



**SOLID WASTE
DISPOSAL DISTRICT
INDIAN RIVER COUNTY, FLORIDA**

**SPECIAL CALL MEETING
WEDNESDAY, MARCH 18, 2015**

County Commission Chambers
Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com

COMMISSIONERS

DISTRICT

Wesley S. Davis, Chairman	District 1	Present	Joseph A. Baird, County Administrator	Present
Bob Solari, Vice Chairman	District 5	Present	Dylan Reingold, County Attorney	Present
Joseph E. Flescher	District 2	Present	Jeffrey R. Smith, Clerk of the Circuit	
Peter D. O'Bryan	District 4	Present	Court and Comptroller	
Tim Zorc	District 3	Present	Terri Collins-Lister, Deputy Clerk	Present

**DVD
TIMES**

**PACKET
PAGES**

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|----------------------|------------------------------------|-------------------------|---|------|
| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> | | |
| 2. | <u>INVOCATION</u> | | Commissioner Wesley S. Davis, Chairman | |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | | Commissioner Bob Solari, Vice Chairman | |
| 4. | <u>AGENDA ITEMS</u> | | | |
| 9:01
a.m. | A. | | Summary of Results for RFP No. 2015023 Solid Waste and Recyclables Collection Services, Input on Policy Decisions and Recommendations for Award (memorandum dated March 11, 2015) | 1-15 |
| | | | County Attorney Dylan Reingold stated Republic Services of Florida filed on Friday, March 13, 2015, a protest regarding the evaluation criteria in the Request for Proposal (RFP) evaluation process. After having discussed this with County staff, he concluded it would be best for staff to move forward with their presentations, and then allow Republic Services, Inc. to address their protest, and the Board could make their decision. | |
| | | | Commissioner O'Bryan agreed the Board should address the appeal prior to making any recommendations for award of the collection contract. | |

Director of Utility Services Vincent Burke, through a PowerPoint Presentation, summarized the results of the RFP and detailed the County's actions/plans to achieve the state's requirement of a 75% recycling rate by the year 2020.

Chairman Davis wanted confirmation that there would not be a decision or recommendation from County staff regarding the Customer Convenience Centers, and Director Burke replied in the affirmative.

Discussion ensued during and following the presentation, as the Board offered comments and sought further information from staff.

Robin Mitchell, Senior Consultant and Project Manager with Kessler Consulting explained the RFP evaluation criteria.

Upon Commissioner Flescher's inquiry regarding the County's survey results on size preference of recycling totes, Managing Director Himanshu Mehta, revealed the majority of the residents preferred the 65-gallon cart for recycling.

9:55
a.m.

Consideration of the Republic Services, Inc.'s Appeal

Scott Sterner, General Manager of Republic Services, alluded to the fact that Republic Services was not made aware of the pricing prior to today's meeting. He explained Republic Services, Inc. ranked third in the RFP and wanted to know what put them in that position. He pointed out that Republic Services had shared the Solid Waste Collection Services Contract for the last 30 years with Waste Management. He disclosed that Waste Pro ranked higher on the RFP and deemed there was no criterion for qualifications, no consideration for vetted drivers, or Republic Services' service history. He questioned how could another hauler who has not serviced this community rank higher on qualifications on service history.

Attorney Reingold warned General Manager Sterner that the matter was about Republic Service Inc.'s appeal and according to the letter he received from Republic Services' Attorney, the letter specifically stated even though the RFP had two scoring methods, each of the scoring methods should be applied to all of the services considered. In the letter, Republic Services' Attorney was asking that the evaluation be scored for each service, or that the RFP be dismissed.

General Manager Sterner informed the Board that Republic Services, Inc. was concerned about the process and method of awarding this agreement given that the responses to the RFP were not released prior to the SWDD Special Call Meeting today. He claimed the delay and release, coupled with the rush to award the bid before the information was available to the public, resulted in a lack of transparency.

General discussion ensued regarding the individual scoring of the 54 evaluation criterion and rates.

Commissioner O'Bryan supported staff's ranking process and their denial of Republic Services' protest. He explained the 54 evaluation criterion was consistent, and the scoring matrix was appropriate for each individual hauler.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, the Board unanimously approved to DENY the appeal by Republic Services.

10:12
a.m.

Comparison of Rates/Services

Director Burke presented a comparison of rates/services between the County and other municipalities.

Kris Mead, owner of multiple properties in Indian River and St. Lucie Counties, as well as in the North, described her experience with billing and services in those areas, and pointed out that the blue bins were obsolete, and the closed recycle carts with lids prevented rodents.

Robin Mitchell, Kessler Consulting, went over RFP Results and a series of tables on service options preferred. She said the Commissioners would need to make five key decisions pertaining to their service options preference:

1. North or South or one service area franchise
2. Dual Stream Bins/ Single-Stream carts - Who buys the carts?
3. Garbage carts or individual containers with stickers
4. Twice-a-week garbage pickup versus once-a-week garbage pickup
5. Universal/Subscription System

Director Burke stated that staff recommended single stream recycling carts throughout IRC, wheeled cart garbage collection in unincorporated IRC, one service area, once-a-week garbage service, universal collection inside the Urban Service Area and subscription service outside the Urban Service Area, and no changes to the Customer Convenience Centers. He concluded the following recommendations for award:

1. If the Board supports staff recommendations, then award the franchise agreement to Waste Pro as the top-ranked proposer.
2. If the Board supports staff recommendations, but chooses two franchise areas, then award North Franchise Area to Waste Management and South Franchise Area to Waste Pro (the two highest-ranked proposers).

3. If the Board chooses a different service option, then award to the highest-ranked proposer(s) for that option.

The Chairman called a recess at 10:48 a.m. and reconvened the meeting at 11:02 a.m., with all members present.

Bruce McCullers, owner of Reliable Septic and Services, Vero Beach, who has a 10-yard and 15-yard roll-off container business, was trying to expand to the 20-yard containers, but was restricted because of the franchise agreements with the haulers. He asked for an amendment in the franchise agreement to carry the 20-yard roll-off container.

Discussion ensued on an amendment to the RFP to allow non-franchise haulers to carry larger containers and the effect of the large franchises on smaller haulers. The Commissioners offered comments and sought further information from staff.

Mike Behr, Republic Services, addressed the concerns of small businesses, and questioned why small businesses weren't included in commercial.

Jason Nunemaker, Fellsmere City Manager, suggested the Board make a selection and then ask the hauler awarded the bid if they would be amenable to include this change in the franchise agreement with the County Attorney's support.

Chairman Davis remarked that it seemed the general consensus was that this conversation should have taken place in December 2014, when the RFP was moving forward. He reaffirmed it was too late to make changes to the RFP.

Commissioner O'Bryan pointed out there was an option for a three-year renewal contract and at that time, there may be some negotiating room to make changes to the franchise agreement.

11:27
a.m.

Chairman Davis opened the public hearing regarding the mechanics of the bid.

Al Manzi, 742 Holden Avenue, Sebastian, sought clarification on the contract renewal after seven years and what was the escape clause.

Richard Gillmor, Mayor, City of Sebastian, discussed subscription services versus universal services and recommended the subscription services.

Joe Griffin, Sebastian City Manager, pointed out what the County does affects the City of Sebastian, and wanted the Commissioners to look at the costs and issues with the trash.

Bill Rigby, 8465 59th Avenue, asked why there was no participation from small businesses, no minority, and no sub-contractor in the RFP.

Chairman Davis asked staff if the RFP prohibits any small businesses from bidding. Himanshu Mehta, Managing Director of SWDD, replied the RFP does not prohibit small businesses, but allowed and encouraged small business to participate, as well as sub-contract with the large franchise haulers.

Wanda Scott, 4306 26th Avenue, wanted clarification on who could bid on the Solid Waste and Recyclables Collection Services.

Jozie Kulp, 4830 50th Avenue, questioned if there would be a penalty if the State's 75% recycling initiative was not met, and who would be responsible. She noted you could not force someone to recycle.

Sue Marshall, 1475 15th Avenue, wondered if there was any flexibility in the contract, if another way to obtain the recycling goal is developed.

Doris Philips, 4742 Ashley Lake Circle, inquired on the County's current 37% recycling level.

Vice Chairman Solari explained how the County's recycling level was obtained.

Chairman Davis closed the public hearing.

12:01
p.m.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Solari, the Board unanimously approved to move to the Single-Stream Cart for recycling throughout Indian River County.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously approved carted solid waste collection.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED BY Vice Chairman Solari to approve once-a-week garbage service versus the current twice-a-week service.

Chairman Davis explained he would be voting against once-a-week garbage service because it was a reduction in the level of service and with twice-a-week garbage service, there still would be a reduction in costs to the residents.

Vice Chairman Solari was voting for once-a-week garbage service because he believed the County would not go to Universal Service at this time and felt he should do everything possible to encourage recycling.

Commissioner Flescher agreed the once-a-week garbage service may save

a few dollars; however, the citizens were in support of their customary twice-a-week garbage service, so he would not support the motion.

The following individuals spoke in support of once-a-week garbage collection:

Susan Boyd, 8025 24th Street
Sue Marshall, 1475 15th Avenue
Joe Schwab, 6630 46th Drive
Steve Eury, 8576 103rd Avenue
Justin Gattuso, Resident of Palm Bay
Shawn Frost, School Board Member

Donna Katona, 4810 66th Lane, was in support of the twice-a-week pickup because according to her Homeowner Association rules garbage carts are not supposed to be seen from the street.

Community Affairs Manager Amy Boyson, Waste Management Services, relayed there was a survey conducted and 53% requested twice-a-week garbage collection.

City Manager Jason Nunemaker said that from the conversations he has had with the Fellsmere City Council, they were leaning toward once-a-week garbage service, but they wanted clarification on the Holiday schedule.

Kris Mead, owner of multiple properties in Indian River and St. Lucie Counties, as well as in the North, raised the question on how cans or bottles were accounted for when taken for scrap.

Managing Director Himanshu Mehta indicated that the County and other entities submit their recycling data to the State, and then the State sends the information back to the County with all of the recycling data, whereas a report was generated and submitted back to the State.

THE CHAIRMAN CALLED THE QUESTION, and by a 3-2 vote (Chairman Davis and Commissioner Flescher opposed), the Board approved once-a-week garbage service.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Chairman Davis to move forward with Subscription Service.

Commissioner O'Bryan preferred universal service because he felt it was the best decision with long term benefits for the County; however, he agreed the community was not ready for it, but going forward, he would like universal collection required for new subdivisions.

Commissioner Flescher discussed the issues with universal collection.

Vice Chairman Solari wanted to support the motion; however, he wanted included in the motion, another step to get someone to assist with the education process to engage the community on the recycling. He reiterated that what the Board has done was a good first step. He believed it would take a radical action in the future, such as the mixed waste recycling facility, in order to meet the 75% State requirement.

MOTION WAS AMENDED by Commissioner Flescher, SECONDED by Chairman Davis, to include direction for an educational component on recycling for subscribers and non-subscribers.

The following spoke in Support of Universal Garbage Collection.

Susan Boyd, 8025 24th Street
Sue Marshall, 1475 15th Avenue
Jason Nunemaker, City of Fellsmere
Jim Wendel, Roseland

Larry Brown, 5190 65th Street, suggested the County develop a recycling plan through grants.

Steve Eury, 8576 103rd Avenue, voiced his concern with the universal service.

Kris Mead, Indian River County resident and owner of multiple properties, said even with universal service, there would still be a need for convenience centers to remain open.

Commissioner Zorc asked if the contract with the hauler could be re-adjusted in the future if the County chooses to go universal in the future.

A discussion ensued regarding if the County would change from subscription service to universal service, and Ms. Mitchell concluded it may affect the pricing.

THE CHAIRMAN CALLED THE QUESTION ON THE AMENDED MOTION and by a 4-1 vote (Commissioner O'Bryan opposed), the Board approved Subscription Service Garbage Collection, including the educational component on recycling for subscribers and non-subscribers.

RFP Results for Service Option #3A: Subscription Service, 1-1-1, Single-Stream Carts

The Chairman called a recess at 1:09 p.m. and reconvened at 1:27 p.m., with all members present

Chairman Davis referred to RFP Results for Service Option #3A:

1:07
p.m.

1:27
p.m.

Subscription Service, 1-1-1, Single-Stream Carts and indicated the Board would need to make a decision on one service area franchise or two service area franchises and award the bid. A discussion followed on the costs of one service area franchise versus two service area franchises.

County Administer Joe Baird stated that County staff preferred going with one service area due to the costs savings.

Chairman Davis turned the meeting over to the bidders to present.

Regional Vice President Russell Mackie, Waste Pro, made a presentation on Waste Pro services. He advised that having two haulers would help the County obtain their recycling goals rather than going to a single hauler.

Public Affairs Manager Dina A. Reider-Hicks, Government Affairs Director George Geletko, and Site Manager Bob Dela Cruz, from Waste Management, made presentations on Waste Management Services. Waste Management handed out packets to the Board with Letters of Recommendation and Transition to Single Stream Recycling on Brevard County's transition to single stream wheeled carts. A copy is on file in the Clerk's Office.

Joanne Stanley, Municipal Services Manager, Republic Services, gave a presentation on Republic Services, Inc.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher the Board unanimously approved one service area franchise and awarded the bid to Waste Management.

Chairman Davis commended staff for a phenomenal job in putting all the information together.

The County Administrator thanked his staff and the vendors for being very professional.

5. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 2:10 p.m.

ATTEST:

**Jeffrey R. Smith, CPA, CGFO, CGMA
Clerk of Circuit Court and Comptroller**

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: 04/07/2015

BCC Special Call SWDD/TCL/2015Minutes