

ORDINANCE NO. 23-31

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING THE FRANCHISE AGREEMENT WITH EASTERN WASTE SYSTEMS, INC. (“EWS”) FOR BULK WASTE/TRASH AND BULK YARD WASTE COLLECTION SERVICES, ATTACHED HERETO AS EXHIBIT “A” (THE “AGREEMENT”); GRANTING AN EXCLUSIVE FRANCHISE TO EWS PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN THE AGREEMENT; AUTHORIZING AND DIRECTING THE CITY MANAGER TO FINALIZE AND EXECUTE THE FRANCHISE AGREEMENT BETWEEN THE CITY AND EWS; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Cooper City (“City”) provides bulk waste and bulk yard waste collection within the City; and

WHEREAS, the City recently advertised its Request for Proposals #2023-2-PW embracing City's intent and desire to hire a firm(s) to provide “Solid Waste Removal Services” (the “RFP”); and

WHEREAS, the RFP contemplated awarding separate contracts for hauling bulk waste and residential solid waste and recycling hauling services; and

WHEREAS, on November 14, 2023, the City’s the evaluation committee conducted its third meeting to evaluate prospective hauling firms and specifically considered the best and final offers from the shortlisted firms; and

WHEREAS, the City’s evaluation committee recommended that the bulk waste collection portion of the solicitation be awarded to EWS and recommended that the City negotiate and enter into a franchise agreement with EWS to render the services described in Exhibit “A” attached hereto and incorporated herein; and

ORDINANCE NO. 23-31

WHEREAS, the City and EWS desire to enter into the Agreement to provide bulk waste/trash and bulk yard waste collection services ("Agreement"), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference; and

WHEREAS, the City Commission hereby determines this Agreement to be in the best interests of the health, safety and welfare of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City Commission of the City of Cooper City does hereby approve the Franchise Agreement for Bulk Waste/Trash and Bulk Yard Waste Collection Services with EWS, which is attached hereto as Exhibit "A" and incorporated herein.

SECTION 3. The City Manager is hereby authorized and directed, on behalf of the City, to execute and to otherwise enter into the Agreement for Bulk Waste/Trash and Bulk Yard Waste Collection Services by and between the City of Cooper City and EWS.

SECTION 4. The City Manager, or his designee, be and the same is hereby authorized and directed to do all things necessary and expedient in order to effectuate the execution of the Agreement for Bulk Waste/Trash and Bulk Yard Waste Collection Services, including, but not limited, to the appropriating, budgeting, and implementation of each of the terms, conditions, and provisions, thereof, so as to best protect the health, safety, and welfare of the citizens and residents of the City, in accordance with the Charter and Code of Ordinances of the City.

ORDINANCE NO. 23-31

SECTION 5. All other terms, conditions, and provisions, shall be as set forth in the Agreement for Bulk Waste/Trash and Bulk Yard Waste Collection Services, which is attached hereto and made a specific part hereof.

SECTION 6. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

SECTION 7. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 8. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2023.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2023.

MAYOR GREG ROSS

ATTEST:

TEDRA ALLEN, MMC

Approved as to Legal Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____

ORDINANCE NO. 23-31