



City of PALM COAST

Office of the City Manager

160 Lake Avenue
Palm Coast, FL 32164
386-986-3710

BY CERTIFIED MAIL # 9171 9690 0935 0259 0234 79

May 26, 2021

Tim Dolan
Brian Wintjen
Regional Vice Presidents
Waste Pro of Florida, Inc.
2101 West State Road 434
Longwood, FL 32779

RE: Waste Pro of Florida Inc./City of Palm Coast Contract No. RFP-ADM-16-01
Notice of Breach of Contract

Dear Mssrs. Doland and Wintjen,

The City of Palm Coast ("City") has had contractual relationships with Waste Pro of Florida, Inc. ("Waste Pro") since prior to 2017 for residential solid waste collection services and disposal services. The most recent and current contract between the City and Waste Pro is dated January 27, 2017 and effective on June 1, 2017. This letter serves as notice to Waste Pro, under Section 6 (5) of this contract RFP-ADM-16-01 for Residential Solid Waste Collection Services and Disposal Services contract, relating to contractual deficiencies.

The City has repeatedly notified Waste Pro, over the past year, of deficient services provided by Waste Pro under the aforementioned contract. However, the deficiencies still exist and are more becoming more severe and more frequent as described in the attached.

If the deficiencies outlined in the attached are not cured within 7 days of this notice, the City may exercise its contractual right under Section 6 (5) Cancellation or Annulment of Contract, wherein "the City may enter into contracts with others for the performance of the work and services hereby contracted for. Such cancellation of the Contract shall not relieve the CONTRACTOR or its surety of liability for failure to faithfully perform this Contract, and in the event the expense incurred by the CITY in performing or causing to be performed the work and serviced provided for in the Contract shall exceed the proposal price of the CONTRACTOR, as provided in the Contract, then the CONTRACTOR (and its surety to the extent of its obligation) shall be liable to the CITY for all such excess..."



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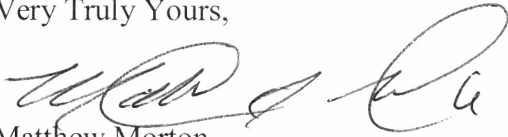
palmcoastgov.com

Garbage collection is an essential service for residents of Palm Coast and the City is dedicated to providing timely and consistent service to residents. The collection services continue to be at unacceptable levels and the City cannot sit idly by and let this continue. It is a priority to provide quality service to our residents. Waste Pro must, within the 7 day notice provided herein, comply with all service level requirements, or the city may have no choice but to pursue its contractual options, including but not limited to claim upon the performance bond and/or self-help, cost of which will be deducted to any amounts due to Waste Pro.

The City is requiring a written work plan and immediate action to be taken by Waste Pro consistent with contractual obligations.

Notwithstanding the above, given the amount of services that needs to be completed on a daily basis and the history of Waste Pro's failures, the City is strongly considering additional waste hauling, recycling, and debris contractors with their own work force, and would like to work closely with you to assure the contractual services are met. Please contact Kendra Iannotti, at 386-986-3710 to arrange a telephone conference, or an in person or zoom meeting, to discuss the procedure moving forward. By copy of this correspondence to your Surety's, the City would request their involvement at this time in the solution to the contractual breaches outlined above.

Very Truly Yours,



Matthew Morton
City Manager

Cc: Berkley Ins.

United States Fire Insurance Company
William E. Reischmann, Jr. Esq.

Encls.