

ORDINANCE NO. 17-18

AN ORDINANCE WAIVING COMPETITIVE BIDDING REQUIREMENTS AND WAIVING
ENFORCEMENT OF SECTION 5.48.090 OF THE VILLAGE CODE, AND
APPROVING A CONTRACT
WITH ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DOING BUSINESS AS
REPUBLIC SERVICES, OF ELGIN, ILLINOIS,
FOR CURBSIDE SOLID WASTE COLLECTION AND DISPOSAL SERVICES

WHEREAS, on April 17, 2007, the Village entered into a contract ("**Existing Contract**") with ARC Disposal and Recycling Company ("**ARC**") for the provision by ARC of residential curbside refuse, recycling, and yard waste collection and disposal services (collectively, the "**Refuse Collection Services**"); and

WHEREAS, the Existing Contract was subsequently amended on May 1, 2007, March 1, 2008, March 5, 2009, and April 17, 2012; and

WHEREAS, the Existing Contract will expire on July 31, 2017; and

WHEREAS, Republic Services, of Elgin, Illinois ("**Republic**"), is the successor in interest of ARC to the Existing Contract, and currently provides Refuse Collection Services for the Village pursuant to the Existing Contract, as amended; and

WHEREAS, in providing the Refuse Collection Services for the Village since 2007, Republic has gained a unique familiarity with, and knowledge of, the refuse collection and disposal needs of the Village and its residents; and

WHEREAS, in order to minimize disruption to the Village and its residents, and to maximize the efficiency and effectiveness of Refuse Collection Services, the Village has determined that Republic is uniquely suited and most qualified to continue to provide the Refuse Collection Services for the Village; and

WHEREAS, the Village and Republic desire to enter into an amended and restated contract for the provision by Republic of Refuse Collection Services for the Village for a new five-year term ("**New Contract**"); and

WHEREAS, the President and Board of Trustees have determined that it is appropriate to waive competitive bidding to enter into the New Contract with Republic, pursuant to Section 3.04.010.B of the "Carpentersville Municipal Code," as amended ("**Village Code**"); and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interests of the Village to enter into the New Contract with Republic;

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: WAIVER OF COMPETITIVE BIDDING REQUIREMENTS. The advertising and bidding requirements for the New Contract are hereby waived in accordance with Section 3.04.010.B of the Village Code and the home rule powers of the Village.

SECTION 3: APPROVAL OF NEW CONTRACT. The Village President and Board of Trustees hereby approve the New Contract by and between the Village and Republic, in substantially the form attached to this Resolution as **Exhibit A**, and in a final form to be approved by the Village Manager and the Village Attorney.

SECTION 4: EXECUTION OF NEW CONTRACT. The Village Manager and the Village Clerk are hereby authorized and directed to execute and attest, on behalf of the Village, the New Contract upon receipt by the Village Clerk of at least one original copy of the New Contract executed by Republic; provided, however, that if the executed copy of the New Contract is not received by the Village Clerk within 30 days after the effective date of this Resolution, then this authority to execute and attest will, at the option of the President and Board of Trustees, be null and void.

SECTION 5: WAIVER OF ENFORCEMENT. The President and Board of Trustees hereby waive the enforcement of Sections 5.48.090.A through 5.48.090.D of the Village Code with respect to Republic for the duration of the term of the New Contract.

SECTION 6: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 7: EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage and approval in the manner provided by law.

Motion was made by Trustee Humpfer, seconded by Trustee Schultz, that the ORDINANCE be adopted.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 2nd day of May, 2017, pursuant to a roll call vote as follows:

AYES: 4 (Burroway, Humpfer, Sabbe, and Schultz)

NAYS: 0

ABSENT: 2 (Rehberg and Stephens)

APPROVED by me this 2nd day of May, 2017.

(SEAL)



ATTEST:

Kelly Nega

Kelly Nega, Village Clerk

Deputy

Ed Ritter
Ed Ritter, Village President