

1 [Contract Modification - Recology San Francisco - Refuse Collection Services - Not to  
2 Exceed - \$39,600,000]

3 **Resolution authorizing the Office of Contract Administration to enter into a Third**  
4 **Amendment to the agreement between the City and County of San Francisco and**  
5 **Sunset Scavenger Company d/b/a Recology Sunset Scavenger, Golden Gate**  
6 **Disposal & Recycling Company d/b/a Recology Golden Gate, and Recology San**  
7 **Francisco (collectively, “Contractor”) for refuse collection services at City**  
8 **facilities; increasing the contract amount by \$23,978,000 for a total not to exceed**  
9 **amount of \$39,600,000 and extending the term by two years from June 30, 2022,**  
10 **for a total contract duration of three years and seven months of December 1,**  
11 **2020, through June 30, 2024.**

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13 WHEREAS, The City has historically contracted with Sunset Scavenger Company  
14 d/b/a Recology Sunset Scavenger, Golden Gate Disposal & Recycling Company d/b/a  
15 Recology Golden Gate, and Recology San Francisco (collectively, “Contractor”) on a  
16 sole source basis to provide refuse collection services at City facilities; and

17 WHEREAS, Pursuant to the sole source authority under Administrative Code  
18 Chapter 21.5, the Office of Contract Administration entered into an agreement with  
19 Contractor dated December 1, 2020 (“Agreement”), for refuse collection services in the  
20 amount of \$5,600,000 and for a duration of seven months to June 30, 2021, as amended  
21 by the:

- 22 ○ First Amendment, June 29, 2021, which extended the end date to  
23 November 30, 2021, and increased contract not to exceed amount to  
24 \$9,900,000, and

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1           ○ Second Amendment, November 5, 2021, which extended the end date to  
2           June 30, 2022, and increased contract not to exceed amount to  
3           \$15,622,000, and

4           WHEREAS, The City's Refuse Ordinance does not prohibit the City from  
5           competitively procuring refuse collections services for City facilities, and

6           WHEREAS, The Office of Contract Administration presently intends to issue a  
7           solicitation to competitively procure a new agreement for City refuse collection services,  
8           and

9           WHEREAS, The Office of Contract Administration seeks to enter into a Third  
10          Amendment, increasing the not to exceed contract amount to \$39,600,000 and  
11          extending the contract duration by two years to June 30, 2024, to meet City business  
12          needs until a new agreement can be competitively procured, and

13          WHEREAS, The parties have negotiated set collection rates for the two-year  
14          contract extension allowing for the Contractor to request a price adjustment the second  
15          year of the extension based on the U.S. Department of Labor's CPI for All Urban  
16          Consumers (CPI-U) for San Francisco-Oakland-Hayward, CA; and

17          WHEREAS, Under the Agreement the City has the option, in its sole discretion, to  
18          terminate the contract, at any time during the term, for convenience and without cause;  
19          and

20          WHEREAS, Charter, Section 9.118(b), requires the Board of Supervisors to  
21          approve by Resolution contracts estimated to cost the City \$10,000,000 or more; and

22          WHEREAS, The Board of Supervisors approved Second Amendment to the  
23          contract on November 16, 2021 by Resolution No. 532-21 (File No. 211083) to increase  
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1 the contract amount from \$9,900,000 to \$15,622,000 and extend contract from  
2 December 1, 2021, to June 30, 2022; and

3 WHEREAS, The Agreement, including the previous amendments and the  
4 proposed Third Amendment, is on file with the Clerk of the Board of Supervisors in File  
5 No. 220422, which is hereby declared to be part of this resolution as if set forth fully  
6 herein; now, therefore, be it

7 RESOLVED, That the Board of Supervisors, under Charter, Section 9.118(b),  
8 hereby approves the Third Amendment to the Agreement with the Contractor, to  
9 increase the contract amount by \$23,978,000 for a total not to exceed contract amount  
10 of \$39,600,000, and to extend the duration by two years to June 30, 2024; and, be it

11 FURTHER RESOLVED, That within 30 days of the Agreement being fully  
12 executed by all parties, the Purchaser shall provide the final Agreement to the Clerk of  
13 the Board for inclusion into the official file.

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