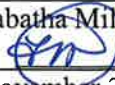
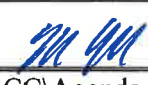


**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on Proposed Amendment 4 to the Waste Management Contract dated June 1, 2004		<b>Meeting Date:</b> December 7, 2009
<b>Department:</b> City Manager	<b>Attachments:</b> 1. <u>Proposed Amendment #4 to Comprehensive Garbage, Recyclables and Yard Debris Collection Contract</u>	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Tabatha Miller, Finance Director		
<b>Telephone:</b> (206) 439-3150		
<b>Adopted Initiative:</b> Yes    No    X	<b>Initiative Description:</b> N/A	
<b>PURPOSE/REQUIRED ACTION:</b>		
The purpose of this agenda item is for Council to discuss a proposed amendment to the Waste Management contract.		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
In March 2004, the current Waste Management Collection Contract was executed. Subsequently, three amendments were approved. This fourth amendment, initiated by Waste Management, would correct omissions contained in the third amendment. Amendment No. 4 makes the following corrections:		
<ol style="list-style-type: none"> <li>1. Provides clarity that the effective date of the third amendment is February 1, 2009 and further clarifies that the new rates set forth in Attachment B became effective February 1, 2009;</li> <li>2. Changes the First CPI Adjustment date to June 1, 2010 instead of June 1, 2009 as stated in the third Amendment;</li> <li>3. Incorporates Attachment B which contains the new rates that became effective February 1, 2009.</li> </ol>		
<b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Authorize City Manager to finalize amendment 4 and execute.</li> <li>2. Do not authorize City Manager to finalize amendment and hold for further action or discussion.</li> </ol>		
<b>Administrative Recommendation:</b> Hold discussion and consider placing on the December 13, 2009, Consent Agenda for approval.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required.		
Submitted by: Tabatha Miller		
<b>Administration</b> 	<b>City Manager</b> 	
<b>Today's Date:</b> November 30, 2009	<b>File Code:</b> R:\CCV\Agenda Bill 2009\120709ad-5 Waste Mgmt Amend.docx	



**AMENDMENT NO. 4 TO THE COMPREHENSIVE  
GARBAGE, RECYCLABLES AND YARD DEBRIS COLLECTION CONTRACT  
BETWEEN THE CITY OF BURIEN  
AND  
WASTE MANAGEMENT OF WASHINGTON, INC.**

THIS AMENDMENT NO. 4 TO THE COMPREHENSIVE GARBAGE, RECYCLABLES AND YARD DEBRIS COLLECTION CONTRACT BETWEEN THE CITY OF BURIEN AND WASTE MANAGEMENT OF WASHINGTON, INC. (this "Amendment") is dated November 1, 2009 by and between Waste Management of Washington, Inc. ("Contractor") and the City of Burien, a municipal corporation of the State of Washington ("City"). Each of the City and Contractor is sometimes referred to herein as a "Party" and together as the "Parties". Capitalized terms used in this Amendment and not otherwise defined shall have the meanings ascribed to such terms in the Agreement.

**RECITALS**

**A.** The City and Contractor are parties to that certain Comprehensive Garbage, Recyclables and Yard Debris Collection Contract, effective as of June 1, 2004, as amended (the "Agreement").

**B.** Amendment No. 3 to the Agreement contained certain omissions and other dating inaccuracies that the parties now wish to correct, as set forth below.

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the mutual covenants and promises contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties mutually agree as follows:

**1. Effective Date of Amendment No. 3.** As the date in the first paragraph of Amendment No. 3 was inadvertently left blank, the Parties now wish to clarify that the effective date of Amendment No. 3 is February 1, 2009, and that the new rates set forth in Attachment B became effective as of February 1, 2009.

**2. First CPI Adjustment Date.** Amendment No. 3 provided new language to replace the Inflation Adjustment provision in Section 3.3.1 of the Agreement. The third and sixth paragraphs of amended Section 3.3.1 state that the first inflation adjustment under the amended Agreement was to occur on June 1, 2009, however, it was the Parties' intent that the first inflation adjustment date actually occur on June 1, 2010. As such, the Parties now wish to delete the two references to "June 1, 2009" in the third and sixth paragraphs of Section 3.3.1 and replace them with the date "June 1, 2010."

**3. Attachment and Incorporation of Attachment B.** The executed version of Amendment No. 3 failed to include the new rate sheet which was to be incorporated as a new Attachment B to the Agreement. Attached to this Amendment is Attachment B, which sets forth the new rates that became effective as of February 1, 2009.

**4. Full Force and Effect.** Except as otherwise provided in this Amendment, all other terms and provisions of the Agreement shall remain in full force and effect.

**CITY OF BURIEN**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**WASTE MANAGEMENT OF  
WASHINGTON, INC.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTACHMENT B

CITY OF BURIEN		Rates Effective 2/1/2009		
Garbage and Yard Debris Service Fees				
SERVICE CLASS	Pounds Per Unit	(Monthly) Collection Fee	(Monthly) Disposal Fee	(Monthly) Total Fee
<b>Residential Services</b>				
<b>MSW Monthly Service:</b>				
Monthly Service 20 Gal. Cart		\$12.27	\$0.80	\$13.07
Monthly Service 35 Gal. Cart		\$12.30	\$1.27	\$13.57
<b>MSW Weekly Service:</b>				
1-10 Gal. Micro-can		\$12.27	\$2.00	\$14.27
1-20 Gal. Cart		\$12.42	\$2.75	\$15.17
1-35 Gal. Cart		\$15.56	\$4.81	\$20.37
2-35 Gal. Carts + 1 Recycle Cart		\$17.55	\$9.62	\$27.17
3-35 Gal. Carts + 1 Recycle Cart		\$19.54	\$14.43	\$33.97
4-35 Gal. Carts + 1 Recycle Cart		\$21.53	\$19.24	\$40.77
1-64 Gal. Cart		\$19.58	\$8.79	\$28.37
2-64 Gal. Carts + 1 Recycle Cart		\$31.79	\$17.58	\$49.37
3-64 Gal. Carts + 1 Recycle Cart		\$44.00	\$26.37	\$70.37
4-64 Gal. Carts + 1 Recycle Cart		\$56.21	\$35.16	\$91.37
1-96 Gal. Cart		\$22.99	\$13.18	\$36.17
2-96 Gal. Carts + 1 Recycle Cart		\$38.61	\$26.36	\$64.97
3-96 Gal. Carts + 1 Recycle Cart		\$54.23	\$39.54	\$93.77
4-96 Gal. Carts + 1 Recycle Cart		\$69.85	\$52.72	\$122.57
1-32 gallon equivalent "extra"		\$3.91	\$1.01	\$4.92
<b>Recycle Service (bundled) EOW service:</b>				
1-35 Gal. Cart		\$0.00		\$0.00
1-64 Gal. Cart		\$0.00		\$0.00
1-96 Gal. Cart		\$0.00		\$0.00
Residential Recycling Rebate set rate		\$0.00		\$0.00
1-Recycling Cart EOW service for non-subscribing garbage customers		\$8.47		(\$0.97)
				\$8.47
<b>Yard Debris Service (Weekly Service)</b>				
1-35 Gal. Cart YDW		\$8.40		\$8.40
1-64 Gal. Cart YDW		\$9.30		\$9.30
1-96 Gal. Cart YDW		\$10.20		\$10.20
32 Gal. Can YDW - Non scheduled collection for non-subscribing customers		\$5.30		\$5.30
64 Gal. Cart YDW - Non scheduled collection for non-subscribing customers		\$6.40		\$6.40
96 Gal. Cart YDW - Non scheduled collection for non-subscribing customers		\$8.50		\$8.50
Additional 96 Gal. YDW Carts		\$2.90		\$2.90
1-32 gallon equivalent "extra" YDW		\$3.20		\$3.20
1-64 gallon equivalent "extra" YDW		\$4.25		\$4.25
1-96 gallon equivalent "extra" YDW		\$6.40		\$6.40
1-35 Gal. Cart YDW weekly service for non-subscribing garbage customers		\$9.50		\$9.50
1-64 Gal. Cart YDW weekly service for non-subscribing garbage customers		\$10.40		\$10.40
1-96 Gal. Cart YDW weekly service for non-subscribing garbage customers		\$11.30		\$11.30
<b>Miscellaneous Fees:</b>				
Return Trip Cans & Carts, per pick-up		\$5.60		\$5.60
Carry-out service per unit, per pick-up, over 5 feet but not over 25 feet		\$0.22		\$0.22
Carry-out service per unit, per pick-up, for ea addl. 25 feet or fraction of 25 feet add		\$0.14		\$0.14
Drive-in Charge - Weekly service, Monthly Rate		\$4.38		\$4.38
Redelivery Fee (Carts)		\$14.85		\$14.85

Over loaded/filled cart/container		\$4.50		\$4.50
Cart Roll-out requested by customer. Per Cart, per month.>5'		\$3.50		\$3.50
<b>On-Call Bulky Waste Collection:</b>				
White Goods/Appliances (non-refrigerant)		\$51.18	\$7.13	\$58.31
Refrigerator/Freezer		\$46.43	\$11.88	\$58.31
Sofas, Chairs		\$48.81	\$9.50	\$58.31
Mattress or Box Springs		\$53.56	\$4.75	\$58.31
<b>Temporary Container Service:</b>				
Temp. 1 Yard Container		\$20.98	\$5.52	\$26.50
Daily Rent		\$1.10		\$1.10
Temp. 1.5 Yard Container		\$23.43	\$8.27	\$31.70
Daily Rent		\$1.10		\$1.10
Temp. 2 Yard Container		\$25.27	\$11.03	\$36.30
Daily Rent		\$1.15		\$1.15
Temp. 3 Yard Container		\$31.15	\$16.55	\$47.70
Daily Rent		\$1.20		\$1.20
Temp. 4 Yard Container		\$33.44	\$22.06	\$55.50
Daily Rent		\$1.25		\$1.25
Temp. 6 Yard Container		\$39.01	\$33.09	\$72.10
Daily Rent		\$1.55		\$1.55
Delivery Fee all Front Load Temp. containers		\$55.00		\$55.00

CITY OF BURIEN		Rates Effective 2/1/2009		
Garbage Service Fees				
SERVICE CLASS	Pounds Per Unit	(Monthly) Collection Fee	(Monthly) Disposal Fee	Total Service Fee
<b>Commercial / Multifamily Cans &amp; Carts:</b>				
<b>Weekly Service</b>				
1 20 Gal. Cart		\$11.39	\$2.01	\$13.40
1 35 Gal. Cart		\$12.97	\$3.52	\$16.49
1 64 Gal. Cart		\$20.01	\$7.06	\$27.07
1 96 Gal. Cart		\$24.52	\$10.57	\$35.09
35 Gal. Cart Special Pick-up (on unscheduled day)		\$88.35	\$0.81	\$89.16
64 Gal. Cart Special Pick-up (on unscheduled day)		\$89.84	\$1.63	\$91.47
96 Gal. Cart Special Pick-up (on unscheduled day)		\$90.95	\$2.44	\$93.39
1-32 gallon equivalent "extra"		\$3.91	\$1.01	\$4.92
<b>Miscellaneous Services (per event):</b>				
Return Trip		\$13.75		\$13.75
Carry-Out Service >5' & <25' (per unit, per pick-up)		\$0.22		\$0.22
Carry-Out Service each 25', >25', (per unit, per pick-up)		\$0.14		\$0.14
Drive-ins on driveways >125' & <250' (per service)		\$0.76		\$0.76
Drive-ins on driveways >250' & <1/10 mile (per service)		\$1.45		\$1.45
Drive-ins on driveways >1/10 mile each 1/10 mile (per service)		\$2.90		\$2.90
Connect/Disconnect Compactor (per pickup)		\$15.35		\$15.35
Roll-Out Container		\$12.13		\$12.13
Unlock Container		\$2.90		\$2.90
Gate Opening		\$2.90		\$2.90
Re-Delivery		\$14.85		\$14.85
Steam Cleaning per yard		\$2.60		\$2.60
Steam Cleaning minimum charge		\$12.00		\$12.00
Pickup and re-delivery for container cleaning customer requested		\$27.95		\$27.95
<b>Commercial / Multifamily Uncompacted Containers:</b>				
1 Cubic Yard Uncompacted				

1 Pickup/Week/Container		\$47.83	\$23.92	\$71.75
2 Pickups/Week/Container		\$87.27	\$47.84	\$135.11
3 Pickups/Week/Container		\$126.69	\$71.76	\$198.45
4 Pickups/Week/Container		\$166.12	\$95.68	\$261.80
5 Pickups/Week/Container		\$205.55	\$119.60	\$325.15
Extra Pick-up on scheduled collection day		\$9.10	\$5.52	\$14.62
Special Pick-up unscheduled collection day		\$94.70	\$5.52	\$100.22
<b>1.5 Cubic Yard Uncompacted</b>				
1 Pickup/Week/Container		\$62.57	\$35.83	\$98.40
2 Pickups/Week/Container		\$116.13	\$71.66	\$187.79
3 Pickups/Week/Container		\$169.70	\$107.49	\$277.19
4 Pickups/Week/Container		\$223.08	\$143.32	\$366.40
5 Pickups/Week/Container		\$276.60	\$179.15	\$455.75
Extra Pick-up on scheduled collection day		\$12.35	\$8.27	\$20.62
Special Pick-up unscheduled collection day		\$97.95	\$8.27	\$106.22
<b>2 Cubic Yard Uncompacted</b>				
1 Pickup/Week/Container		\$76.10	\$47.84	\$123.94
2 Pickups/Week/Container		\$141.10	\$95.68	\$236.78
3 Pickups/Week/Container		\$206.10	\$143.52	\$349.62
4 Pickups/Week/Container		\$270.03	\$191.36	\$461.39
5 Pickups/Week/Container		\$334.76	\$239.20	\$573.96
Extra Pick-up on scheduled collection day		\$14.94	\$11.04	\$25.98
Special Pick-up unscheduled collection day		\$100.54	\$11.04	\$111.58
<b>3 Cubic Yard Uncompacted</b>				
1 Pickup/Week/Container		\$110.31	\$71.75	\$182.06
2 Pickups/Week/Container		\$207.82	\$143.50	\$351.32
3 Pickups/Week/Container		\$305.33	\$215.25	\$520.58
4 Pickups/Week/Container		\$400.19	\$287.00	\$687.19
5 Pickups/Week/Container		\$497.04	\$358.75	\$855.79
Extra Pick-up on scheduled collection day		\$22.35	\$16.56	\$38.91
Special Pick-up unscheduled collection day		\$107.95	\$16.56	\$124.51
<b>CITY OF BURIEN</b>				
<b>Garbage Service Fees</b>		<b>Rates Effective 2/1/2009</b>		
<b>SERVICE CLASS</b>	<b>Pounds Per Unit</b>	<b>(Monthly) Collection Fee</b>	<b>(Monthly) Disposal Fee</b>	<b>Total Service Fee</b>
<b>Commercial / Multifamily Uncompacted Containers:</b>				
<b>4 Cubic Yard Uncompacted</b>				
1 Pickup/Week/Container		\$129.31	\$95.67	\$224.98
2 Pickups/Week/Container		\$243.72	\$191.34	\$435.06
3 Pickups/Week/Container		\$358.10	\$287.01	\$645.11
4 Pickups/Week/Container		\$469.00	\$382.68	\$851.68
5 Pickups/Week/Container		\$586.95	\$478.35	\$1,065.30
Extra Pick-up on scheduled collection day		\$26.20	\$22.08	\$48.28
Special Pick-up unscheduled collection day		\$111.80	\$22.08	\$133.88
<b>6 Cubic Yard Uncompacted</b>				
1 Pickup/Week/Container		\$169.64	\$143.51	\$313.15
2 Pickups/Week/Container		\$322.19	\$287.02	\$609.21
3 Pickups/Week/Container		\$474.73	\$430.53	\$905.26
4 Pickups/Week/Container		\$622.00	\$574.04	\$1,196.04
5 Pickups/Week/Container		\$773.22	\$717.55	\$1,490.77
Extra Pick-up on scheduled collection day		\$34.90	\$33.12	\$68.02
Special Pick-up unscheduled collection day		\$120.50	\$33.12	\$153.62
<b>8 Cubic Yard Uncompacted</b>				
1 Pickup/Week/Container		\$206.04	\$191.35	\$397.39
2 Pickups/Week/Container		\$392.39	\$382.70	\$775.09

3 Pickups/Week/Container		\$578.73	\$574.05	\$1,152.78
4 Pickups/Week/Container		\$765.07	\$765.40	\$1,530.47
5 Pickups/Week/Container		\$942.59	\$956.75	\$1,899.34
Extra Pick-up on scheduled collection day		\$42.60	\$44.16	\$86.76
Special Pick-up unscheduled collection day		\$128.20	\$44.16	\$172.36
<b>Commercial / Multifamily FL Compacted Containers:</b>				
3 Cubic Yard Compactor weekly		\$190.07	\$358.75	\$548.82
3 yard Special Pick-up		\$130.87	\$82.79	\$213.66
4 Cubic Yard Compactor weekly		\$243.88	\$478.35	\$722.23
4 yard Special Pick-up		\$143.28	\$110.40	\$253.68
5 Cubic Yard Compactor weekly		\$331.03	\$575.00	\$906.03
5 yard Special Pick-up		\$163.40	\$132.70	\$296.10
6 Cubic Yard Compactor weekly		\$351.92	\$717.55	\$1,069.47
6 yard Special Pick-up		\$168.22	\$165.60	\$333.82
"Extra" Uncompacted Cubic Yard		\$13.23	\$5.52	\$18.75

<b>CITY OF BURIEN</b>			
<b>Garbage Service Fees</b>			
<b>Rates Effective 2/1/2009</b>			
<b>SERVICE CLASS</b>	<b>Daily Rental</b>	<b>Monthly Container Rental</b>	<b>Charge per Haul</b>
<b>Drop-box Collection</b>			
<b>Noncompacted Service</b>			
1 10 Cu. Yd. Container		\$34.00	\$142.20
1 15 Cu. Yd. Container		\$40.00	\$142.20
1 20 Cu. Yd. Container		\$46.00	\$142.20
1 25 Cu. Yd. Container		\$51.00	\$142.20
1 30 Cu. Yd. Container		\$56.00	\$142.20
1 40 Cu. Yd. Container		\$67.00	\$142.20
<b>Compacted Service</b>			
1 10 Cu. Yd. Container			\$169.40
1 15 Cu. Yd. Container			\$169.40
1 20 Cu. Yd. Container			\$169.40
1 25 Cu. Yd. Container			\$169.40
1 30 Cu. Yd. Container			\$169.40
1 40 Cu. Yd. Container			\$169.40
<b>Drop-box (Temporary)</b>			
1 10 Cu. Yd. Container	\$2.00		\$153.00
1 15 Cu. Yd. Container	\$2.00		\$153.00
1 20 Cu. Yd. Container	\$2.25		\$153.00
1 25 Cu. Yd. Container	\$2.50		\$153.00
1 30 Cu. Yd. Container	\$2.75		\$153.00
1 40 Cu. Yd. Container	\$3.25		\$153.00

<b>CITY OF BURIEN</b>	
<b>Garbage Service Fees</b>	
<b>SERVICE CLASS</b>	<b>Total Service Fee Effective 2/1/09</b>
<b>Additional Services</b>	
Mileage Charge for all hauls over 5 miles one way, per mile.	\$3.00
Connect/Disconnect Compactors	\$15.35
Return Trip	\$36.40



Solid Drop-box Lid Charge (per month)	\$23.75
Position Drop-box Lids open after returning empty container to site	\$16.30
Pressure Washing (per yd.)	\$2.60
Pickup and re-delivery for container cleaning customer requested	\$27.95
Stand-By Time (per minute)	\$1.38
Delivery Fee Permanent & Temporary	\$55.00
Disposal Surcharge per ton	\$7.50
<b>Hourly Rates</b>	
Rear/Side Load Packer & Driver	\$82.80
Front Load Packer & Driver	\$82.80
Drop Box Truck & Driver	\$82.80
Additional Labor (per person)	\$30.00

