

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

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

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

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