2018 invoice to the County, the amount charged to the County in each monthly invoice shall be Eleven Thousand Four Hundred Ninety-Eight Dollars and Ninety-Two Cents (\$11,498.92) until the Parties amend the Collection Agreement again in accordance with the provisions of Section 1.11.1.3 of Attachment B to the Collection Agreement. Commencing with its April 2018 invoice to the County, the Contractor shall add, as a line item to each regular monthly invoice that it submits to the County, the following: "**Monthly Minimum Wage Compensation Adjustment: \$11,498.92.**"

4. This Fourth amendment shall take effect upon the date of execution by the Parties.

5. SAVE and EXCEPT as expressly amended herein, all other terms and provisions of the Collection Agreement, as previously amended, shall be and remain in full force and effect.

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IN WITNESS WHEREOF, the Parties have caused this Fourth Amendment to be executed for the uses and purposes therein expressed on the day and year first above-written.

ALACHUA COUNTY, FLORIDA

By: [Signature]
Lee Pinkoson, Chair
Board of County Commissioners
Date: 03/14/2018

ATTEST:

[Signature]
Jesse K. Irby II, Clerk

(SEAL)

APPROVED AS TO FORM

[Signature]
Alachua County Attorney's Office

VENDOR

ATTEST (By Corporate Officer)

By: [Signature]
Print: Bob Shires
Title: Region Vice President

By: [Signature]
Print: Brian Lockhart
Title: District Manager
Date: 3/1/18



Agenda

**ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS**

**Jack Durrance Auditorium
Second Floor
12 SE 1st Street**

March 13, 2018 BoCC Regular Meeting 9:00AM

Agenda Item #53.

Agenda Item Name:

Fourth Amendment to the Solid Waste, Recyclable Materials and Yard Trash Collection Renewal Agreement between Alachua County and WCA of Florida, LLC

Presenter:

Sally Palmi, (352) 548-1282

Item Description:

This Fourth Amendment to Agreement for curbside collection of Solid Waste, Recyclable Materials and Yard Trash updates the number of households serviced and the amount owed to the Contractor based on the certified unit count. This Amendment also includes an increase in the contract to cover the Alachua County Government Minimum Wage requirements.

Recommended Action:

Approve the Fourth Amendment to the Solid Waste, Recyclable Materials and Yard Trash Collection Renewal Agreement between Alachua County and WCA of Florida, LLC. and approve budget amendment moving budget from reserves to cover FY17 & FY18 house count increases and Alachua Minimum Wage increases.

Prior Board Motions

On April 22, 2014, the County entered into a Renewal Agreement with WCA of Florida, LLC for curbside collection of Solid Waste, Recyclable Materials and Yard Trash effective through September 30, 2021. The First Amendment to Agreement adjusted the unit count for Fiscal Year 2014-2015, and was approved on December 9, 2014. The Second Amendment to Agreement adjusted the unit count for Fiscal Year 2015-2016, and it was approved on November 10, 2015. The Third Amendment to Agreement was approved on July 11, 2017, and it adjusted the unit count and also made a compensation adjustment to account for the increase to the Minimum Wage Ordinance.

Fiscal Consideration:

The amount budgeted for the collection of solid waste, recyclable materials and yard trash have been budgeted in Fiscal Year 2017-2018 is \$3,378,067. Contract after amendment is \$3,676,244.48 a difference of \$298,177.48 which is mostly from house count increase and Alachua County Minimum Wage increase. Therefore, a budget amendment of \$300,000 from reserves is needed to cover shortfall.

Account: 148.76.7600.534.43.00

Background:

This is the Fourth Amendment to Agreement for curbside collection of Solid Waste, Recyclable Materials and Yard Trash. The Amendment updates the number of households serviced and the amount owed to the Contractor based on the certified unit count. This Amendment also includes an increase in the contract amount to cover the Alachua County Government Minimum Wage requirements.

On April 22, 2014, the County entered into a Renewal Agreement with WCA of Florida, LLC for curbside collection of solid waste, recyclable materials and yard trash, which was effective through September 30, 2021. The First Amendment to Agreement updated the unit count for Fiscal Year 2014-2015 and was executed on December 9, 2014. On November 10, 2015, the Board of County Commissioners approved a Second Amendment to Agreement to update the unit count for Fiscal Year 2015-2016. The Third Amendment to Agreement, approved on July 11, 2017, adjusted the unit count for Fiscal Year 2016-2017 and also made a compensation adjustment to account for the increase to the Minimum Wage Ordinance.

The amount owed to WCA of Florida, LLC for collection services is based upon the total number of universal collection area residential units determined by the Certification of Non-Ad Valorem Assessment Roll. This unit count must be updated annually following certification of the assessment roll. The FY2015-2016 contracted amount of \$3,456,506.52 is amended to add 257 units at an additional cost of \$39,001.88 for FY2016-2017. In addition, WCA of Florida, LLC is entitled to \$25,505.25 as a compensation adjustment for costs associated with compliance with the Alachua County Government Minimum Wage requirements for the period of July 11, 2017 through September 30, 2017.