

ORDINANCE NO. 055, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REPEALING ORDINANCE NO. 028, 2023, AND AUTHORIZING THE CITY MANAGER  
TO ENTER INTO A CONTRACT FOR THE PROVISION OF  
RESIDENTIAL WASTE COLLECTION SERVICES

WHEREAS, Colorado Revised Statutes (“C.R.S.”) § 30-15-401(7.5) authorizes the City to establish a residential waste collection program (the “Program”), which may require municipal residents to use or pay user charges for residential waste services; and

WHEREAS, to establish the Program, C.R.S. § 30-15-401(7.5)(b)(I) requires the City to issue a Request for Proposals for such services, provide written notice of the Request for Proposals to City-licensed waste haulers, and publish a six-month public notice of the Request for Proposals in a newspaper of general circulation within the City prior to requiring the use of the services or the time of initial imposition of the user charges; and

WHEREAS, C.R.S. § 30-15-401(7.5) also requires the local governing body to award the contract for the Program; and

WHEREAS, on July 19, 2022, in Resolution 2022-079, the City Council directed City staff to design and issue a Request for Proposals for residential waste collection services, including trash and recycling collection services; and

WHEREAS, City staff designed a Request for Proposals and issued it on September 12, 2022, with an addendum added on October 24, 2022, which are attached hereto as Exhibit A, mailed a copy of the Request for Proposals to all waste haulers licensed by the City, a list of which is attached hereto as Exhibit B, and published the required notice in a local newspaper, as shown in the affidavit attached hereto as Exhibit C; and

WHEREAS, City staff received three proposals in response to the Request for Proposals and conducted a procurement process in accordance with the requirements of the City Code; and

WHEREAS, based on the outcome of the procurement process, the City has selected Allied Waste Systems, Inc., which does business as Republic Services of Colorado, to provide the Program; and

WHEREAS, Section 8-186(a) of the City Code requires that most contracts for services (including this one) with a term of more than five years in length be authorized by the City Council by ordinance; and

WHEREAS, the agreement negotiated with Allied Waste Systems, Inc., which is attached hereto as Exhibit D (the “Agreement”), will remain in effect for a period longer than five years, that is until September 30, 2029, unless the Agreement is modified or terminated early; and

WHEREAS, an extended duration of the Agreement provides the City and Allied Waste Systems, Inc., needed time to set up the Program and then allows for a five-year service period; and

WHEREAS, the Council adopted Ordinance No. 028, 2023 (“Ordinance No. 028”) to authorize the City Manager to enter into an agreement with Allied Waste Systems, Inc., to provide the Program, but Ordinance No. 028 was not published after adoption as required by the City Charter; and

WHEREAS, it is necessary that the Council repeal Ordinance No. 028 and adopt this Ordinance to allow the City Manager to enter into the agreement; and

WHEREAS, the City has taken no action under Ordinance No. 028.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council, in accordance with C.R.S. § 30-15-401(7.5) and Section 8-186(a) of the City Code, hereby approves of the attached Agreement for Residential Solid Waste Services between the City and Allied Waste Services, Inc.

Section 3. That the City Manager is hereby authorized to execute the Agreement for Residential Waste Collection Services in substantially the form attached as Exhibit “D”, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City.

Section 4. The City Manager may approve and execute future amendments to the Agreement for Residential Waste Collection Services in accordance with Section 12-32(a) of the City Code.

Section 5. Ordinance No. 028, 2023, is hereby repealed.

Introduced, considered favorably on first reading and ordered published this 4th day of April, 2023, and to be presented for final passage on the 18th day of April, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 18th day of April, 2023.

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Mayor

ATTEST:

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City Clerk