

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO 1) NEGOTIATE AND EXECUTE AN AGREEMENT THROUGH JUNE 30, 2036 WITH GARDEN CITY SANITATION, INC.; 2) NEGOTIATE AND EXECUTE AN AGREEMENT THROUGH JUNE 30, 2036 WITH GREENTEAM OF SAN JOSE; 3) NEGOTIATE AND EXECUTE AN AGREEMENT THROUGH JUNE 30, 2036 WITH GREENWASTE RECOVERY; AND 4) NEGOTIATE AND EXECUTE AN AGREEMENT THROUGH JUNE 30, 2036 WITH CALIFORNIA WASTE SOLUTIONS IF CERTAIN PERFORMANCE STANDARDS ARE MET AS SET FORTH IN THE SECOND AMENDMENT

WHEREAS, the City of San José's ("City") Environmental Services Department provides recycling and garbage services to all households in San José, which is divided into service Districts A, B, and C, through four contracted service providers each originally selected by the City through a competitive procurement process; and

WHEREAS, California Waste Solutions ("CWS") provides recycling collection and processing services for single-family dwellings in Districts A and C through an Agreement with the City ending June 30, 2021; and

WHEREAS, Garden City Sanitation, Inc. ("Garden City") provides garbage collection services for single-family dwellings in Districts A and C through an Agreement with the City ending June 30, 2021; and

WHEREAS, GreenTeam of San José ("GreenTeam") provides garbage collection and recycling collection and processing services for multi-family dwellings City-wide, single-family dwellings in District B, and City facilities through an Agreement with the City ending June 30, 2021; and

WHEREAS, GreenWaste Recovery (“GreenWaste”) provides City-wide collection and processing services for residential yard trimmings, back-end processing of municipal solid waste, and street sweeping collection and processing through an Agreement with the City ending June 30, 2021; and

WHEREAS, on January 15, 2019, the City Council directed staff to develop agreements, in accordance with the term sheets, with Garden City, GreenTeam, and GreenWaste and to continue negotiations with CWS; and

WHEREAS, staff has not yet completed negotiations with Garden City, GreenTeam and GreenWaste and will finalize agreements with Garden City, GreenTeam, and GreenWaste, through an amendment and restatement of their current agreements, for residential solid waste services through June 30, 2036 in accordance with the term sheets approved by City Council on January 15, 2019; and

WHEREAS, in accordance with Council direction, staff completed negotiations with CWS, which resulted in the term sheet summarized in the February 15, 2019 informational memorandum submitted to City Council with the subject line “Update on Negotiations with California Waste Solutions” and presented to the City Council on June 18, 2019; and

WHEREAS, if CWS satisfies the performance standards set forth in the Second Amendment to the Agreement with CWS, staff will finalize an agreement with CWS, by amending and restating its current agreement, for single-family recycling services in Districts A and C through June 30, 2036 in accordance with the term sheet submitted to City Council; and

WHEREAS, if CWS does not fully satisfy the performance standards set forth in the Second Amendment to the Agreement with CWS, staff will issue a Request for Proposals to award a contract through June 30, 2036 for single-family recycling services in Districts A and C;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT the City Manager is hereby authorized to:

1. Negotiate and execute an agreement through June 30, 2036 with California Waste Solutions, in accordance with the term sheets presented to Council and subject to annual appropriation of funds, for single-family dwelling recycling collection and processing in Districts A and C if California Waste Solutions fully satisfies the performance standards as specified in the Second Amendment. If CWS does not fully satisfy the performance standards as specified in the Second Amendment by June 30, 2020, the City Manager is authorized to:
 - a. Initiate a Request for Proposals to award a contract through June 30, 2036 for single-family recyclables collection and processing in Service Districts A and C, with substantially the same framework as future services in Service District B, and
 - b. Exercise the Option Term in the Second Amendment to extend the CWS contract to December 31, 2021, if necessary.
2. Negotiate and execute an agreement through June 30, 2036 with Garden City Sanitation, Inc., in accordance with the term sheets presented to Council and subject to annual appropriation of funds, for single-family dwelling garbage collection in Districts A and C;

3. Negotiate and execute an agreement through June 30, 2036 with GreenTeam of San José, in accordance with the term sheets presented to Council and subject to annual appropriation of funds, for collection of garbage and collection and processing of recyclables for multi-family dwellings City-wide, single-family dwellings in District B, and City facilities; and
4. Negotiate and execute an agreement through June 30, 2036 with GreenWaste Recovery, in accordance with the term sheets presented to Council and subject to annual appropriation of funds, for City-wide residential yard trimmings and street sweeping collection and processing, and backend processing of municipal solid waste.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk