



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: OCTOBER 17, 2023

FROM: PUBLIC WORKS DEPARTMENT WARDS: ALL

SUBJECT: **THIRD AMENDMENT TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR RECYCLIST PROGRAM TRACKER IMPLEMENTATION AND SUBSCRIPTION WITH CITIZEN COMMUNICATIONS LLC DOING BUSINESS AS RECYCLIST, FOR A THREE-YEAR TERM FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2026 IN AN ANNUAL AMOUNT OF \$31,390, FOR A REVISED TOTAL CONTRACT AMOUNT OF \$154,871, AND WITH TWO OPTIONAL ONE-YEAR EXTENSIONS**

ISSUE:

Approval of a Third Amendment to the Professional Consultant Services Agreement for Recyclist Program Tracker Implementation and Subscription with Citizen Communications LLC doing business as Recyclist, for a three-year term from January 1, 2024 through December 31, 2026, in an annual amount of \$31,390, for a revised total contract amount of \$154,871, and with two optional one-year extensions.

RECOMMENDATIONS:

That the City Council:

1. Approve a Third Amendment to the Professional Consultant Services Agreement for Recyclist Program Tracker Implementation and Subscription with Citizen Communications, LLC doing business as Recyclist, for a three-year term from January 1, 2024, through December 31, 2026, in an annual amount of \$31,390, and with two optional one-year extensions; and
2. Authorize the City Manager, or designee, to execute the Third Amendment, including the optional extensions and making minor and non-substantive changes.

BACKGROUND:

In 2015, Citizen Communications, LLC doing business as Recyclist (Recyclist), initiated its Recyclist Program Tracker (Tracker), a cloud-based compliance and outreach database platform to serve the needs of municipal solid waste and recycling managers. The Recyclist platform was developed through a collaboration with CalRecycle to ensure adequate compliance reporting and offer industry-specific customer relationship management features. The platform provides

jurisdictions full customization options and the ability to keep comprehensive records to fulfill Senate Bill (SB) 1383 requirements.

On March 31, 2021, informal quotes were solicited from three vendors; only one, Recyclist, could provide comprehensive records to fulfill SB 1383 requirements and meet all requirements for SB 1383 compliance.

On May 5, 2021, staff underwent the IT assessment process and was approved to utilize the Recyclist Program Tracker.

On August 9, 2021, the City entered into a Professional Consultant Services Agreement (Agreement) with Citizen Communications, LLC for the implementation and subscription to the Recyclist Program Tracker in the amount of \$26,900.

In addition to the implementation, the Agreement included an annual subscription for:

1. A commercial and multi-family generator database for tracking data such as service levels, compliance with AB 1826, AB 341, and SB 1383 requirements, and a list of all outreach activities.
2. Customer Relationship Management (CRM) features to schedule and track outreach to commercial generators.
3. Tools for calculating cost estimates, documenting current service levels, and customizing standard forms and reports to meet the City's needs.

The platform is a cloud-based database that syncs data across all users in real-time and is available to unlimited users. There are currently four users across the city.

On February 2, 2022, the City executed a First Amendment to Professional Consultant Services Agreement for a one-time setup fee of \$5,000 that had inadvertently been omitted from the original agreement.

On February 17, 2023, the City and Citizen Communications, LLC entered into a Second Amendment to extend the term to December 31, 2023, and increase compensation in the amount of \$28,801.

DISCUSSION:

During the period of October 2011 to 2016, the State of California implemented Assembly Bill (AB) 341: Mandatory Commercial Recycling, AB 1826: Mandatory Commercial Organic Recycling, and Senate Bill (SB) 1383: Short-lived Climate Pollutants (SLCP). In addition to statewide requirements included in these bills, by 2025, local governments are required to reduce organic waste disposal by 75% (including food waste, green waste, and paper products) and increase edible food recovery by 20%.

The Tracker assists with meeting State mandates in several ways, including:

1. Beverage Container Recycling Record Keeping
2. AB341, AB1826, and SB 1383 Implementation Record & Reporting
3. Easy identification of which businesses need to be monitored for local ordinance and state regulations and tracking their compliance statuses
4. Logging outreach activities, including photos taken on the mobile app version of the

Program Tracker

5. Calculations for CalRecycle Electronic Annual Report

The Third Amendment complies with Purchasing Resolution 23914, Article Seven: Acquisition of Services, Section 702 “Exceptions,” which states in part that, “Competitive Procurement through the Informal Procurement and Formal Procurement process shall not be required in any of the following circumstances: ... (t) When the Procurement is for the annual maintenance, license(s), support, or similar need for current technology systems, including hardware, and the items procured are from the owner/developer of the software/hardware or from a sole source provider, and the Manager is satisfied that the best price, terms, and conditions have been negotiated”.

The Purchasing Manager concurs that the recommended actions in this report are in compliance with Purchasing Resolution 23914.

The Innovation and Technology Director concurs with this report. The duration of the agreement does not require additional IT concurrence beyond the approval initially provided by the Deputy Chief Innovation Officer on May 5, 2021. Staff initially investigated developing an in-house solution to meet the needs served by Recyclist, but has found this turnkey solution to be more effective.

STRATEGIC PLAN ALIGNMENT:

This item contributes to **Strategic Priority 4 – Environmental Stewardship**, and **Goal 4.4 – Implement measures and educate the community to responsibly manage goods, products, and services throughout their life cycle to achieve waste reduction outcomes.**

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The City supports businesses and residents in waste reduction efforts.
2. **Equity** – Extending the subscription to the Recyclist platform will allow the Public Works-Solid Waste Division to continue engaging difficult-to-reach businesses and multi-family complexes to provide education and outreach to achieve waste reduction outcomes.
3. **Fiscal Responsibility** – The use of the Program Tracker to monitor AB341, AB1826, and SB1383 compliance, non-compliance, and exemptions for businesses and multi-family complexes provides the City with an efficient and cost-effective way to comply with regulations.
4. **Innovation** – The Program Tracker is state-of-the-art technology used to monitor and track compliance of covered generators with AB341, AB1826, and SB1383.
6. **Sustainability & Resiliency** – The Program Tracker provides current consumption and waste reduction data through recyclable materials.

FISCAL IMPACT:

The total fiscal impact of this action is \$94,170 over the three-year term extension. Sufficient funds are budgeted and available for the FY2023/24 amount of \$31,390 in the Refuse Fund, Public Works-Solid Waste Collection, Professional Services account number 4130100-421000. Appropriations for future years will be included in the department's budget submissions for those fiscal years to be presented to the City Council for approval.

Prepared by: Gilbert Hernandez, Public Works Director
Certified as to
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by: Kris Martinez, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachment: Third Amendment to Professional Consultant Services Agreement