

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor’s Legislative Team

at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**. Contact the Mayor’s Legislative team with questions

Date of Request: 11/8/2022

Please mark one: Bill Request or Resolution Request

1. Type of Request:

- Contract/Grant Agreement Intergovernmental Agreement (IGA) Rezoning/Text Amendment
- Dedication/Vacation Appropriation/Supplemental DRMC Change
- Other:

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Amends a revenue agreement with Waste Management of Colorado, Inc. by adding one year for a new end date of 12-31-23 for operation of a composting facility at the Denver Arapahoe Disposal Site. No change to the contract amount (ESEQD-202265533).

3. Requesting Agency: Department of Public Health & Environment - Division of Environmental Quality

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Agatha Linger	Name: Will Fenton & Agatha Linger
Email: Agatha.Linger@denvergov.org	Email: william.fenton@denvergov.org Agatha.Linger@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

The compost agreement (#ENVHL-201524286) and all its amendments has been assigned to and assumed by Waste Management Disposal Services of Colorado, Inc. for continued composting services at (DADS). The composting agreement was executed with Waste Management of Colorado, Inc. in 2016; The contract and all its amendments was assigned to and assumed by Waste Management Disposal Services of Colorado, Inc. under contract ESEQD-202265533.

For background, in 2016 the City entered into the compost agreement which allows Waste Management to offer composting services. They obtained State approvals, constructed the composting pad and monitoring well, and met State requirements for operations. They receive food and green material including wood material, generate compost, and sell compostable material and sometimes wood chips. In return for leasing land for the compost operations, the City receives a) an 8 percent (%) royalty on the revenue that WMC generates from the incoming material, b) details on the type and volume of incoming material, and c) information on waste management’s operating costs.

Based on the 8% royalty received by the City from 2016 to present, the City has received \$225,556.50 in payment. From Waste Management’s operating costs, we know that the income generated from their compost operations minimally covers the costs of their operations. Both parties continue to be optimistic that the need for composting will increase.

Both the City and Waste Management want to continue offering compost as an alternative to disposal.

6. City Attorney assigned to this request (if applicable):

To be completed by Mayor’s Legislative Team:

Resolution/Bill Number: _____

Date Entered: _____

Lindsay Walton

- 7. **City Council District:** None; Denver Arapahoe Disposal Site (DADS) is located in Arapahoe County.
- 8. ****For all contracts, fill out and submit accompanying Key Contract Terms worksheet****

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):
Revenue

Vendor/Contractor Name: WASTE MANAGEMENT DISPOSAL SERVICES OF COLORADO, INC.

Contract control number: New: ESEQD-202265533 Existing: #ENVHL-201524286-03

Location: 3500 S. Gun Club Road, Aurora, CO (Arapahoe County)

Is this a new contract? Yes No **Is this an Amendment?** Yes No **If yes, how many?** _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):
January 1, 2016 through December 31, 2022 currently; new term ends December 31, 2023.

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
\$300,000	\$0	\$300,000

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
1-1-2016 through 12-31-2022	1 year	12-31-2023

Scope of work:
Operation of compost facility.

Was this contractor selected by competitive process? No. **If not, why not?**
N/A - WM, which operates the DADS landfill on behalf of the City, has expanded its operations to include composting.

Has this contractor provided these services to the City before? Yes No

Source of funds:

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This is incoming revenue.

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

NA

Who are the subcontractors to this contract?

None

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