

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

DEPARTMENT: Environmental Services

AGENDA DATE: January 19, 2021

CONTACT PERSON/PHONE: Ellen Smyth, Environmental Services Director, (915) 212-6060
Bruce D. Collins, Director of Purchasing and Strategic Sourcing, 212-1182

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 8 Nurture and Promote a Healthy, Sustainable Community

The linkage to the Strategic Plan is subsection 8.5 – Improve air quality throughout El Paso.

SUBJECT:

That the City Manager be authorized to sign Consent to Assignment of Contract No. 2016-1241 from Stericycle Environmental Solutions, Inc. (“Assignor”) to Clean Earth Environmental Solutions, Inc. (“Assignee”) for Household Hazardous Waste Disposal Services.

BACKGROUND / DISCUSSION:

Contract (2016-1241) Hazardous Waste Disposal for the Environmental Services Department was approved on October 18, 2016 and is effective for a three-year term October 18, 2016 through October 17, 2019 with two-year option to extend. The extended contract period is from October 18, 2019 to October 17, 2021.

SELECTION SUMMARY:

N/A

PROTEST

No protest received for this requirement.

Protest received.

PRIOR COUNCIL ACTION:

On October 18, 2016, City Council approved contract 2016-1241 Household Hazardous Waste Disposal Services.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Ellen A. Smyth

**COUNCIL PROJECT FORM
(CONSENT TO ASSIGNMENT)**

Please place the following item on the **CONSENT** agenda for the Council Meeting of **January 19, 2021**.

STRATEGIC GOAL: NO. 8: Nurture and Promote a Healthy, Sustainable Community

The linkage to the Strategic Plan is subsection 8.5 – Improve air quality throughout El Paso.

That the City Manager be authorized to sign Consent to Assignment of Contract No. 2016-1241 from Stericycle Environmental Solutions, Inc. (“Assignor”) to Clean Earth Environmental Solutions, Inc. (“Assignee”) for Household Hazardous Waste Disposal Services.

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 Contract No. 2016-1241 from Stericycle Environmental Solutions, Inc. (“Assignor”) to Clean Earth Environmental Solutions, Inc. (“Assignee”) for Household Hazardous Waste Disposal Services.

PASSED AND APPROVED this ___ day of _____ 2021.


CITY OF EL PASO:

Oscar Lesser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Ellen A. Smyth, Director
Environmental Services Department

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**CONSENT TO ASSIGNMENT OF
CONTRACT NO. 2016-1241**

This Consent to Assignment is executed this _____ day of _____, 2021, by and between the City of El Paso (the “City”), Stericycle Environmental Solutions, Inc. (“Assignor”) and Clean Earth Environmental Solutions, Inc. (“Assignee”).

WHEREAS, on October 18, 2016, the City entered into Contract no. 2016-1241 (Household Hazardous Waste Disposal Services) with Assignor for an initial term of three (3) years and one option to extend for two (2) years which is fully incorporated herein by reference to provide such services to the City;

WHEREAS, after entering into said Contract the assets of Assignor were transferred 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. 2016-1241 to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities under Contract No. 2016-1241.
3. All terms and conditions of Contract No. 2016-1241 shall remain in full force and effect.

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**CONSENT TO ASSIGNMENT OF
CONTRACT NO. 2016-1241**


(Signature Page)

EXECUTED this the _____ day of _____, 2021

THE CITY OF EL PASO

Tomás González
City Manager

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Ellen Smyth
Environmental Services

**ASSIGNOR:
Stericycle Environmental Solutions, Inc.**

Name: _____
Title: _____

**ASSIGNEE:
Clean Earth Environmental Solutions, Inc.**

Name: _____
Title: _____

**MOTION
OCTOBER 18, 2016**

Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **AWARD** Solicitation No. 2016-1241 (Household Hazardous Waste Disposal Services) to Stericycle Environmental Solutions, Inc. for an initial term estimated award of \$340,410.45. The award is to include a two (2) year optional amount of \$226,940.30 for a total five (5) year award of \$567,350.75.

NOT PRESENT FOR THE VOTE: Representative Svarzbein

Department:	Environmental Services
Award to:	Stericycle Environmental Solutions, Inc. Houston, TX
Item(s):	All
Initial Term:	3 Years
Option to Extend:	2 Years
Annual Estimated Award:	\$113,470.15
Initial Term Estimated Award:	\$340,410.45 (3 Years)
Total Estimated Award:	\$567,350.75 (5 Years)
Account No.:	334 – 34100 – 522040 – 3100 – P3410
Funding Source:	Environmental Contracts

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing Department and Environmental Services Department recommend award as indicated to Stericycle Environmental Solutions, Inc., the bidder offering the best value bid. In accordance with this award the City Manager or designee is authorized to exercise future options if needed.

The Purchasing & Strategic Sourcing Department is recommending that Advanced Chemical Transport dba ACT Enviro be deemed non-responsive for failure to bid on all items.

Richarda Duffy Momsen, City Clerk

Harsco Corporation
350 Poplar Church Road
Camp Hill, PA 17011
Phone: 717-763-7064
Website: www.harsco.com

HARSCO

May 7, 2020

Department of the Treasury
Internal Revenue Service
Ogden, UT
84201-0012

To whom it may concern:

We are writing you to inform you that Stericycle Environmental Solutions, Inc. has changed its name to Clean Earth Environmental Solutions, Inc. on April 29, 2020 and Stericycle Specialty Waste Solutions, Inc. has changed name to Clean Earth Specialty Waste Solutions, Inc. on April 29, 2020. Can you please update your records to reflect this name change. Please see enclosed filings with the State of Delaware.

Sincerely,



Jon S Ploetz
Vice President, Assistant General Counsel
& Assistant Corporate Secretary

**STATE OF DELAWARE
CERTIFICATE OF AMENDMENT
OF CERTIFICATE OF INCORPORATION**

The corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware does hereby certify:

FIRST: That at a meeting of the Board of Directors of
STERICYCLE ENVIRONMENTAL SOLUTIONS, INC.

resolutions were duly adopted setting forth a proposed amendment of the Certificate of Incorporation of said corporation, declaring said amendment to be advisable and calling a meeting of the stockholders of said corporation for consideration thereof. The resolution setting forth the proposed amendment is as follows:

RESOLVED, that the Certificate of Incorporation of this corporation be amended by changing the Article thereof numbered "First" so that, as amended, said Article shall be and read as follows:

First: The name of the Corporation is Clean Earth Environmental Solutions, Inc.

RESOLVED, that the Certificate of Incorporation of this corporation be amended by changing the Article thereof numbered "Second" so that, as amended, said Article shall be and read as follows:

Second: Its registered office in the State of Delaware is located at 251 Little Falls Drive, Wilmington, DE 19808 County of New Castle. Its registered agent at that address is Corporation Service Company.

SECOND: That thereafter, pursuant to resolution of its Board of Directors, a special meeting of the stockholders of said corporation was duly called and held upon notice in accordance with Section 222 of the General Corporation Law of the State of Delaware at which meeting the necessary number of shares as required by statute were voted in favor of the amendment.

THIRD: That said amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, said corporation has caused this certificate to be signed this 28th day of April, 2020.

State of Delaware
Secretary of State
Division of Corporations
Delivered 09:54 AM 04/29/2020
FILED 09:54 AM 04/29/2020

SR 20203258474 - File Number 4545483

By: /s/ Jon S. Ploetz
Authorized Officer
Title: Secretary
Name: Jon S. Ploetz

Print or Type