FILE NO. 240365 RESOLUTION NO.

[Contract Modification - Recology San Francisco - Refuse Collection Services - Not to Exceed - $43,800,000]

Resolution authorizing the Office of Contract Administration to enter into a Fifth Amendment to the agreement between the City and County of San Francisco and Sunset Scavenger Company d/b/a Recology Sunset Scavenger, Golden Gate Disposal & Recycling Company d/b/a Recology Golden Gate, and Recology San Francisco (collectively "Contractor") for refuse collection services at City facilities, increasing the contract amount by $4,200,000 for a total not to exceed amount of $43,800,000 and extending the duration of the term by four months from July 1, 2024, for a total contract term of December 1, 2020, through October 31, 2024.

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

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

First Amendment, dated June 29, 2021, which extended the end date to November 30, 2021, and increased contract not to exceed amount to $9,900,000; and

Second Amendment, dated November 5, 2021, which extended the end date to June 30, 2022, and increased contract not to exceed amount to $15,622,000; and

Third Amendment, dated July 1, 2022, which extended the end date to June 30, 2024, and increased contract not to exceed amount to $39,600,000; and

Fourth Amendment, dated June 20, 2023, which adjusted contract pricing for the time period July 1, 2023, to June 30, 2024; and

WHEREAS, The Office of Contract Administration issued a solicitation to competitively procure a new agreement for City refuse collection services in June 2022, and issued a conditional Notice of Intent to Award the agreement to the highest-ranked proposer in January 2023; and

WHEREAS, The highest-ranked proposer withdrew its proposal in March 2024, prior to execution of the new agreement for City refuse collection services, and the Office of Contract Administration thereby terminated negotiations with this proposer; and

WHEREAS, The Office of Contract Administration commenced negotiations for the new City refuse collection services agreement with the second-highest ranked proposer to the solicitation in March 2024; and

WHEREAS, The Office of Contract Administration seeks to enter into a Fifth Amendment to the Agreement with Contractor for City refuse collection services, increasing the not to exceed contract amount to $43,800,000and extending the Agreement duration by four months to October 31, 2024, to meet City business needs until a new agreement can be executed through the current competitive solicitation; and

WHEREAS, The parties have agreed the pricing for the four-month contract extension will remain unchanged from the current contract pricing; and

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

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

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

WHEREAS, The Board of Supervisors approved Third Amendment to the contract on July 12, 2022, by Resolution No. 312-22 (File No. 220422) to increase the contract amount from $15,622,000 to $39,600,000 and extend contract from June 30, 2022, to June 30, 2024; and

WHEREAS, The Agreement, including the previous amendments and the proposed Fifth Amendment, is on file with the Clerk of the Board of Supervisors in File No. 240365; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby approves the Fifth Amendment to the Agreement with the Contractor, to increase the not to exceed contract amount by $4,200,000, for a total not to exceed contract amount of $43,800,000, and to extend the duration by four months, for a total duration of three years and 11 months, from December 1, 2020, through October 31, 2024; and, be it

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