

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20070563

1. ACTION REQUESTED/PURPOSE:

Request Board approve Change Order No. 2 for the renewal of B-04-13 WASTE TIRE PROCESSING SERVICES for the Solid Waste Division to the current contracted bidder, Modern Recycling of Florida (Contract #2753), for the amounts indicated in Exhibit B of Change Order No. 2, for a contract term of three (3) years. This Change Order also authorizes an annual rate adjustment on the anniversary date of the agreement based on the Consumer Price Index (CPI). Authorize Chair execute Change Order on behalf of the Board update receipt.

2. FUNDING SOURCE: Fund/Program: Solid Waste System/Operating

3. WHAT ACTION ACCOMPLISHES:

Provides continued waste tire processing services to the only contractor permitted by the Florida Department of Environmental Protection to process waste tires located in the Southwest Florida area.

4. MANAGEMENT RECOMMENDATION: Approve

| | | |
|--|---|---|
| 5. Departmental Category: 8. Solid Waste C8A | | 6. Meeting Date: APR 24 2007 |
| 7. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On | 8. Requirement/Purpose: (specify) | |
| | <input type="checkbox"/> Statute | |
| | <input type="checkbox"/> Ordinance | |
| | <input checked="" type="checkbox"/> Admin. Code | AC-4-4 |
| | <input type="checkbox"/> Other | |
| | | 9. Request Initiated: Commissioner _____ Department Public Works Division Solid Waste By: <i>Lindsay Sampson</i> |

10. Background:

On March 16, 2004, under Blue sheet #20040242, the Board authorized staff to enter into negotiations with the sole bidder for B-04-13 Waste Tire Processing Services, with Modern Recycling of Florida, for a contract term of three (3) years.

The Solid Waste Division is recommending a Change Order to the Service Provider Agreement with Modern Recycling of Florida to extend the term of the agreement for three years, along with a 4.6% increase to the existing rates, beginning April 15, for the first year. An additional change will include an annual rate adjustment on the anniversary date of the agreement. This adjustment will be based on a percentage equal to the percent change in the Consumer Price Index (Series ID CWUR0300SAO, Area: South Urban, Item: All Items) for the previous month of January compared to the index 12 months earlier.

--Continued on Page 2--

11. Review for Scheduling:

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services | | | | County Manager/P.W. Director |
|-------------------------|-------------------------|-----------------|-------|---------------------------|---|--|--|--|------------------------------|
| <i>Jamuda</i> 4-5-07 | <i>Jamuda</i> 4/5 | N/A | | <i>S. Bonds</i> 4/9/07 | Analyst <i>M. [unclear]</i> 4/10/07 | Risk <i>W. [unclear]</i> 4/10/07 | Grants <i>A. [unclear]</i> 4/10/07 | Mgr. <i>D. [unclear]</i> 4/10/07 | <i>Jamuda</i> 4-5-07 |

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

REC'D
By CO. ATTY.
4/16/07
3:50 PM
CO. ATTY.
FORWARDED TO:
4/9/07 10:15 AM

RECEIVED BY
COUNTY ADMIN: SL
4-9-07
1 PM
COUNTY ADMIN
FORWARDED TO: J/A
4-10-07
1 PM

The primary reasons for this recommendation are:

- There are no other companies permitted by the Florida Dept. of Environmental Protection to process waste tires located in the SW Florida area.
- A previous attempt to bid waste tire processing found Modern Recycling as the only bidder.
- Modern Recycling is a local Lee County business, has been an excellent service provider for the Solid Waste Division, and has been immediately responsive to our waste tire processing needs.
- Modern Recycling has assisted in finding disposal/recycling locations for our processed tires.

Processing costs have remained unchanged for the past three years and Modern has not asked for an increase during that period

Lee County has enjoyed a beneficial contract relationship with Modern recycling of Florida during the last three years when they have processed waste tires at our facility. A previous two year service provider agreement with Modern Recycling (Contract No. 2091) for processing Lee County waste tires at their facility was equally beneficial.

The Solid Waste Division believes that the proposed Change Order is in the best interest of the County at this time.

Funds are available in Account #OB5340840100.503490

Attachment: 1. Draft Change Order #2

LEE COUNTY PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

DRAFT
NO.: 2

- Change Order
- Supplemental Task Authorization

(A Change Order or Supplemental Task Authorization Requires Approval by the Department Director for Expenditures Under \$50,000 or Approval by the County Manager for Expenditures Between \$50,001 and \$100,000 or Approval by the Board of County Commissioners for Expenditures over \$100,000)

CONTRACT/PROJECT NAME: WASTE TIRE PROCESSING

CONSULTANT: MODERN RECYCLING

PROJECT NO.: N/A

SOLICIT NO.: B-04-13

CONTRACT NO.: 2753 ACCOUNT NO.: _____

REQUESTED BY: L. SAMPSON, SOLID WASTE

DATE OF REQUEST: 4/3/2007

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant/Provider is authorized to and shall proceed with the following:

- EXHIBIT "CO/STA-A: SCOPE OF PROFESSIONAL SERVICE: DATED: 4/3/2007
- EXHIBIT "CO/STA-B: COMPENSATION & METHOD OF PAYMENT: DATED: 4/3/2007
- EXHIBIT "CO/STA-C: TIME AND SCHEDULE OF PERFORMANCE: DATED: 4/3/2007
- EXHIBIT "CO/STA-D: CONSULTANT'S/PROVIDERS ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: 4/3/2007
- EXHIBIT "CO/STA-E: PROJECT GUIDELINES AND CRITERIA: DATED: 4/3/2007

It is understood and agreed that the acceptance of this modification by the CONSULTANT/PROVIDER constitutes an accord and satisfaction.

RECOMMENDED:
By: _____
Department Director Date

ACCEPTED:
By: _____
Consultant/Provider
(Print Name) _____

COUNTY APPROVAL:
By: _____
Department Director
(Print Name) _____
(Under \$50,000)

By: _____
Contracts Mgmt Date

Date Accepted: _____
Corporate Seal

Date Approved: _____

APPROVED:
By: _____
*County Attorney's Office Date

By: _____
County Manager (Between
\$50,001 and under \$100,000)
Date Approved: _____

*County Attorney signature needed
for over Board level expenditures only.

By: _____
Chairman
Board of County Commissioners
Date Approved: _____

- CHANGE ORDER AGREEMENT No. 2
or
 SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-A"

Date: 4/3/2007

SCOPE OF PROFESSIONAL SERVICES

for B-04-13 WASTE TIRE PROCESSING

SECTION 1.00 CHANGE(S) TO PROFESSIONAL SERVICES

The "Scope of Professional Services" as set forth in Exhibit "A" of the Professional Services Agreement, or Service Provider Agreement, referred to hereinbefore is hereby supplemented, changed or authorized, so that the CONSULTANT or SERVICE PROVIDER, shall provide and perform the following professional services, tasks, or work as a supplement to, change to, or authorized to, the scope of services previously agreed to and authorized:

Provider's Obligations

1. Processing shall mean the receiving, handling, inspecting, sorting, shearing, cutting, shredding, loading, unloading, and chipping waste tires.
2. Provider will supply all necessary equipment, trucks, personnel and supplies to load, transport, process and/or dispose of all waste tires (except for off road tires, as defined by Florida Administrative Code) as received at the Lee County Resource Recovery Facility located at 10500 Buckingham Road in Fort Myers, Florida. Payment to the Provider will be made based on the tons of outgoing waste tires as recorded by the Resource Recovery Facility truck scale.
3. If the Provider processes waste tires on site at the County's Resource Recovery Facility for subsequent disposal by the County, the finished product must comply with Chapter 62.711.400(3)(b) F.A.C for landfill disposal. This rule requires that each tire has been cut into at least eight substantially equal pieces.
4. Transport services performed by the Provider shall be in accordance with Chapter 62.711.520 F.A.C. pertaining to Waste Tire Collectors. Transport of waste tires or processed waste tires shall be accomplished utilizing trucks or trailers with a minimum capacity of 40 cubic yards. Processed material shall be delivered to the Lee/ Hendry Regional Landfill. Tires removed for disposal shall be sent to a permitted processing/disposal site. Provider shall provide the County with the name, address, and permit number of each processing and disposal site.

*Attach additional pages, if needed.

SCOPE OF SERVICES (Continued)

5. Services shall be performed as frequently as necessary to prevent an excessive accumulation of waste tires on the site.
6. The Provider shall perform its services and obligations so as not to interfere with any of the County's ongoing operations. The Provider shall comply with all applicable rules, procedures and regulations established by Lee County from time to time concerning use of the County's Waste Tire Area and the Facility site, including but not limited to traffic, loading, safety and parking rules.
7. The Provider will be responsible for all loading operations required for the processing, transport and disposal/recycling of waste tires or processed waste tires including loading into the Provider's or the County's trucks, as appropriate
8. Services shall include loading off road tires into the County's designated trucks.
9. If de-rimming is performed by the provider at the County's Facility, the resulting rims shall be delivered to a certified Florida recycling facility.

Processing / Storage Site

The waste tire processing/storage site is located at the Lee County Resource Recovery Facility, 10500 Buckingham Rd., Fort Myers, FL. The site is rectangular with an area of approximately 40,000 sq. ft. covered with asphalt.

Incoming Waste Tires

1. Lee County accepts waste tires from county businesses and residences, including automobile and truck tires of all sizes, tires with rims and off road tires. The Provider will process or dispose/recycle of all tires except "off road tires".
2. The County receives an estimated 200 to 350 tons of waste tires per month. The County provides no written or implied guarantee regarding the quantity, quality, type, or size of waste tires received at the site and made available to the Provider.
3. If the Provider processes waste tires at the County's site, the Provider will inspect incoming loads (while Provider has personnel on-site) and provide general separation and stockpiling activities to meet the specifications of this Agreement and the Waste Tire Rule (Chapter 62.711 F.A.C.). Waste Tires may contain debris such as trash, rock, metal, or other items which may damage processing equipment. The Provider is responsible for separation of potentially damaging materials and is responsible for any and all damage resulting to the Provider's equipment from the introduction of any such materials.
4. The Provider processing waste tires on the County site shall immediately notify the County if suspected hazardous material (as defined by Federal or State law) is received at the site, and shall attempt to ensure that such material is not offloaded from the customer's truck. If such material is offloaded, the Provider shall segregate the material until such time that County staff can inspect the material. The Provider shall perform all practicable efforts to detain the generator/hauler of the suspected hazardous material at the Facility until County Staff becomes present to address the situation. The County will be responsible for handling and disposing any suspected hazardous material that is inadvertently delivered to the site and that has not been associated with a particular generator/hauler.

SCOPE OF SERVICES (Continued)

Hours of Operations

1. All work will be performed during regular Lee County Resource Recovery Facility operating hours. Excluding holidays, regular operating hours are 6:30 A.M. to 5:00 P.M. – Monday through Friday, and 6:30 A.M. to Noon on Saturday. The County reserves the right to adjust, change, or amend its hours of operation. The Provider may be allowed to process or dispose of waste tires outside of regular operating hours with written consent from the Solid Waste Division Director.

ADDITIONAL WORK, UPON REQUEST BY SOLID WASTE

1. Provide walking floor tractor trailers complete with operator, fuel, etc. to transport solid waste

CHANGE ORDER AGREEMENT No. 2

or

SUPPLEMENTAL TASK AUTHORIZATION No.

EXHIBIT "CO/STA-B"

Date: 4/3/2007

COMPENSATION AND METHOD OF PAYMENT

for B-04-13 WASTE TIRE PROCESSING

SECTION 1.00 CHANGE(S) IN COMPENSATION

The compensation the CONSULTANT, or SERVICE PROVIDER, shall be entitled to receive for providing and performing the supplemented, changed or authorized services, tasks, or work as set forth and enumerated in the Scope of Services set forth in this CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto shall be as follows:

NOTE: A Lump Sum (L.S.) or Not-to-Exceed (N.T.E.) amount of compensation to be paid the CONSULTANT should be established and set forth below for each task or sub-task described and authorized in Exhibit "S/COA-A". In accordance with Professional Services Agreement Article 5.03(2) "Method of Payment", tasks to be paid on a Work-in-Progress payment basis should be identified (WIPP).

| Task Number | Task Title | Amount of Compensation | Indicate Basis of Compensation on LS or NTE | If Applicable Indicate (W.I.P.P.) |
|-------------|--|--------------------------|---|-----------------------------------|
| | Provide Waste Tire processing services and equipment to cut, shred, or otherwise process waste tires such that the waste tires are suitable for recycling or disposal | Per Ton | NTE | WIPP |
| 1 | Removal and disposal of waste tires from Lee County Resource Recovery Facility | \$141.21 per ton | NTE | WIPP |
| 2 | On site processing of Lee County waste tires (removal of processed material by Lee County | \$78.23 per ton | NTE | WIPP |
| 3 | On site processing of Lee County waste tires and delivery of processed tires to the Lee/Hendry Landfill | \$88.69 per ton | NTE | WIPP |
| | *Rims removed from tires to be processed will become the property of Modern Recycling. They will be delivered to a certified Florida Recycling Facility. If Lee County wants to maintain ownership of the rims, there will be an additional charge of \$1.00 per rim removed. | | | |
| | *An annual rate adjustment will be made on the second and third anniversary date of the agreement. This adjustment will be based on a percentage equal to the percent change in the Consumer Price Index (Series ID CWUR0300SAO, Area: South Urban, Item: All Items) for the previous month of January compared to the previous 12 months. | | | |
| Add'l Work | Walking, Floor Trailers complete with operator, fuel, etc. to transport solid waste | \$78.45/per hr/per truck | Only if requested | |
| TOTAL | | Estimated | | |

CMO:029
09/25/01

- CHANGE ORDER AGREEMENT No. 2
 or
 SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-C"

Date: 4/3/2007

TIME AND SCHEDULE OF PERFORMANCE

for B-04-13 WASTE TIRE PROCESSING

SECTION 1.00 CHANGES FOR THIS CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks, or work set forth in this CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", entitled "Scope of Professional Services" attached hereto is as follows:

| Phase and/or Task Reference as Enumerated in EXHIBIT AA@ | Name or Title of Phase and/or Task | Number of Calendar Days For Completion of Each Phase and/or Task | Cumulative Number of Calendar Days For Completion from Date of Notice to Proceed For this CO or STA |
|--|---|--|---|
| | The term of this contract will be for a three (3) period, commencing April, 2007. | | |
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CHANGE ORDER AGREEMENT No. 2
 or
 SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-D"

Date: 4/3/2007

CONSULTANT'S, OR SERVICE PROVIDER'S, ASSOCIATED SUB-CONSULTANT(S) AND
 SUBCONTRACTOR(S)

for B-04-13 WASTE TIRE PROCESSING SERVICES

(Enter Project Name from Page 1 of the
 Change Order or Supplemental Task Authorization Agreement)

CONSULTANT, or SERVICE PROVIDER, intends to engage the following sub-consultant(s) and/or sub-contractor(s) to assist the CONSULTANT, or SERVICE PROVIDER, in providing and performing the services, tasks, or work required under this CHANGE ORDER, or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT.

(If none, enter the word "none" in the space below.)

| Service and/or Work to be Provided or Performed | Name and Address of Individual or Firm | Disadvantaged, Minority or Women Business Enterprise, (If Yes, Indicate Type) | | | Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage | |
|---|--|---|----|------|---|----|
| | | Yes | No | Type | Yes | No |
| Transport/ Hauling | Wherry Truck Lines, Inc. 5790 County Lakes Drive Fort Myers FL 33905 | | X | | X | |

CHANGE ORDER AGREEMENT No. 2

or
 SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-E"

Date: 4/3/2007

PROJECT GUIDELINES AND CRITERIA

for B-04-13 WASTE TIRE PROCESSING SERVICES

As a supplement, or change, to the Project Guidelines and Criteria set forth in the Professional Services Agreement, or Service Provider Agreement, Exhibit "E", the COUNTY has established the following Guidelines, Criteria, Goals, Objectives, Constraints, Schedule, Budget, and/or Requirements which shall serve as a guide to the CONSULTANT, or SERVICE PROVIDER, in performing the professional services, tasks, or work to be provided pursuant to the professional services set forth hereinbefore in CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto:

(If none, enter the word "None" in the space below.)

ITEM No. 1

Billing

The Provider shall provide the Solid Waste Division with a statement setting forth a listing of all loads of waste tires or processed waste tire material (along with a Resource Recovery scale ticket for each load) removed from the facility during the month not later than 30 days following the end of the calendar month. The statement shall identify by name, address, and permit number, the processing/disposal site(s) that received waste tires and rims and the quantities of materials delivered to each receiving site.

The County may assess an administrative charge to the Provider of up to \$1000.00 per calendar day for each day that excessive amounts of waste tires or processed waste tires remain at the County's site. Excessive amounts of waste tires are defined as any amount of waste tires at the site such that the County must make special arrangements or provide additional space to receive waste tires or the County must curtail the receipt of waste tires from its customers. Any such administrative charge may be assessed by withholding the charge amount from any subsequent payment to the Provider that may become due.

The County may assess an administrative charge to the Provider of up to \$500.00 per occurrence for any action performed by the Provider, its employees, or subcontractors that are not in accordance with this Scope of Services or the County's policies for safety, traffic control, vehicle speed, etc., at the County's Facility. Any such administrative charge may be assessed by withholding the charge amount from any subsequent payment to the Provider that may become due.

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09/25/01