

PROPOSED ORDINANCE NO. 2021-15

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, TO APPROVE THE FRANCHISE AGREEMENT WITH EASTERN WASTE SYSTEMS, INC. ("EWS") FOR BULK WASTE/TRASH AND BULK YARD WASTE COLLECTION SERVICES, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER OF THE CITY OF PEMBROKE PINES TO EXECUTE THE AGREEMENT WITH EWS, ALL CONSISTENT WITH THE PROVISIONS OF SECTION 3.12 OF THE CHARTER OF THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Pembroke Pines ("City") provides bulk waste and bulk yard waste collection within the City; and

WHEREAS, on March 5, 2021, the City advertised its Request for Proposals #AD-21-01 of the CITY's desire to hire a firm(s) to provide "Solid Waste, Recycling, HHW, Bulk & Yard Waste Collection Services"; and

WHEREAS, on May 19, 2021, the City approved the evaluation committee's recommendation to award the Bulk Waste Collection portion of the solicitation and authorized the proper City officials to negotiate and enter into an agreement with EWS to render the services described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, in accordance with Section 3.12 of the City Charter, 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

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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 of Pembroke Pines.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, 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 Pembroke Pines 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 of the City of Pembroke Pines, is hereby authorized and directed, on behalf of the City of Pembroke Pines, 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 Pembroke Pines and EWS.

SECTION 4. The City Manager of the City of Pembroke Pines, 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

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welfare of the citizens and residents of Pembroke Pines, in accordance with the Charter and Code of Ordinances of the City of Pembroke Pines.

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.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF
_____, 2021.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS
____ DAY OF _____, 2021.

CITY OF PEMBROKE PINES, FLORIDA

By: _____

ATTEST:

MAYOR FRANK C. ORTIS

MARLENE GRAHAM, CITY CLERK

ORTIS _____

APPROVED AS TO FORM:

GOOD _____

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

CASTILLO _____

SIPLE _____