

RESOLUTION R-2018-55

**A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT #2 OF AGREEMENT
#C36898 BETWEEN THE CITY OF WHEATON, ILLINOIS AND LAKESHORE RECYCLING
SYSTEMS, LLC FOR SOLID WASTE COLLECTION AND DISPOSAL AND RECYCLING SERVICES**

WHEREAS, the City of Wheaton, DuPage County, Illinois ("City") and Lakeshore Recycling Systems, LLC ("Contractor") entered into an Agreement dated August 2, 2016 for Solid Waste Collection and Disposal and Recycling Services (City Agreement #C36898, hereinafter "Agreement") which divides the City into five collection service areas with each service area receiving solid waste and recycling collection service on a different day of the week; and

WHEREAS, the Agreement was amended on April 16, 2018 via Amendment #1 to allow for the substitution of a performance bond as an alternative to the irrevocable letter of credit required by the Agreement; and

WHEREAS, after the execution of Amendment #1, the Contractor requested the discontinuation of the Wednesday residential collection service day, effective September 2, 2018, and that those residents who currently receive collection service on Wednesday be serviced on different days of the week in the following percentages of service day reallocation: Monday (19%), Tuesday (20%), Thursday (23%) and Friday (38%); and

WHEREAS, Amendment #2 to the Agreement provides for two weeks of written communication from the Contractor via a flyer/cart hanger about the collection service day change to affected residents for two weeks prior to the discontinuation of Wednesday collection service and provides for a five-week transition period during which Contractor will continue residential collection service on Wednesdays for those residents who did not receive or read the Contractor's communication; and

WHEREAS, Amendment #2 to the Agreement provides for residential solid waste and recycling collection services for all residential collection service areas for year three of the Agreement at the lower pricing provided for year two of the Agreement; and

WHEREAS, the elimination of the Wednesday residential collection service day provides a more efficient solid waste and recycling collection system, and the price freeze provides savings to City residents and better positions the City for future solid waste and recycling collection service contract negotiations; and

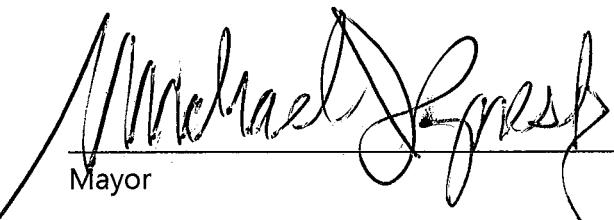
WHEREAS, it is necessary for the City to enter into a Second Amendment to the Agreement with the Contractor to allow for the elimination of the Wednesday solid waste and recycling collection service day and the reallocation of Wednesday collection service to other days of the week, and to maintain the Agreement's year two pricing for residential collection service provided to all residents during year three of the Agreement's term.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor is authorized to sign, and the City Clerk is hereby directed to attest to Amendment #2 to Agreement #C36898 between the City of Wheaton and Lakeshore Recycling Systems, LLC.

DATED this 18th day of June 2018.

ATTEST:

Ashley Bennett Hagn
City Clerk


Michael J. Gresk

Mayor

Roll Call Vote:

Ayes:	Councilman Scalzo Councilman Suess Councilman Barbier Councilwoman Fitch Mayor Gresk Councilman Rutledge
Nays:	None
Absent:	Councilman Prendiville

Motion Carried Unanimously

AMENDMENT #2 OF AGREEMENT #C36898
AGREEMENT BETWEEN THE CITY OF WHEATON, ILLINOIS
AND LAKESHORE RECYCLING SYSTEMS, LLC
FOR SOLID WASTE COLLECTION AND DISPOSAL AND RECYCLING SERVICES

This Second Amendment to Agreement #C36898 (the "Agreement") is entered into as of this 18th day of June 2018 by and between the CITY OF WHEATON, an Illinois municipal corporation ("City"), 303 W. Wesley Street, Wheaton, IL 60187, and LAKESHORE RECYCLING SYSTEMS, LLC, ("Contractor"), 6132 Oakton Street, Morton Grove, IL 60053.

WHEREAS, the City and Contractor entered into Agreement #C36898, executed on August 2, 2016, in which the Contractor agreed to provide Solid Waste and Recycling Collection Services for the residents of the City and which divides the City into five collection service areas with each service area receiving solid waste and recycling collection service on a different day of the week; and

WHEREAS, the Agreement was amended on April 16, 2018 via Amendment #1 to allow for the substitution of a performance bond as an alternative to the irrevocable letter of credit required by the Agreement; and

WHEREAS, after the execution of Amendment #1, the Contractor requested the elimination of the Wednesday residential collection service day; the Contractor submitted a proposal with a residential collection boundary map for its current Wednesday residential collection service area depicting new residential collection service days for those residents currently receiving solid waste and recycling collection service on Wednesdays, a copy of the proposal and map is attached hereto and incorporated herein by reference as Exhibit A – Amendment #2, as the Contractor requests that the Wednesday service day be eliminated, effective September 2, 2018, and that those residents who currently receive collection service on Wednesday be serviced on different days of the week in the following percentages of service day reallocation: Monday (19%), Tuesday (20%), Thursday (23%) and Friday (38%), as depicted on the Proposed New Service Area Map in Exhibit A – Amendment #2; and

WHEREAS, the Contractor's proposal for the elimination of the Wednesday residential solid waste and recycling collection day provides for two weeks of written communication via a flyer/cart hanger about the collection service day change to affected residents and a five-week transition period during which Contractor will continue residential collection service on Wednesdays for those residents who did not receive and read the Contractor's communication; and

WHEREAS, the Agreement provides for an annual price increase during its five-year term; and

WHEREAS, the Contractor's proposal offers the provision of residential solid waste and recycling collection services for *all* residential collection service areas for year three of the

Agreement at the lower pricing for year two of the Agreement as set forth in Exhibit 1 to its proposal (Exhibit A – Amendment #2) and the parties desire to modify the Agreement to reflect that pricing change;

WHEREAS, the elimination of the Wednesday residential collection service day provides a more efficient solid waste and recycling collection system, and the price freeze provides savings to City residents and better positions the City for future solid waste and recycling collection service contract negotiations; and

WHEREAS, it is necessary for the City to enter into a Second Amendment to the Agreement with the Contractor to allow for the elimination of the Wednesday residential collection service day and reallocation of Wednesday collection service to other days of the week, and to maintain the Agreement's year two pricing for residential collection service provided to all residents during year three of the Agreement's term.

NOW, THEREFORE, in consideration of the agreements contained in this instrument and such other sufficient considerations, Agreement #C36898 between the City and Contractor which was executed by the parties on August 2, 2016, and subsequently amended on April 16, 2018, is hereby further amended by mutual agreement as follows:

1. The recitals set forth above, including Exhibit A – Amendment #2, are incorporated herein as substantive terms and conditions of Amendment #2 to Agreement C#36898 and represent the intent of the parties.
2. The provision of residential solid waste and recycling collection service on Wednesdays shall be discontinued, effective September 1, 2018.
3. The Contractor shall place flyers/cart hangers on the solid waste and/or recycling carts of each affected resident which shall communicate the new service day and effective date for each resident for a period of two weeks immediately prior to the service day change.
4. The Contractor shall continue to provide solid waste and recycling collection service on Wednesdays for five weeks after the effective date of the Wednesday collection service discontinuation date.
5. The Contractor will maintain the current year two pricing (10/1/17 – 9/30/18) for year three of the Agreement (10/1/18 – 9/30/19) as set forth in Exhibit 1 of the Contractor's proposal (Exhibit A – Amendment #2).
6. All provisions of Agreement C#36898 and Amendment #1 to that Agreement, except as modified herein, shall remain in full force and effect.

CITY:

City of Wheaton

By: _____

MAYOR

Date: 6/18/18

Attest: Alma Bandtzen

CONTRACTOR:

Lakeshore Recycling Systems, LLC

By: _____

Date: _____

Title: _____

Attest: _____

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