

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Jason E. Brown, County Administrator

FROM: Richard B. Szpyrka, P.E., Public Works Director

SUBJECT: Extension of Agreement with CERES Environmental Services, Inc., for Disaster Debris Removal and Disposal

DATE: April 7, 2020

DESCRIPTION AND CONDITIONS

On March 17, 2020, the County Administrator for Indian River County declared a state of emergency due to the COVID-19 pandemic. That emergency has been extended through April 14th, however, it is anticipated that the state of emergency will need to be extended for several more weeks.

On April 2, 2020, Waste Management Inc. of Florida sent a Notice of Force Majeure to Himanshu Mehta, Indian River County Solid Waste Disposal Director stating that “we anticipate certain disruptions may be inevitable as a result of the Orders and the COVID-19 pandemic. . . .” Under the Solid Waste and Recyclables Collection Franchise Agreement Between Indian River County Solid Waste Disposal District (“SWDD”) And Waste Management Inc. of Florida (“Franchisee”), dated April 21, 2015 (the “Franchise Agreement”), “[i]n the event that Franchisee is unable to provide adequate services during an emergency or other event involving an Uncontrollable Force, SWDD or the County may hire other contractors to provide those services.” Under the Franchise Agreement, “SWDD or the County, as applicable, reserves the right to charge Franchisee for all costs and expenses that SWDD or the County incur while providing the services . . .” Please note that services such as recycling collection would be “subject to set-off for the amounts that would have been paid to Franchisee for services.”

On April 5, 2016, Indian River County and Ceres Environmental Services, Inc. (“Ceres”) entered into an Agreement for Disaster Debris Removal and Disposal Services for Indian River Country, Florida (the “Agreement”). The Agreement has been extended three times and expired on April 4, 2020. Indian River County has started the process to procure a new contract for disaster debris removal and disposal services.

Due to the possible need for collection services if Waste Management Inc., of Florida is not able to provide service due to disruptions as a result of the COVID-19 pandemic, Ceres has agreed to an additional extension to the Agreement through June 6, 2020. All other terms of the Agreement, as previously amended will remain in full force and effect, during this extension period.

FUNDING

Funding is currently budgeted to cover the annual Waste Management contract for the collection of recyclables. In the event Waste Management suspends recyclables collection, budgeted funds will then be reallocated to Ceres. If Ceres’ costs exceed those amounts normally paid to Waste Management, the County will receive reimbursement of said funds from Waste Management per the agreement.

In the event Ceres is contracted to collect any other waste stream normally collected by Waste Management, a budget amendment will be necessary to fund those expenses. The County will then seek reimbursement from Waste Management.

RECOMMENDATION

Staff recommends that the Board approve the Fourth Extension to Agreement for Disaster Debris Removal and Disposal Services for Indian River Country, Florida and authorize the chair to execute the Agreement, after review and approval by the County Administrator.

ATTACHMENT(S).

Fourth Extension to Agreement for Disaster Debris Removal and Disposal Services for Indian River Country, Florida

APPROVED AGENDA ITEM FOR: April 14, 2020