

DUPLICATE
SEVENTH EXTENSION TO MIRAMAR RECYCLING CENTER
SERVICE CONTRACT
(CITY OF SAN DIEGO AND ALLAN COMPANY)

This Seventh Extension to the Miramar Recycling Center Service Contract [Seventh Extension] is made and entered into between the City of San Diego [City], a municipal corporation, and Allan Company [Contractor].

RECITALS

WHEREAS, the City is required by California state law to reduce the amount of solid waste disposed in landfills by 50% and to make a good faith effort to implement programs as described in the City's Source Reduction and Recycling Element; and

WHEREAS, the City's Environmental Services Department [ESD] operates many recycling and educational outreach programs to divert recyclables from the City's waste stream; and

WHEREAS, ESD requires a contractor to operate the Miramar Recycling Center [Center], located at the entrance to the City's Miramar Landfill, to provide a convenient location for the public to recycle; and

WHEREAS, in 2001, the San Diego City Council authorized the City Manager to execute the Miramar Recycling Center Service Contract/Real Property Lease [Agreement] with Contractor for the operation of the Center, which Agreement is on file in the office of the City Clerk as Document Number RR-295859; and

WHEREAS, Contractor continues to provide a valuable service to San Diegans by providing a convenient alternative for proper recycling of a variety of hard-to-recycle materials, including appliances containing Chlorofluorocarbons (CFC) (refrigerators, freezers and air conditioners) and other major appliances, such as stoves, clothes washers and dryers, dish washers and water heaters. In addition, the Center accepts cathode ray tube (CRT) devices such as computer monitors and TVs. The Center also provides free tax paper shredding and recycling during April, and cooking oil recycling; and

WHEREAS, Contractor currently serves over 125,000 customers per year; and

WHEREAS, the Agreement provides for a five-year initial term and includes an evergreen clause which, beginning at the end of the second contract year, provides for extensions to the term of the Agreement; and

WHEREAS, the City Council by resolution authorized execution of six prior extensions to the Agreement, all of which were subsequently executed; and

WHEREAS pursuant to the Fourth Extension to the Agreement, on file in the office of the City Clerk as document Number RR-303399, the parties desire to extend the term of the Agreement for two years effective January 1, 2014; and

WHEREAS, extending the Agreement will allow the Contractor to continue providing high quality services in support of the City's efforts to meet State-mandated waste diversion goals;

DOCUMENT NO.	308837
FILED	MAR 25 2014
OFFICE OF THE CITY CLERK	
SAN DIEGO, CALIFORNIA	

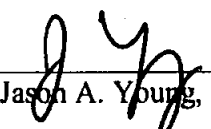
NOW, THEREFORE, in consideration of the premises above stated and the terms, conditions, covenants and agreements contained herein and in the Agreement, as amended, both parties do agree as follows:

1. Pursuant to section 3.14 of the Agreement, as amended in the Fourth Extension, the term of the Agreement is extended for a period of two years from December 31, 2016 to December 31, 2018.
2. This Seventh Extension to the Agreement shall affect only the terms and/or conditions referred to herein. All other terms and conditions of the Agreement, as amended, shall remain in full force and effect.
3. This Seventh Extension to the Agreement shall be effective retroactive to January 1, 2014.

IN WITNESS WHEREOF, this Seventh Extension to the Agreement is executed by the City of San Diego and by Allan Company, acting by and through their respective authorized representatives.

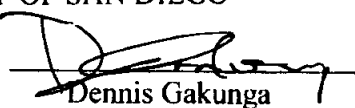
Date: 3-18-14

ALLAN COMPANY

By 
Jason A. Young, President

Date: 04/18/14

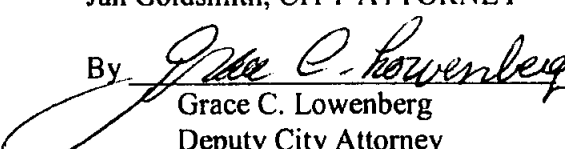
CITY OF SAN DIEGO

By: 
Dennis Gakunga
Director
Purchasing & Contracting

R-308837

I HEREBY APPROVE the form and legality of the forgoing Seventh Extension to the Agreement, this 21st day of April, 2014.

Jan Goldsmith, CITY ATTORNEY

By 
Grace C. Lowenberg
Deputy City Attorney

Item 192
3-25-14
(R-2014-487)

RESOLUTION NUMBER R- 308837

DATE OF FINAL PASSAGE APR 11 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING A SEVENTH
EXTENSION TO THE AGREEMENT WITH ALLAN
COMPANY TO OPERATE THE MIRAMAR LANDFILL
RECYCLING CENTER.

WHEREAS, in 2001, the San Diego City Council authorized execution of an agreement with Allan Company to operate the City's recycling center at the Miramar Landfill, which Agreement is on file in the Office of the City Clerk as Document Number RR-295859 [Agreement]; and

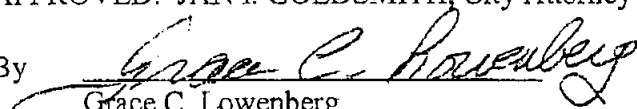
WHEREAS, pursuant to the Agreement, the City Council by resolution authorized six previous extensions to the Agreement, the term of which currently ends December 31, 2016; and

WHEREAS, in accordance with the Agreement, the parties wish to extend the Agreement a seventh time for a period of two years, from December 31, 2016 to December 31, 2018; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized to execute, for and on behalf of the City, a seventh extension to the agreement with Allan Company for the operation of the Miramar Landfill Recycling Center, retroactive to January 1, 2014, under the terms and conditions set forth in the Seventh Extension to Miramar Recycling Center Service Contract, on file with the City Clerk as Document No. RR 308837.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Grace C. Lowenberg
Deputy City Attorney

GCL:bas
3/12/2014
Or.Dept: ESD
Doc. No.: 723080

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its meeting of MAR 25 2014.

ELIZABETH S. MALAND
City Clerk

By Karin Cuslaw
Deputy City Clerk

Approved: 4/10/14
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAR 25 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☒	☐	☐	☐
District 2 (Vacant)	☐	☐	☐	☐
Todd Gloria	☒	☐	☐	☐
Myrtle Cole	☒	☐	☐	☐
Mark Kersey	☒	☐	☐	☐
Lorie Zapf	☒	☐	☐	☐
Scott Sherman	☒	☐	☐	☐
David Alvarez	☐	☐	☒	☐
Marti Emerald	☒	☐	☐	☐

Date of final passage APR 11 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Ough, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308837

Passed by the Council of The City of San Diego on March 25, 2014 by the following vote:

YEAS: **LIGHTNER, GLORIA, COLE, KERSEY, ZAPF, SHERMAN, EMERALD.**

NAYS: **NONE.**

NOT PRESENT: **ALVAREZ.**

RECUSED: **NONE.**

VACANT: **DISTRICT 2.**

AUTHENTICATED BY:

KEVIN FAULCONER

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

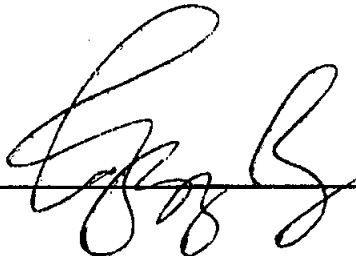
By: Peggy Rogers, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R-308837 approved by the Council of the City of San Diego, California on
March 25, 2014 and approved by the Mayor of the City of San Diego on April 11, 2014.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By:  , Deputy