



## Legislation Text

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**File #:** 72506, **Version:** 2

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### Fiscal Note

The proposed resolution authorizes a non-competitive 3-year agreement with Waste Management for industrial waste services when applicable projects with contaminated soil are encountered. At this time there are no planned projects with contaminated soil and therefore no immediate fiscal impact exists for this proposed agreement. Future costs attributable to waste disposal under this agreement will be negotiated with Waste Management individually on a project-by-project basis and billed to the PW project account as is currently practiced.

### Title

**SUBSTITUTE:** A Resolution authorizing the Mayor and City Clerk to enter into a non-competitive 3-year Services Agreement with Waste Management and Deer Track Park Landfill, Inc., for disposal of certain solid waste material. (City-Wide ADs)

### Body

WHEREAS, the City periodically excavates contaminated soil on City property or in City right of way during Public Works construction; and

WHEREAS, this contamination is typically associated with historical land uses, and may be from adjacent land owners; and

WHEREAS, when encountered, the City is required to follow state and federal laws on the handling and disposal of contaminated soils; and

WHEREAS, once excavated, contaminated soil is considered a solid waste and must be disposed of at a Wisconsin Department of Natural Resources-licensed solid waste landfill; and

WHEREAS, Waste Management has two DNR-certified solid waste landfills in the area and the City disposes of contaminated soil at one of two Waste Management landfills-Madison Prairie and Deer Track Park-at a significant cost savings to the City compared to the Dane County Rodefild Landfill, where it cannot be used as daily cover; and

WHEREAS, it is possible the total cost of services over 3 years could exceed \$50,000 if one or more large project(s) require significant removal of contaminated waste, and MGO 4.26 requires Common Council approval of service contracts exceeding \$50,000 if the contractor was not selected through a competitive selection process. The reasons that City Engineering has been using Waste Management for these services and would like to continue that option are set forth above and in the attached Noncompetitive Selection Request Form;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are authorized to enter into a Industrial Waste and Services Agreements with Waste Management, or its affiliates Waste Management of Wisconsin, Inc. and Waste Management of Minnesota, Inc., and Deer Track Park Landfill, Inc., to allow for the City's disposal of contaminated soils at Waste Management landfills, in a form and manner agreed to by the City Attorney and Risk Manager, for a term of up to three (3) years; and

BE IT FURTHER RESOLVED, the City of Madison is authorized to indemnify Waste Management of Wisconsin, Inc. or Waste Management of Minnesota, Inc., or Deer Track Park Landfill, Inc., as appropriate, if such language is required and cannot be negotiated out of the contract documents, subject to the review and

approval of the City Attorney and the Risk Manager; and

BE IT FURTHER RESOLVED, the City Engineer or his their designee is authorized to execute individual Industrial Waste & Disposal Services Agreements (Exhibit A) or similar forms as required by Waste Management or Deer Track Park Landfill, Inc., in a form approved by the City Attorney and Risk Manager, subject to available funds in the budget, for each specific project.