

★ **Roll Call Number**

21-0114

Agenda Item Number

41

Date January 25, 2021

APPROVING FIFTH AMENDMENT AND RENEWAL OF CONTRACT FOR SINGLE
STREAM RECYCLABLES PROCESSING SERVICES WITH MID-AMERICA RECYCLING,
LLC

WHEREAS, the Public Works Department provides a number of services, including the curbside collection and processing of recyclable materials; and

WHEREAS, on July 14, 2008, by Roll Call No. 08-1271, the City Council approved a contract with Mid-America Recycling, LLC for an exclusive recycler to receive, process, and market single-stream recyclable materials collected by the Public Works Department with an initial term beginning on December 6, 2008 and ending on December 31, 2015, with up to two additional five year renewals at the City's discretion ("the Contract"); and

WHEREAS, on May 18, 2015, by Roll Call No. 15-0828, the City Council consented to the assignment of the Contract from Mid-America Recycling LLC to Mid America Recycling, LLC and approved a First Amendment to the Contract; and

WHEREAS, on December 7, 2015, by Roll Call No. 15-2064, the City Council approved a Renewal and Second Amendment to the Contract, which, among other items, renewed the term of the Contract until December 31, 2020, and which required Mid America Recycling, LLC to provide a performance bond with a term to be the same as the contract term length; and

WHEREAS, on February 8, 2016, by Roll Call No. 16-0213, the City Council approved a Third Amendment to the Contract to allow for annual terms term of the performance bond; and

WHEREAS, on June 3, 2019, by Roll Call No. 19-0899, the City Council approved a Fourth Amendment to the Contract to reduce the performance bond amount from \$1,000,000 to \$500,000 and to revise the pricing schedule; and

WHEREAS, City staff and Mid America Recycling, LLC desire to renew the contract until October 31, 2021, with an option to extend the renewal period for up to December 31, 2025 and have negotiated a Fifth Amendment to increase the processing fees, eliminate the performance bond requirement, and to make other changes as described in the Council Communication, a copy of which is on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Fifth Amendment, a copy of which is on file in the City Clerk's Office, is hereby approved and the City Manager is hereby authorized and directed to execute said amendment on behalf of the City and the City Clerk is directed to attest to his signature.

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(Council Communication No. 21- 024)

Moved by Gatto to adopt.

Approved As To Form:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, P. Kay Melik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED
T. M. Franklin Cownie
 Mayor

P. Kay Melik
 City Clerk