

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** ENVIRONMENTAL SERVICES & CODE ENFORCEMENT

**AGENDA DATE:** JANUARY 24, 2012

**CONTACT PERSON/PHONE:** Ellen Smyth, Environmental Services Director 621-6750  
Bruce D. Collins, Purchasing Manager 541-4313

**DISTRICT (S) AFFECTED:** ALL

**SUBJECT:**

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Environmental Services & Code Enforcement requests the Consent of Assignment of Contract 2007-122 (Waste Removal and Disposal Services).

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Stericycle Specialty Waste Solutions ("Assignee") had recently purchased company EnviroSolve ("Assignor"). Assignee has agreed to terms and conditions of contract 2007-122.

**SELECTION SUMMARY:**

Solicitation was advertised on 3/27/2007 and 4/03/2007. The postcards were mailed out on 3/27/2007. The solicitation was posted on City website on 3/27/2007. The email (Purmail) notification was sent out on 3/27/2007. A total of seventeen bidders including ten local vendors were solicited. A total of two bids were received including none being a local vendor.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

Council approved and extended Contract No. 2007-122 (Waste Removal and Disposal Services) on May 25, 2010 for two years from 6/5/2010 to 6/4/2012.

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

34010280-502204-40403 Environmental Contracts – Environmental Services

**BOARD / COMMISSION ACTION:**

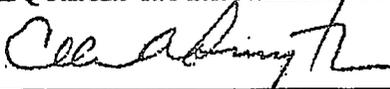
Enter appropriate comments or N/A

N/A

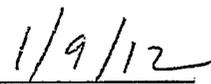
\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** \_\_\_\_\_

Name



Signature



Date

**COUNCIL PROJECT FORM  
(ASSIGNMENT)**

\*\*\*\*\***POSTING LANGUAGE BELOW**\*\*\*\*\*

Please place the following item on the CONSENT agenda under **PURCHASING REQUESTS** for the Council Meeting of JANUARY 24, 2012.

Request that the City Manager be authorized to sign Consent to Assignment of the contract by and between the CITY OF EL PASO, EnviroSolve, Inc. ("Assignor") and Stericycle Specialty Waste Solutions, Inc. ("Assignee") with respect to the City of El Paso Contract 2007-122 Waste Removal and Disposal Services.

This is a best value, service type contract

\*\*\*\*\***ADDITIONAL INFO BELOW**\*\*\*\*\*

# RESOLUTION

## BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign Consent to Assignment of the contract by and between the CITY OF EL PASO, EnviroSolve, Inc. ("Assignor") and Stericycle Specialty Waste Solutions ("Assignee"), with respect to the City of El Paso Contract No. 2007-122 (Waste Removal and Disposal Services).

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

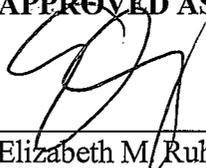
### THE CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

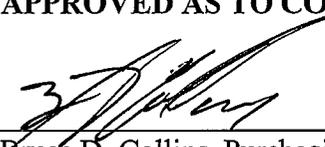
### ATTEST:

\_\_\_\_\_  
Richarda D. Momsen  
Municipal Clerk

### APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elizabeth M. Ruhmann  
Assistant City Attorney

### APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Bruce D. Collins, Purchasing Manager  
Department of Financial Services

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

**CONSENT TO ASSIGNMENT**

This Consent to Assignment is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the City of El Paso (the "City"), Envirosolve, Inc. ("Assignor") and Stericycle Specialty Waste Solutions ("Assignee").

**WHEREAS**, on or after May 22, 2007, the City entered into Contract No. 2007-122 ("Waste Removal and Disposal Services") (the "Contract") with Assignor, which is fully incorporated herein by reference;

**WHEREAS**, after entering into the Contract, the assets of Assignor were sold to Assignee;

**WHEREAS**, the Contract provides that it is not assignable without the consent of the City;

**WHEREAS**, Assignor has requested that the City approve the assignment of the Contract to Assignee;

**WHEREAS**, Assignee has agreed to be responsible for all duties and obligations under the Contract; and

**WHEREAS**, the City agrees to the assignment to Assignee of all rights, duties and obligations encompassed in the Contract.

**NOW, THEREFORE, IT IS HEREBY AGREED as follows:**

1. The City consents to the assignment of the rights, duties and obligations under Contract No. 2007-122 to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities under Contract 2007-122.
3. All terms and conditions of Contract No. 2007-122 shall remain in full force and effect.

4. Assignee agrees to indemnify, defend and hold harmless the City from and against any and all claims, demands, causes of action, court costs, expenses, and attorney's fees which are connected with or arise from the assignment of this Contract or the City's acceptance and recognition of the assignment of Contract No. 2007-122.

*(Signature Page to follow)*

STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

CONSENT TO ASSIGNMENT

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, <sup>2012</sup>~~2011~~.

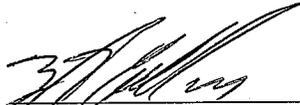
**THE CITY OF EL PASO**

\_\_\_\_\_  
Joyce A. Wilson  
City Manager

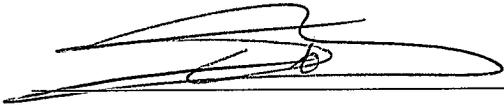
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Elizabeth M. Ruhmann  
Assistant City Attorney

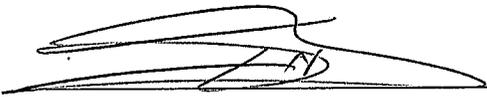
**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Bruce D. Collins, Purchasing Manager  
Department of Financial Services

**ASSIGNOR:**  
Envirosolve, Inc.

  
\_\_\_\_\_  
NAME PRINTED: FRANK TEN BRINK  
TITLE: VICE PRESIDENT

**ASSIGNEE:**  
Stericycle Specialty Waste Solutions

  
\_\_\_\_\_  
NAME PRINTED: FRANK TEN BRINK  
TITLE: VICE PRESIDENT