

FOURTH AMENDATORY AGREEMENT

This **FOURTH AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”), and **WASTE MANAGEMENT OF COLORADO, INC.**, a Colorado corporation with its principal place of business located at 800 Capitol Street, Suite 3000, Houston, Texas 77002 (the “Contractor”), jointly (“the Parties”).

RECITALS:

A. The Parties entered into an Agreement dated August 7, 2018, an Amendatory Agreement dated December 17, 2020, a Second Amendatory Agreement dated September 10, 2021, and a Third Amendatory Agreement dated July 27, 2022 (collectively, the “Agreement”) to support Trash collection services Citywide, excluding DEN.

B. The Parties wish to amend the Agreement to extend the Term, revise the Scope to remove certain pick-up locations, and to make such other Amendments as are herein set forth.

NOW THEREFORE, in consideration of the premises and the Parties’ mutual covenants and obligations, the Parties agree as follows:

1. Exhibit A of the Agreement, entitled "Scope of Work and Technical Requirements", is hereby replaced with Exhibit A-1 attached hereto and incorporated herein by this reference. All references to "Exhibit A" in the Agreement shall be amended to read: "Exhibit A-1".

2. Section 3 of the Agreement entitled “**TERM**” is hereby deleted in its entirety and replaced with:

“**3. TERM**: The Agreement will commence on August 1, 2018, and will expire on October 31, 2023 (the “Term”). Nothing contained herein shall obligate the City to extend the Agreement beyond the initial term.”

3. Section 19 of the Agreement entitled “**NO EMPLOYMENT OF WORKERS WITHOUT AUTHORIZATION TO PERFORM WORK UNDER THE AGREEMENT:**” is hereby deleted in its entirety.

4. As herein amended, the Agreement is revived, affirmed, and ratified in each and every particular.

5. This Fourth Amendatory Agreement will not be effective or binding on the City until it has been fully executed by all required signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGES FOLLOW.]**

Contract Control Number: GENRL-202369031-04 [GENRL-201842725-04]
Contractor Name: WASTE MANAGEMENT OF COLORADO, INC.

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of:

SEAL

CITY AND COUNTY OF DENVER:

ATTEST:

By:

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

Attorney for the City and County of Denver

By:

By:

By:

Contract Control Number:
Contractor Name:

GENRL-202369031-04 [GENRL-201842725-04]
WASTE MANAGEMENT OF COLORADO, INC.

By:  _____
A85DA3ED85C4421...

Name: Tanya Stewart
(please print)
Title: Area Sales Director
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

EXHIBIT A-1
SCOPE OF WORK AND TECHNICAL REQUIREMENTS
ON-CALL TRASH REMOVAL SERVICES

A.1 SCOPE OF WORK

The City has awarded **Waste Management of Colorado, Inc.** (Contractor) a contract to provide on-call trash removal services which includes the ability to pick-up and dispose of City waste from various City facilities as well as trash removal for dumpsters and 55-gallon trash barrels located at specific parks for Denver Mountain Parks.

City waste from Roll Offs and Compactors is to be transported to the Denver Arapahoe Disposal Site, or DADS, located at 3500 S. Gun Club Road, Aurora, CO 80018, with the exception of Parks and Recreation – Mountain Parks, which may be transported and disposed of in an approved landfill or waste transfer station such as the Foothills site off Highway 93, the Englewood transfer station, or other approved by Mountain Parks.

Denver Mountain Park properties are located in challenging terrain in a variety of settings. The locations are listed in **Exhibit B – Pricing Matrix**. The majority of the cans and dumpsters are located in Jefferson County with the exception of Echo Lake in Clear Creek County and Daniels Park in Douglas County. The location of each park can be found in Google map by pasting the latitude and longitude into the search field.

A.1.a WASTEWATER GROUP:

City-Owned Custom 30-yard Dewatering Box.

General Description: The Division of Wastewater Management, located at 2000 W. Third Ave., requires the hauling and emptying of a City-owned 30-yard dewatering box roll-off.

Client agency contact is to be identified to the successful contractor.

The Trash Services for this City-owned custom 30-yard dewatering Dumpster requires the Contractor to load the Dumpster, haul it to DADS, and return it to Wastewater as soon as possible the same day. The material in this dumpster is removed from the City's storm sewer system and consists of various debris, including but not limited to leaves, sand, and paper.

The average weight per pick-up is ten (10) tons, but may vary depending upon the contents. The schedule for Trash Services is approximately three (3) times per week. (Monday, Wednesday and Friday being the preferred days).

This roll off has a series of screens inside to stop the debris from falling to the bottom causing blockage of the outlets. Blockage prevents the water from running out. The City reserves the right to inspect the dumpster periodically after dumps have been made to assess the condition of the screens.

A.1.b SHERIFF DEPARTMENT GROUP:

County Jail at 10500 Smith Road

Client Agency Contact: will be identified to the successful contractor.

The Sheriff Department requires service at the location referred to above for the following dumpsters and compactors. The City reserves the right to request the dumpsters to be cleaned on an as needed basis.

#1 Front load service—8 yard

Provide and service four (4) each eight-yard front load Dumpsters. Service is six (6) times per week (no service on Sundays). Denver County Jail at 10500 Smith Road.

#2 Dumpster—6-yarder

Provide and service one (1) each six-yard dumpster, 6 days a week, Monday – Saturday.

#3 Compactors—City Owned

Service is to be provided for two (2) City-owned 30-yard compactors twice a week. One is serviced Monday and Thursday and the second on an as needed basis or upon request by the agency.

#4 Vehicle Impound Facility – 5160 York St.

Client Agency Contact: Will be identified to the successful contractor.

Provide and service one (1) 30-yard roll off dumpster. Service scheduled as requested by agency.

A.1.c GENERAL SERVICES: FACILITIES MANAGEMENT (GSFPM) GROUP:

The following facilities/buildings are managed by the City's General Services Facilities Management (GSFM). All trash services provided will be under GSFM purview and are subject to their approval.

#1 Trash Compactor at 1200 Federal—Dept of Human Services (DHS) – Castro Building

Client Agency Contact: Will be identified to the successful bidder.

The City requires the rental, hauling and maintenance of a 25-cubic yard compactor to be located at the Human Services Building at 1200 Federal Boulevard.

Specifications for the contractor provided Compactor

1. Total length not to exceed twenty (20) feet.
2. Total height not to exceed eight feet eight inches (8'8").

3. 10 HP motor, 3-phase, 220/230 volt.
4. Operational pressure range of 1850 to 2300 p.s.i.
5. Key operated power control station
6. Double end pick-up, remote power pack with multi-cycle timer, and pressure gauge.

Specification for Installation

1. Three (3) sided hopper with extension to accommodate dock dump carts.
2. Safety handrails and security gate with safety interlock switch.
3. Walk-on safety treads plate deck with dock mount transition plate.
4. Twenty (20) feet Dumpster guide island with safety stop blocks.
5. Dumpsters are to be front loaded when emptied.

The City will provide power at the dock with a dedicated 30-amp breaker and quick disconnect box on the dock wall.

#2 Police Administration Building Basement (1331 Cherokee St)

Client Agency Contact: Will be identified to the successful bidder.

Dumpster Service - Provide and service five (5) each 3-yard trash dumpsters at the basement of the Police Administration Building, 1331 Cherokee Street. The Contractor will be required to provide dumpsters.

Schedule of Service is to be Monday, Wednesday and Friday

One (1) 3-yard dumpster for recycle materials. Service is required weekly on Monday.

#3 Van Cise – Simonet Detention Center 490 W. Colfax Ave.

Client Agency Contact: Will be identified to the successful bidder.

Trash Compactor Service- Provide service for two (2) City owned 30-yard compactors. Service shall be provided Tuesdays and Thursdays with the vendor alternating the compactors to be serviced. Vendor will be required to water flush the hydraulic ram area quarterly when the compactor is dumped.

Due to building restrictions for access to the compactor location vendors must provide a truck with a **stinger mechanism** for this location only.

#4 The Wellington E. Webb Municipal Bldg. 201 W. Colfax Ave.

Client Agency Contact: Will be identified to the successful bidder.

One City owned 30-yard Compactor for which service is required on an as-needed basis – approximately every 1 to 2 weeks. This compactor is located off 15th Street.

Two vendor owned 8-yard cardboard-only dumpsters. Service required Tuesday, Wednesday and Thursday.

#5 The Minoru Yasui Plaza 303 W. Colfax Ave.

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of three (3) 3-Yard Dumpsters
Service is required Monday, Wednesday and Friday

#6 Champa Building - 1245 Champa Street

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of one (1) 6-Yard Dumpster once a week on Mondays.

#7 Family Crisis Center - 2929 West 10th Ave.

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of two (2) 3-Yard Dumpsters.
Service is required daily, Monday through Saturday

#8 Denver Human Services – East Side 3815 Steele Street

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of two (2) 3-Yard Dumpsters
Service is required twice weekly on Monday and Thursday

#9 Combined Communications Center 950 Josephine Street

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of one (1) 6-Yard Dumpster.
Dumpster serviced twice weekly on Tuesdays and Thursdays.

#10 Police District #1 - 1311 West 46th Ave.

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of two (2) 3-Yard Dumpsters
Dumpsters serviced three times weekly, on Mondays, Wednesday, and Fridays

#11 Police District #2 - 3921 Holly Street

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of one (1) 8-Yard Dumpster
Dumpsters serviced twice weekly on Tuesdays and Fridays

#12 Police District #6 - 1566 Washington Street

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of two (2) 6-Yard Dumpsters
Dumpsters serviced twice weekly, Tuesdays and Thursdays

#13 Arie P. Taylor Building - 4685 Peoria Street

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of one (1) 8-Yard Dumpster
Dumpsters serviced once time weekly, on Tuesdays and Thursdays

#14 Technology Services - 10 Galapago Street

Client Agency Contact: Will be identified to the successful bidder.

Rental and service of two (2) 3-Yard Dumpster
Dumpsters serviced 5 times weekly.

#15 Denver Police Department/Traffic Operations 3381 Park Avenue West

Client Agency Contact: Will be identified to the successful bidder.

Rental and Service of one (1) 30 Yard Roll-off
Dumpsters serviced twice weekly on Tuesdays and Thursdays.

#16 City owned building – 12025 E. 45th Avenue

Client Agency Contact: Will be identified to the successful bidder.

Rental of two (2) 6-yard dumpsters. Serviced twice weekly on Tuesdays and Thursdays.

#17 Denver Police Department – 4350 S. Pierce St.

Client Agency Contact: Will be identified to the successful bidder.

Rental and Service of a 3-yard dumpster

#18 Denver Fire Department – Fire Academy 5440 Roslyn St. Bldg. F

Client Agency Contact: Will be identified to the successful bidder.

Rental and Service of one (1) 30-yard roll off.
Roll off to be serviced as requested by the agency.

#19 DPD Academy – 8895 Montview Blvd

Client Agency Contact: Will be identified to the successful bidder.

Rental and Service of two (2) 3-yard dumpsters
Dumpsters to be serviced weekly, on Wednesdays

#20 Rose Andom Center – 1330 Fox Street

Client Agency Contact: Will be identified to the successful bidder.

Rental and Service of one (1) 30-yard roll off.
Roll off to be serviced as requested by the agency.

A.1.d DENVER PUBLIC LIBRARY GROUP:

Central Branch - 10 West 14th Avenue Parkway

Client Agency Contact: Will be identified to the successful bidder.

Proposers should note – the Central loading dock is only 11’ 6” high.

1. Rental and service of 30-Yard Compactor on an as-needed basis.
2. Provision of 30-Yard roll off on an as needed basis.

A.1.e PARKS AND RECREATION MAINTENANCE DIVISION GROUP:

#1 Parks Maintenance Facility - 4495 N. Jason St.

Client Agency Contact: Will be identified to the successful bidder.

Rental and Service of (1) 30-yard roll off.
Roll-off serviced as requested by agency.

#2 Parks Maintenance Facility – 678 S. Jason St.

Client Agency Contact: Will be identified to the successful bidder.

Rental and Service of (1) 30-yard roll off.
Roll-off serviced as requested by the agency.

Rental and Service of one (1) 3-yard dumpster for metal recycle.
Dumpster serviced two times weekly, Mon & Tues.

#3 Parks Maintenance Facility – 3400 Arkins Ct.

Client Agency Contact: Will be identified to the successful bidder.

Rental and Service of one (1) 30-yard roll off.
Roll-off to be serviced as requested by the agency.

#4 Parks Maintenance Facility – 945 S. Huron St.

Client Agency Contact: Will be identified to the successful bidder.

Rental and Service of one (1) 30-yard roll off.
Roll-off to be serviced as requested by the agency.

A.1.f PARKS AND RECREATION MOUNTAIN PARKS DIVISION GROUP:

Client Agency Contact: Will be identified to the successful bidder.

DESIRED TRASH REMOVAL SERVICES:

1. Pick up of trash from cans and dumpsters and transportation and disposal of trash in an approved landfill or waste transfer station. The dumpsters and cans are listed in below under **Locations**, of this Section.
2. Additional pick-ups for dumpsters: Upon request by the Division, the contractor will provide additional picks as needed at the specified parks. These extra pickups may be performed off route or off regular service days.
3. The successful contractor will provide 3-yard bear resistant dumpsters. The trash barrel will be provided by Denver Mountain Parks, but the contractor shall provide 2.7 mil, 55-gallon bags for the barrels when they are serviced. Pricing should be based on rear loading 3-yard dumpsters but 4-8-yard dumpsters may be substituted where front loader access is available at the same per yard price.
4. Trash service is to meet or exceed normal service levels provided to residential and commercial customers. Due diligent the successful contractor is responsible for a minimal amount of trash escapes to the environment. If possible, the contractor is asked to pick up trash that is located within a 30-foot radius of the dumpster or can.

If there is an obvious problem with litter, the contractor shall notify the City's contract administrator or his/her designee within 24 hours of observation so that the City can remediate the problem.

ACCESS ISSUES:

The contractor shall provide vehicles that are appropriate to the location that the dumpsters and cans are located. If there are specific issues to cans or dumpsters the contractor shall inform the contract manager or his designee of any access issues and make suggestions for the City to consider about improving the situation.

All locations are accessible by a rear loading type garbage truck.

BEAR RESISTANT DUMPSTERS:

The City is requesting that the contractor provide Bear Resistant Dumpsters for some areas in need of servicing. Contractors must include in their proposal literature or documentation regarding their proposed container. The City reserves the right to ask for a demonstration of the container. The proposed container must work with the contractor's removal system.

LOCATIONS:**Bear-Resistant Dumpsters**

Item	Park	Qty	Size	Latitude	Longitude	County
#1	Corwina	1	3	39.66	-105.2802	Jefferson
#2	Echo Lake	2	3	39.6592	-105.6012	Clear Creek
#3	Dedisse	1	3	39.6322	-105.3341	Jefferson
#4	Genesee	2	3	39.6916	-105.4197	Jefferson
#5	Chief Hosa Campground	2	3	39.71138	-105.313954	Jefferson
#6	Chief Hosa Lodge	2	3	39.711297	-105.313252	Jefferson
#7	Chief Hosa Lodge (recycle)	1	2	39.711297	-105.313252	Jefferson
#8	Katherine Craig	1	3	39.7117	-105.2879	Jefferson
#9	Patrick House	1	3	39.710761	-105.303333	Jefferson
#10	Lookout Mountain	2	3	39.7332	-105.2418	Jefferson
#11	Newton	6	3	39.5122	-105.2973	Jefferson
#12	O'Fallon	4	3	39.6462	-105.2880	Jefferson
#13	Daniels	2	3	39.4833	-104.9284	Douglas
#14	Bergen P&R	1	3	39.690225	-105.362215	Jefferson
#15	Morrison	1	3	39.652797	-105.199521	Jefferson

Barrels

Item	Park	Qty	Size	Latitude	Longitude	County
#16	Corwina	4	96GL	39.65998442	-105.28019	Jefferson
#17	Bergen Park	2	96GL	39.6690225	-105.362215	Jefferson
#18	Daniels	4	96GL	39.4833	-104.9284	Douglas
#19	Dedisse	2	96GL	39.63218659	-105.3341497	Jefferson
#20	Fillius	1	96GL	39.6961	-105.3524	Jefferson
#21	Genesee	7	96GL	39.69158937	-105.4196845	Jefferson
#22	Little Park	2	96GL	39.6566	-105.2471	Jefferson
#23	Lookout Mountain	2	96GL	39.7332	-105.2418	Jefferson
#24	O'Fallon	3	96GL	39.64620756	-105.288018	Jefferson
#25	Red Rocks	4	96GL	39.6659	-105.2056	Jefferson
#26	Morrison Park	1	96GL	39.652797	-105.199521	Jefferson
#27	Turkey Creek	2	96GL	39.5934	-105.2240	Jefferson

Rolloffs

Item	Park	Qty	Size	Latitude	Longitude	County
#28	Denver Mtn. Parks HQ	1	30yd	39.652797	-105.19952	Jefferson
#29	Daniels Park	1	30yd	39.4833	-104.9284	Douglas
#30	Patrick House	1	30yd	39.710761	-105.30333	Jefferson

A.1.g DUMPSTER SERVICE—ADDITIONAL AGENCIES AS REQUIRED:

During the course of this contract, there may be a need to add facilities and/or services to existing facilities. Contractors are requested to submit pricing in Section C of this proposal for 3, 6, and 8-yard dumpsters with once a week service or as identified by the City. Pricing is to be for the identified dumpster size to include all pick-up, emptied and disposal fees.

When additional dumpster services are requested by a City agency, the requesting agency is required to submit a Facility Addition/Deletion request form (**EXHIBIT E**) to the General Services Contract Administrator.

1. Name and address of facility
2. Requesting agency
3. Facility Manager/Agency Point of Contact (Name & Phone Number)
4. Type of Service requested
5. Billing Frequency
6. Price per Contract terms

A.2 ESTIMATED QUANTITIES:

Quantities listed are the City and County of Denver's best estimate and do not obligate the Buyer to order or accept more than City and County of Denver's actual requirements during the period designated, as determined by actual needs and availability of appropriated funds. It is expressly understood and agreed that the resulting Contractual Agreement is to supply the City with its complete actual requirement of the materials specified in this proposal for the designated period.

A.3 CONTRACTOR PERFORMANCE MANAGEMENT:

Awarded contractors are required to furnish a performance report to the buyer on an annual basis, no later than the anniversary date of the applicable Master Purchase Order or City Contract, providing at a minimum the following information:

- Total dollar value of purchases per City Agency
- Total number of transactions per City Agency
- Average response time after receipt of call from the City
- Average time for job completion

A.4 PREVAILING WAGE:

Waste Management of Colorado, Inc. should take into account that payment of prevailing wages pursuant to D.R.M.C. 20-76 is required for dedicated compactor and roll-off hauls. Payment of prevailing wages is not required for dumpster service drivers. Compactor and roll off pricing is for the HAUL ONLY to DADS. Disposal charges shall be billed separately by DADS to each Client Agency. DADS stands for the Denver Area Disposal Site

For Dumpster services, the net unit price (either per dumpster or per month) must include disposal fees. Waste from dumpster services IS NOT required to go to DADS.