

65553

October 5, 2018

To: The Honorable Board of Acquisition and Contract

From: Vincent F. Kopicki, P.E.
Commissioner of Environmental Facilities

Re: Authority to enter into a fifth amendment to the agreement with City Carting of Westchester, Inc. for Solid Waste Transfer Stations and Materials Recovery Facility Management and Operations, and Solid Waste Disposal, Composting and Miscellaneous Services, in order to: exercise the County's third and final renewal option for the period from August 1, 2019 through July 31, 2024; require City Carting to purchase and install certain improvements and equipment; and modify the recycling revenue share.

In 2004, the County of Westchester, on behalf of Refuse Disposal District No. 1 ("the County"), concluded a Request for Proposals ("RFP") process conducted pursuant to Section 120-w of the New York General Municipal Law in order to procure a contractor to provide Solid Waste Transfer Stations and Materials Recovery Facility Management and Operations, and Solid Waste Disposal, Composting and Miscellaneous Services (the "Services"). On July 8, 2004, your Honorable Board adopted a Resolution authorizing an agreement with City Carting of Westchester, Inc. ("City Carting") to provide the Services for a five year period commencing August 1, 2004 and ending July 31, 2009, with three (3) renewals of five (5) years each exercisable at the County's option (the "Agreement"). Payment in the first year of the Agreement was in an amount not to exceed \$16,917,300.00 payable according to specified fees, which were subject to an annual adjustment factor commencing in the second year of the contract equal to 0.75 times the percentage change in the Consumer Price Index ("CPI") for All Urban Consumers for New York, New York - Northeastern New Jersey as published by the U.S. Department of Labor, Bureau of Labor Statistics.

On December 14, 2006, your Honorable Board adopted a Resolution authorizing a first amendment to the Agreement which permitted the County to exercise its option to renew the term for the period August 1, 2009 through July 31, 2014, in an amount not to exceed \$20,896,536, or less based on the actual CPI for the period in question for the first year of the renewal term payable at the fees set forth in the Agreement, subject to the Agreement's annual adjustment factor equal to 0.75 times the percentage change in the CPI. In addition, the first amendment required City Carting to replace a paper baler and conveyors at the Materials

Recovery Facility (“MRF”), as well as fencing at the Mount Vernon Transfer Station. The first amendment was executed.

On August 2, 2007, your Honorable Board adopted a Resolution authorizing a second amendment to the Agreement to increase the contract amount for year three of the Agreement from \$18,051,214 to \$20,000,000 and to continue the annual adjustment factor as agreed upon through July 21, 2009, due to an increase in Municipal Yard Waste Recycling. The second amendment was executed.

On November 8, 2012, your Honorable Board adopted a Resolution authorizing a third amendment to the Agreement in order to: exercise the County’s option to renew the Agreement for the term August 1, 2014 through July 31, 2019; eliminate the 2011-2012 CPI increase in the management fee; reduce the management fee for the remainder of the term; and require the County, on behalf of Refuse Disposal District No. 1, to purchase diesel fuel necessary for City Carting to fulfill its obligations pursuant to the contract with a full reimbursement of the purchase price of the fuel to the County. However, that third amendment was not executed.

On July 22, 2014, your Honorable Board adopted a Resolution rescinding the November 8, 2012 Resolution and authorizing the County to enter into a third amendment to the Agreement in order to amend the County’s second five-year renewal option to be a one-year renewal option from August 1, 2014 through July 31, 2015 in an estimated amount not to exceed \$22,883,484, and to authorize the exercise of such amended renewal option.

On May 28, 2015, your Honorable Board adopted a Resolution authorizing a fourth amendment to the Agreement in order to: restore four years to the County’s second renewal option for the period from August 1, 2015 through July 31, 2019 in an amount not to exceed \$69,977,413, and authorize the County’s exercise of the renewal; eliminate the 2015-2016 CPI increases in the management fee; and require City Carting to purchase and install a paper screen system and other equipment.

Authority of your Honorable Board is now requested to enter into a fifth amendment to the Agreement in order to exercise the County’s third and final renewal option for the period from August 1, 2019 through July 31, 2024, for an estimated amount not to exceed \$123,487,465.45, payable as specified in the Agreement.

In consideration of the County’s renewal of the Agreement, City Carting will construct a fuel pad trench drain (Thruway Transfer Station/MRF), repair tipping floor (Brockway Transfer Station), replace roof (Thruway Transfer Station), expand stormwater system maintenance responsibilities, and purchase and install equipment at the Yonkers Transfer Station/MRF. This will result in estimated savings for the County of \$4,153,000. The Agreement is further amended to modify the recycling revenue share from 80% County/20% Contractor to 75% County/25% Contractor effective August 1, 2019. All other terms and conditions of the Agreement, as previously amended, will remain unchanged.

This amendment will serve a public purpose by providing the County with uninterrupted and reliable transfer station operations and solid waste and recyclables hauling services. This Agreement will be tracked and monitored by the Department of Environmental Facilities to evaluate the success or failure of this Agreement by continual oversight of operations at the Material Recovery Facility and the County transfer stations.

Accordingly, I recommend the adoption of the annexed Resolution authorizing the County, on behalf of the District, to enter into a fifth amendment to the Agreement with City Carting of Westchester, Inc., and to exercise the renewal option. The Agreement shall be subject to annual appropriation by the Board of Legislators.

VFK/dlv
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/29/2018 - JOHN COCCIA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of the Department of Environmental Facilities, be it hereby

RESOLVED, that the County of Westchester (the “County”), acting on behalf of Refuse Disposal District No. 1 (“District”), is hereby authorized to execute a fifth amendment to the Agreement with City Carting of Westchester, Inc. (“City Carting”) for Solid Waste Transfer Stations and Materials Recovery Facility Management and Operations, and Solid Waste Disposal, Composting and Miscellaneous Services (the “Agreement”) in order to exercise the County’s third and final renewal option for the period from August 1, 2019 through July 31, 2024, in an estimated amount not to exceed \$123,487,465.45 payable as specified in the Agreement; and be it further

RESOLVED, that the Agreement is further amended to provide that in consideration of the County’s renewal of the Agreement, City Carting shall construct a fuel pad trench drain (Thruway Transfer Station/MRF), repair tipping floor (Brockway Transfer Station), replace roof (Thruway Transfer Station), expand stormwater system maintenance responsibilities, and purchase and install equipment at the Yonkers Transfer Station/MRF; and be it further

RESOLVED, that the Agreement is further amended to modify the recycling revenue share from 80% County/20% Contractor to 75% County/25% Contractor effective August 1, 2019; and be it further

RESOLVED, that all other terms and conditions of the Agreement, as previously amended, shall remain unchanged; and be it further

RESOLVED, that the Agreement shall be subject to annual appropriation by the Board of Legislators; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate the purposes hereof.

Account to be Charged/credited
 Estimated NTE
 2019-2024

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
251	60	Various	4380		\$123,487,465.45

Budget Funding Year(s) 2019-2024 Start Date 8/1/19 End Date 7/31/24
 (must match resolution)

Funding Source Tax Dollars \$123,487,465.45
 State Aid _____
 \$ 123,487,465.45 Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/29/2018 - JOAN COUGLIARDI, SECRETARY