

Date..... February 8, 2016.....

APPROVING THIRD AMENDMENT TO CONTRACT FOR SINGLE STREAM  
RECYCLABLES PROCESSING SERVICES WITH MID-AMERICA RECYCLING, LLC

WHEREAS, the Public Works Department provides a number of services, including the curbside collection and processing of recyclable materials; and

WHEREAS, on July 14, 2008, by Roll Call No. 08-1271, the City Council approved a contract with Mid-America Recycling, LLC for an exclusive recycler to receive, process, and market single-stream recyclable materials collected by the Public Works Department with an initial term beginning on December 6, 2008 and ending on December 31, 2015, with up to two additional five year renewals at the City's discretion ("the Contract"); and

WHEREAS, on May 18, 2015, by Roll Call No. 15-0828, the City Council consented to the assignment of the Contract from Mid-America Recycling LLC to Mid America Recycling, LLC and approved a First Amendment to the Contract; and

WHEREAS, on December 7, 2015, by Roll Call No. 15-2064, the City Council approved a Renewal and Second Amendment to the Contract, which, among other items, renewed the term of the Contract until December 31, 2020, and which required Mid America Recycling, LLC to provide a performance bond with a term to be the same as the contract term length; and

WHEREAS, after approval of the Amendment, Mid America Recycling, LLC was informed by its surety broker that it would incur burdensome costs to procure such bond unless the bond term was changed to an annually renewing bond for each annual term of the Contract; and

WHEREAS, City staff and Mid America Recycling, LLC have negotiated a Third Amendment which provides for a revised performance bond allowing an annually renewing bond, which has been approved as to form by the Legal Department, a copy of which is on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Third Amendment, a copy of which is on file in the City Clerk's Office, is hereby approved and the City Manager is hereby authorized and directed to execute said amendment on behalf of the City and the City Clerk is directed to attest to his signature.



Roll Call Number

Agenda Item Number

23

February 8, 2016

Date

Moved by \_\_\_\_\_ to adopt.

Approved As To Form:

*Ann DiDonato*

Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk