

1 [Contract Amendment - Lystek International Limited - Class A Biosolids Management Services
2 - Not to Exceed \$36,670,000]

3 **Resolution approving the Fourth Amendment between the City and County of San**
4 **Francisco, acting by and through the Office of Contract Administration, and Lystek**
5 **International Limited, for Class A Biosolids management services for an increased**
6 **amount of \$20,770,000 and a total not to exceed amount of \$36,670,000; to extend the**
7 **term by two years from June 30, 2027 for a total term of July 1, 2022, through June 30,**
8 **2029; and to authorize the Office of Contract Administration to make necessary, non-**
9 **material changes to the Amendment prior to its final execution by all parties that do not**
10 **materially increase the obligations or liabilities to the City and are necessary or**
11 **advisable to effectuate the purposes of the Agreement.**

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13 WHEREAS, On March 29, 2022, the Office of Contract Administration issued an
14 Invitation for Bids (“IFB”) under Sourcing Event 0000006728 for the production and
15 management of Class A biosolids; and

16 WHEREAS, Lystek International Limited submitted a bid and was the lowest
17 responsive and responsible bidder; and

18 WHEREAS, The Office of Contract Administration awarded the contract to Lystek
19 International Limited; and

20 WHEREAS, On July 1, 2022, the Office of Contract Administration and Lystek
21 International Limited entered into an agreement for the production and management of Class
22 A biosolids (“Original Agreement”); and

23 WHEREAS, The Original Agreement has a term of July 1, 2022 to June 30, 2027, and
24 a not to exceed amount of \$15,900,000; and

1 WHEREAS, The Original Agreement is on file with the Clerk of the Board of
2 Supervisors in File No. 220600, which is hereby declared to be a part of this Resolution as if
3 set forth fully herein; and

4 WHEREAS, The Office of Contract Administration wishes to amend the Original
5 Agreement by extending the term by two years to June 30, 2029, and by increasing the
6 maximum expenditure by \$20,770,000 for a total not to exceed amount of \$36,670,000 (the
7 “Fourth Amendment”); and

8 WHEREAS, Charter, Section 9.118(b), requires Board of Supervisors’ approval by
9 Resolution of any contract which, when entered into, extends over 10 years, and of any
10 contract which, when entered into, costs the City \$10,000,000 or more; and

11 WHEREAS, The proposed Amendment contained in File No. 251025, is substantially in
12 final form, with all material terms and conditions included, and only remains to be executed by
13 the parties upon approval of this Resolution; now, therefore, be it

14 RESOLVED, That the Board of Supervisors hereby approves the Amendment in
15 substantially the form contained in File No. 251025; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors authorizes the Office of
17 Contract Administration to make any modifications to the Amendment, prior to its final
18 execution by all parties, that the Office of Contract Administration determines, in consultation
19 with the City Attorney, are consistent with this Resolution, in the best interest of the City, do
20 not materially increase the obligations or liabilities of the City, are necessary or advisable to
21 effectuate the purposes of the Amendment, and are in compliance with all applicable laws,
22 including City’s Charter; and, be it

23 FURTHER RESOLVED, That within 30 days of the Amendment being fully executed by
24 all parties, the Office of Contract Administration shall submit to the Clerk of the Board of
25 Supervisors a completely executed copy for inclusion in File No. 251025; this requirement and

1 obligation resides with the Department, and is for purposes of having a complete file only, and
2 in no manner affects the validity of approved Amendment.

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