

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: 7-19-2021

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 12-31-22 for operation of a composting facility at the Denver Arapahoe Disposal Site. No change to the contract amount (ENVHL-201524286).

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: Zach Clayton	Name: Zach Clayton
Email: Zachery.Clayton@denvergov.org	Email: Zachery.Clayton@denvergov.org

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

This amendment extends by one year the compost agreement between Waste Management of Colorado (WMC) and the City and County of Denver (City).

For background, in 2016 the City and WMC entered in to a three-year contract with the option to renew the contract if both parties agree to do so. This contract allows WM, who currently operates the Denver Arapahoe Disposal Site (DADS) landfill on the City's behalf, to also offer composting services. WM 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 to WM 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 WMC's operating costs.

Based on the 8% royalty received by the City from 2016 to present, the City has received \$178,626.77 in payment. From WMC'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 WMC want to continue offering compost as an alternative to disposal and request this one-year extension.

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

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: RR21 0877

Date Entered: _____

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 of Colorado (WMC)

Contract control number: #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?** 5th

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):
The term of this Agreement began January 1, 2016 and extends until December 31, 2022 (the amended date).

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

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

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
1-1-2016 through 12-31-2021	1 year	12-31-2022

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:

This is incoming revenue.

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

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

NA

Who are the subcontractors to this contract?

None

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