

**CITY OF EL PASO, TEXAS  
REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Environmental Services

**AGENDA DATE:** July 26, 2011

**CONTACT PERSON/PHONE:** Ellen Smyth, Environmental Services Director 621-6892  
Bruce D. Collins, Purchasing Manager-Financial Services 541-4313

**DISTRICT (S) AFFECTED:** All

**SUBJECT:**

Environmental Services Department requests the re-assignment of contract 2008-128 Household Hazardous Waste Disposal Services from Envisosolve, Inc. to Stericycle Specialty Waste Solutions, Inc.

Environmental Services Department wants to exercise the option to extend contract 2008-128 Household Hazardous Waste Disposal Services to Stericycle Specialty Waste Solutions, Inc. for two additional years.

**BACKGROUND / DISCUSSION:**

Stericycle recently purchased Envirosolve. They have agreed to honor the contract between the City of El Paso and Envirosolve and any pricing related to the contract.

**PRIOR COUNCIL ACTION:**

2008-128 was awarded by Council on June 17, 2008.

**AMOUNT AND SOURCE OF FUNDING:**

The funding source for this purchase will be from

34010293-502204-40403-34000 Environmental Contracts – Environmental Services  
Amount: \$100,000.00

**BOARD / COMMISSION ACTION:**

N/A

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

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

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

(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:** \_\_\_\_\_

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**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, Inc. ("Assignee") with respect to the City of El Paso Contract No. 2008-128; and

**THAT** the Purchasing Manager, Department of Financial Services, is authorized to notify Stericycle Specialty Waste Solutions, Inc. that the City is exercising the option to extend Contract No. 2008-128 for Household Hazardous Waste Disposal Services for an additional two years beginning June 17, 2011 and ending June 16, 2013.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2011.

**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  
Services

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Bruce D. Collins  
Purchasing Manager, Financial

STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO )

CONSENT TO ASSIGNMENT

This Consent to Assignment is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the City of El Paso (the "City"), EnviroSolve, Inc. ("Assignor") and Stericycle Specialty Waste Solutions, Inc. ("Assignee").

**WHEREAS**, on or after June 17, 2008, the City entered into Contract No. 2008-128 (the "Household Hazardous Waste Disposal Services") 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 an 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 of all rights, duties and obligations encompassed in the Contract to Assignee.

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

1. The City consents to the assignment of the rights, duties and obligations under Contract No. 2008-128 to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities under Contract 2008-128.
3. All terms and conditions of Contract No. 2008-128 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. 2008-128.

*(Signature Page to follow)*

STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

CONSENT TO ASSIGNMENT OF  
CONTRACT NO. 2008-128

*(Signature Page)*

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2011

THE CITY OF EL PASO

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

APPROVED AS TO FORM:

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

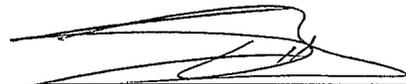
APPROVED AS TO CONTENT:

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

ASSIGNOR:  
STERICYLCE SPECIALTY  
WASTE SOLUTIONS, INC.

  
\_\_\_\_\_  
Name: **Frank J.M. ten Brink**  
Title: **Executive Vice President**

ASSIGNEE:  
ENVIROSOLVE, INC.

  
\_\_\_\_\_  
Name: **Frank J.M. ten Brink**  
Title: **Executive Vice President**

**MOTION  
JUNE 17, 2008**

Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-128 (Household Hazardous Waste Disposal Services) to Envirosolve, Inc., for a total estimated award of \$150,000.

Department:	Environmental Services
Award to:	Envirosolve, Inc. Tulsa, OK
Items:	All
Annual Est. Amount:	\$50,000
Options:	2 years
Account No.:	34010294 – 502204 – 40403
Funding Source:	Solid Waste Management, Environmental Contracts
Total Est. Award:	\$150,000

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and Environmental Services recommend award to the vendor offering the best value bid.

Richarda Duffy Momsen, City Clerk