

AGENDA SUMMARY ITEM

Agenda Item #: **C - 5**

AGENDA ITEM: APPROVAL AND AUTHORIZATION FOR THE VILLAGE MANAGER TO EXECUTE THE FIRST ADDENDUM TO FRANCHISE AGREEMENT BY AND BETWEEN WASTE PRO OF FLORIDA, INC. AND THE VILLAGE OF ROYAL PALM BEACH.

Issue:

The Village entered into a Franchise Agreement (“Agreement”) with Republic Services of Florida, LP on June 15, 2017, effective October 1, 2017, with an initial term of five (5) years commencing on October 1, 2017 and ending on September 30, 2022. The Village approved a Consent to Assignment of Franchise Agreement on November 7, 2019, acknowledging the acquisition of Republic Services of Florida, LP by Waste Pro of Florida, Inc. (“Waste Pro”).

Section 2 of the Agreement provides for an option to renew for an additional five (5) year term so long as the Contractor provides notice to the Village of its intent to renew ninety (90) days prior to the end of the first term. On June 22, 2022, Waste Pro provided written notice of its intent to renew with new rates as set forth in the attached Exhibit “A”.

For comparison purposes, below are the rates currently being charged by Waste Pro to other municipalities in Palm Beach County:

SCHEDULE TO SHOW RESIDENTIAL COLLECTION RATES
FOR VARIOUS CITIES IN PALM BEACH COUNTY

CITY	SINGLE FAMILY	MULTI FAMILY
PB GARDENS	\$ 10.09	ROYAL PALM BEACH \$ 5.02
GREENACRES	\$ 11.77	PB GARDENS \$ 7.85
JUNO BEACH	\$ 13.46	GREENACRES \$ 7.86
ROYAL PALM BEACH	\$ 13.86	PALM SPRINGS \$ 9.75
PALM SPRINGS	\$ 15.96	PALM BEACH CNTY \$ 10.51
OCEAN RIDGE	\$ 16.94	WELLINGTON \$ 10.63
WELLINGTON	\$ 17.39	LANTANA \$ 12.16
LAKE PARK	\$ 19.57	JUNO BEACH \$ 13.46
WEST PALM BEACH	\$ 20.00	OCEAN RIDGE \$ 14.65
PALM BEACH CNTY	\$ 20.56	LAKE PARK \$ 19.57
LANTANA	\$ 21.62	JUPITER \$ 22.00
JUPITER	\$ 22.00	WEST PALM BEACH
HAVERHILL	\$ 23.74	HAVERHILL
SOUTH BAY	\$ 25.04	SOUTH BAY
ATLANTIS	\$ 38.14	ATLANTIS

INDICATES CURRENT WASTE PRO CLIENTS

Recommended Action:

Staff recommends approval and authorization for the Village Manager to execute the First Addendum to Franchise Agreement.

Initiator	Village Manager Approval	Agenda Date	Village Council Action
Stanley G. Hochman Finance Director		7/7/22	

Exhibit A



Good morning Mr. Hochman,

Waste Pro would like to extend our current agreement with the Village for five more years at the proposed rates that are below. The renewal would expire on September 30th, 2027.

These rates reflect inflation and the current market pricing in Palm Beach County. These rates are also covering the same scope of services that are in our current agreement. We value our partnership with the Village of Royal Palm Beach and look forward to continuing servicing the Village.

Category	2021 Rate		2022 Rate
Royal Palm Residential/ Unit	9.48		13.86
Royal Palm Multi Family	3.55		5.02
Commercial Rate per Yard	8.96		11.47
Commercial Compacted/ Yard	10.49		13.42
Commercial Government/ Yard	6.09		7.80
Roll Off Rate Per haul	243.49		275

Thank You,

Christopher Schulle

FIRST ADDENDUM TO FRANCHISE AGREEMENT
between
THE VILLAGE OF ROYAL PALM BEACH
and
WASTE PRO OF FLORIDA, INC.
For
SOLID WASTE & RECYCLING COLLECTION SERVICES

THIS FIRST ADDENDUM TO FRANCHISE AGREEMENT (the “First Addendum”) is made and entered into this ___ day of _____, 2022, effective October 1, 2022, by and between the Village of Royal Palm Beach, a municipal corporation with offices located at 1050 Royal Palm Beach Boulevard, Royal Palm Beach, Florida, 33411, organized in accordance with the laws of the State of Florida, hereinafter referred to as the “Village”, and Waste Pro of Florida, Inc., a Florida corporation registered in accordance with the laws of the State of Florida with a principal address at 2101 W. SR 434, 3rd Floor, Longwood, Florida 32779, hereinafter referred to as “Contractor”.

WHEREAS, the Village and Republic Services of Florida, LP entered into a Franchise Agreement for the provision of Solid Waste & Recycling Collection Services on June 15, 2017, effective October 1, 2017 (the “Agreement”); and

WHEREAS, the Village approved a Consent to Assignment of Franchise Agreement on November 7, 2019, acknowledging the acquisition of Republic Services of Florida, LP by Waste Pro of Florida, Inc.; and

WHEREAS, the Agreement provides for a five (5) year initial term which expires on September 30, 2022 as well as the option to negotiate and extend the original Agreement for one (1) subsequent five (5) year term; and

WHEREAS, the Contractor provided the Village with the required request to renew and extend the term on June 22, 2022; and

WHEREAS, as a result, the Village and the Contractor have successfully negotiated this First Addendum to Franchise Agreement extending the Solid Waste & Recycling Collection Services Agreement for an additional five (5) years and by their respective signatures below, express their intent to be bound by the terms and conditions contained herein.

NOW, THEREFORE, and in consideration of mutual terms, conditions, promises, covenants and payments hereinafter set forth, the VILLAGE and Contractor agree as follows:

SECTION 1: The foregoing recitals are true and correct and are hereby incorporated into this First Addendum as if fully set forth in this Section 1.

SECTION 2: Section 2. of the Agreement is hereby repealed in its entirety and is replaced with the following:

2) Term. The Village hereby grants to the Contractor the exclusive right and obligation to collect residential and commercial garbage, trash, vegetation, and construction debris, and to collect residential recyclable materials, within the corporate limits of the Village in accordance with the terms and conditions as hereinafter stated for the extension term of five (5) years, commencing on October 1, 2022 and ending on September 30, 2027.

SECTION 3: 17) Curbside Residential Rates and Fees. The Agreement is amended by replacing the original Exhibit B with the new Exhibit B attached hereto, with the effective date of October 1, 2022. All other text of this paragraph shall remain in full force and effect as in the original agreement.

SECTION 4: 18) Commercial and Residential Dumpster Rates and Fees. The Agreement is amended by replacing the original Exhibit B with the new Exhibit B attached hereto, with the effective date of October 1, 2022. All other text of this paragraph shall remain in full force and effect as in the original agreement.

Further, the parties agree as follows:

- A. All other text and exhibits contained in the original Agreement shall remain in full force and effect unchanged and shall be applicable to this First Addendum. The original Agreement shall be appended to this First Addendum for such purposes.
- B. This First Addendum may be modified only by the mutual and written consent of both parties.
- C. If any provision or any portion contained in this First Addendum is held unconstitutional, invalid or unenforceable, the remainder of this First Addendum, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

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WITNESSES:

VILLAGE OF ROYAL PALM BEACH

By: _____
Raymond Liggins, P.E., Village Manager

ATTEST:

(SEAL)

Diane DiSanto, Village Clerk

WITNESSES:

WASTE PRO OF FLORIDA, INC.

By: _____
Sean Michael Jennings, CEO & President

Exhibit B

SOLID WASTE AND RECYCLING COLLECTION

VILLAGE OF ROYAL PALM BEACH

**COMMERCIAL RATE SCHEDULE
EFFECTIVE OCTOBER 1, 2022**

NON-COMPACTED YARDAGE - DETAIL PRICING

2 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 75.00	\$ 149.99	\$ 224.99	\$ 299.98	\$ 374.98	\$ 449.97	\$ 47.94
Disposal Charge *	24.33	48.67	73.00	97.34	121.67	146.01	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 99.33	\$ 198.66	\$ 297.99	\$ 397.32	\$ 496.65	\$ 595.98	\$ 47.94
3 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 112.49	\$ 224.99	\$ 337.48	\$ 449.97	\$ 562.47	\$ 674.96	\$ 59.41
Disposal Charge *	36.50	73.00	109.51	146.01	182.51	219.01	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 149.00	\$ 297.99	\$ 446.99	\$ 595.98	\$ 744.98	\$ 893.97	\$ 59.41
4 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 149.99	\$ 299.98	\$ 449.97	\$ 599.96	\$ 749.96	\$ 899.95	\$ 70.88
Disposal Charge *	48.67	97.34	146.01	194.68	243.35	292.02	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 198.66	\$ 397.32	\$ 595.98	\$ 794.64	\$ 993.30	\$ 1,191.96	\$ 70.88
6 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 224.99	\$ 449.97	\$ 674.96	\$ 899.95	\$ 1,124.93	\$ 1,349.92	\$ 93.82
Disposal Charge *	73.00	146.01	219.01	292.02	365.02	438.02	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 297.99	\$ 595.98	\$ 893.97	\$ 1,191.96	\$ 1,489.95	\$ 1,787.94	\$ 93.82
8 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 299.98	\$ 599.96	\$ 899.95	\$ 1,199.93	\$ 1,499.91	\$ 1,799.89	\$ 116.76
Disposal Charge *	97.34	194.68	292.02	389.35	486.69	584.03	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 397.32	\$ 794.64	\$ 1,191.96	\$ 1,589.28	\$ 1,986.60	\$ 2,383.92	\$ 116.76

* Disposal set @ 134lbs/cy at \$42/ton per SWA.

Hauler: Waste Pro of Florida

Industrial Haul Rate (excluding disposal): \$ 275.00 /Haul

SOLID WASTE AND RECYCLING COLLECTION

VILLAGE OF ROYAL PALM BEACH

**COMMERCIAL RATE SCHEDULE
EFFECTIVE OCTOBER 1, 2022**

COMPACTED YARDAGE - DETAIL PRICING

2 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate (1:1.25 ratio)	\$ 114.85	\$ 229.71	\$ 344.56	\$ 459.41	\$ 574.27	\$ 689.12	\$ 68.39
Disposal Charge * (3:1 ratio)	73.00	146.01	219.01	292.02	365.02	438.02	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 187.86	\$ 375.71	\$ 563.57	\$ 751.43	\$ 939.29	\$ 1,127.14	\$ 68.39
3 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 172.28	\$ 344.56	\$ 516.84	\$ 689.12	\$ 861.40	\$ 1,033.68	\$ 90.08
Disposal Charge *	109.51	219.01	328.52	438.02	547.53	657.03	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 281.79	\$ 563.57	\$ 845.36	\$ 1,127.14	\$ 1,408.93	\$ 1,690.71	\$ 90.08
4 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 229.71	\$ 459.41	\$ 689.12	\$ 918.83	\$ 1,148.53	\$ 1,378.24	\$ 111.77
Disposal Charge *	146.01	292.02	438.02	584.03	730.04	876.05	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 375.71	\$ 751.43	\$ 1,127.14	\$ 1,502.86	\$ 1,878.57	\$ 2,254.28	\$ 111.77
6 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 344.56	\$ 689.12	\$ 1,033.68	\$ 1,378.24	\$ 1,722.80	\$ 2,067.36	\$ 155.16
Disposal Charge *	219.01	438.02	657.03	876.05	1,095.06	1,314.07	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 563.57	\$ 1,127.14	\$ 1,690.71	\$ 2,254.28	\$ 2,817.86	\$ 3,381.43	\$ 155.16
8 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 459.41	\$ 918.83	\$ 1,378.24	\$ 1,837.65	\$ 2,297.07	\$ 2,756.48	\$ 198.54
Disposal Charge *	292.02	584.03	876.05	1,168.06	1,460.08	1,752.09	-
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 751.43	\$ 1,502.86	\$ 2,254.28	\$ 3,005.71	\$ 3,757.14	\$ 4,508.57	\$ 198.54

* Disposal set @ 134lbs/cy at \$42/ton per SWA.

SOLID WASTE AND RECYCLING COLLECTION

VILLAGE OF ROYAL PALM BEACH

**COMMERCIAL RATE SCHEDULE- GOVERNMENTAL AGENCIES ONLY
EFFECTIVE OCTOBER 1, 2022**

NON-COMPACTED YARDAGE - DETAIL PRICING

2 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 67.55	\$ 135.10	\$ 202.64	\$ 270.19	\$ 337.74	\$ 405.29	\$ 47.94
Disposal Charge *	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 67.55	\$ 135.10	\$ 202.64	\$ 270.19	\$ 337.74	\$ 405.29	\$ 47.94
3 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 101.32	\$ 202.64	\$ 303.97	\$ 405.29	\$ 506.61	\$ 607.93	\$ 59.41
Disposal Charge *	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 101.32	\$ 202.64	\$ 303.97	\$ 405.29	\$ 506.61	\$ 607.93	\$ 59.41
4 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 135.10	\$ 270.19	\$ 405.29	\$ 540.38	\$ 675.48	\$ 810.58	\$ 70.88
Disposal Charge *	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 135.10	\$ 270.19	\$ 405.29	\$ 540.38	\$ 675.48	\$ 810.58	\$ 70.88
6 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 202.64	\$ 405.29	\$ 607.93	\$ 810.58	\$ 1,013.22	\$ 1,215.86	\$ 93.82
Disposal Charge *	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 202.64	\$ 405.29	\$ 607.93	\$ 810.58	\$ 1,013.22	\$ 1,215.86	\$ 93.82
8 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 270.19	\$ 540.38	\$ 810.58	\$ 1,080.77	\$ 1,350.96	\$ 1,621.15	\$ 116.76
Disposal Charge *	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0
Regulated Rates	\$ 270.19	\$ 540.38	\$ 810.58	\$ 1,080.77	\$ 1,350.96	\$ 1,621.15	\$ 116.76

* Disposal set @ 134lbs/cy at \$42/ton per SWA.

SOLID WASTE AND RECYCLING COLLECTION

VILLAGE OF ROYAL PALM BEACH

**COMMERCIAL RATE SCHEDULE -
EFFECTIVE OCTOBER 1, 2022**

RESIDENTIAL CONTAINERIZED (Multifamily)

NON-COMPACTED YARDAGE - DETAIL PRICING

	2 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 43.47	\$ 86.95	\$ 130.42	\$ 173.89	\$ 217.37	\$ 260.84	\$ 47.94	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 43.47	\$ 86.95	\$ 130.42	\$ 173.89	\$ 217.37	\$ 260.84	\$ 47.94	
	3 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 65.21	\$ 130.42	\$ 195.63	\$ 260.84	\$ 326.05	\$ 391.26	\$ 59.41	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 65.21	\$ 130.42	\$ 195.63	\$ 260.84	\$ 326.05	\$ 391.26	\$ 59.41	
	4 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 86.95	\$ 173.89	\$ 260.84	\$ 347.79	\$ 434.73	\$ 521.68	\$ 70.88	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 86.95	\$ 173.89	\$ 260.84	\$ 347.79	\$ 434.73	\$ 521.68	\$ 70.88	
	6 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 130.42	\$ 260.84	\$ 391.26	\$ 521.68	\$ 652.10	\$ 782.52	\$ 93.82	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 130.42	\$ 260.84	\$ 391.26	\$ 521.68	\$ 652.10	\$ 782.52	\$ 93.82	
	8 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 173.89	\$ 347.79	\$ 521.68	\$ 695.57	\$ 869.46	\$ 1,043.36	\$ 116.76	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 173.89	\$ 347.79	\$ 521.68	\$ 695.57	\$ 869.46	\$ 1,043.36	\$ 116.76	

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* Disposal set @ 134lbs/cy at \$42/ton per SWA.

Revised August 24, 2012

Hauler: Waste Pro of Florida

SOLID WASTE AND RECYCLING COLLECTION

VILLAGE OF ROYAL PALM BEACH

**COMMERCIAL RATE SCHEDULE -
EFFECTIVE OCTOBER 1, 2022**

RESIDENTIAL CONTAINERIZED (Multifamily)

COMPACTED YARDAGE - DETAIL PRICING

	2 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 54.41	\$ 108.82	\$ 163.22	\$ 217.63	\$ 272.04	\$ 326.45	\$ 59.93	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 54.41	\$ 108.82	\$ 163.22	\$ 217.63	\$ 272.04	\$ 326.45	\$ 59.93	
	3 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 81.61	\$ 163.22	\$ 244.84	\$ 326.45	\$ 408.06	\$ 489.67	\$ 74.26	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 81.61	\$ 163.22	\$ 244.84	\$ 326.45	\$ 408.06	\$ 489.67	\$ 74.26	
	4 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 108.82	\$ 217.63	\$ 326.45	\$ 435.27	\$ 544.08	\$ 652.90	\$ 88.60	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 108.82	\$ 217.63	\$ 326.45	\$ 435.27	\$ 544.08	\$ 652.90	\$ 88.60	
	6 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 163.22	\$ 326.45	\$ 489.67	\$ 652.90	\$ 816.12	\$ 979.35	\$ 117.28	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 163.22	\$ 326.45	\$ 489.67	\$ 652.90	\$ 816.12	\$ 979.35	\$ 117.28	
	8 - Cubic Yard	1x	2x	3x	4x	5x	6x	Special
Flat-Rate	\$ 217.63	\$ 435.27	\$ 652.90	\$ 870.53	\$ 1,088.16	\$ 1,305.80	\$ 145.95	
Disposal Charge *	0	0	0	0	0	0	0	0
Container Svcs	0	0	0	0	0	0	0	0
Regulated Rates	\$ 217.63	\$ 435.27	\$ 652.90	\$ 870.53	\$ 1,088.16	\$ 1,305.80	\$ 145.95	

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* Disposal set @ 134lbs/cy at \$42/ton per SWA.

Revised August 24, 2012

Hauler: Waste Pro of Florida



7329 7TH PL N

West Palm Beach, FL 33411

Solid Waste and Recycling Collection services proposal form

Village of Royal Palm Beach

Residential Rate Schedule

Effective October 1, 2022

RESIDENTIAL COLLECTION

(Per Unit)		Per Month
CURBSIDE	SOLID WASTE COLLECTION	\$ 6.84
	Vegetative collection	\$ 4.36
	Recycling Collection	\$ 2.66
	Total	\$ 13.86
MULTIFAMILY RECYCLING		\$ 3.29
ROLLOFF RATES PER LAOD		\$ 275.00