2401 SE Monterey Road
Stuart, Florida 34996

Board of County Commissioners

Agenda Item Summary

File ID: 20-1078 DEPT-4 **Meeting Date:** 9/15/2020

PLACEMENT: Departmental

TITLE:

AWARD OF CONTRACT FOR RFP 2020-3179 COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS

EXECUTIVE SUMMARY:

On November 18, 2019, the County issued a Request for Proposals (RFP) from qualified vendors that wish to collect solid waste and recyclable materials for the County pursuant to an exclusive franchise agreement. The deadline for delivering proposals was February 19, 2020. Proposals were received from FCC Environmental Services (FCC), Waste Management, Inc, of Florida (WMIF) and Waste Pro. As a result of the COVID-19 impact on the solid waste industry, an addendum was issued to the three proposers requesting their Best and Final Offers (BAFO). BAFO's were received from all three vendors. Presentations were subsequently made to the selection committee by all three proposers via Zoom on August 26, 2020.

DEPARTMENT: Administration

PREPARED BY: **Name:** Don Donaldson, PE
Title: Deputy County Administrator

REQUESTED BY: Administration

PRESET: **1:30 PM**

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

The County issued a request for proposals on November 18, 2019 (RFP 2020-3179). The original schedule provided approximately six months for the successful proposer (Contractor) to hire and train new employees, purchase and distribute new single-stream recycling carts, and purchase a fleet of new collection vehicles. During the pre-proposal meeting on December 4, 2019, representatives from two solid waste companies (Goode Companies, Inc. and Republic Services) stated that they would need nine months to commence operations. Accordingly, the County issued an addendum that extended the County's schedule for the RFP process and the commencement of operations.

WMIF currently collects solid waste and recyclable materials for the County pursuant to two franchise agreements. Since those agreements were scheduled to expire on September 30, 2020, Martin County and WMIF executed a six-month extension to those agreements, which are now scheduled to expire on March 31, 2021. This extension provided more time for interested companies to prepare

their proposals. It also provided more time for the successful proposer to purchase vehicles and ramp-up for a new operation.

Due to the COVID-19 pandemic, the date for the vendor presentations and the selection committee meeting was delayed significantly. Consequently, the commencement of service under the new franchise agreement has been delayed until October 1, 2021. WMIF is willing to continue to provide its services until this date, but the cost of these services has not yet been established in a written agreement with WMIF.

FCC, WMIF, and Waste Pro made presentations to the County's five-member selection committee, which included Malina Colasuonno, Jeremy Covey, Don Donaldson, James Gorton, and Allen Schommer. The members of the selection committee scored and ranked the proposals in compliance with the evaluation criteria and procedures in the RFP. The evaluation criteria in the RFP are as follows:

3.4 EVALUATION CRITERIA

Each Proposal shall be evaluated, and points shall be awarded, in light of the following criteria:

	Points Possible
A. The Proposer's general qualifications and experience.	10
B. The Proposer's past performance.	10
C. The Proposer's plan for providing service to the County.	20
D. The Proposer's capabilities and resources.	10
E. The Proposer's prices.	50
Total Points Possible	100

Under the RFP, the maximum number of points for price (50) are to be awarded to the vendor that offers the lowest total annual cost for its services. Exhibit A (attached) shows how the points were calculated for each vendor, based on their prices for "Commercial & Residential" services. FCC had the lowest total annual cost ($15,784,998) and received 50 points. Waste Pro ($16,363,200) received 48 points. WMIF ($20,745,767) received 38 points.

Exhibit A also shows how the points for price would be awarded if the County considered the vendors' prices for "Commercial, Residential & Multi-Family" services (i.e., residential, commercial, multi-family curbside, and commercial curbside). The County initially evaluated the vendors' BAFOs using this approach, but subsequently rejected it because WMIF and Waste Pro objected. Under this alternate approach, the scores for WMIF and Waste Pro would have increased by one point each, but their rankings would not have changed.

The procedure for scoring and ranking the vendors was established in Section 3 of the RFP. Under the RFP, the selection committee's recommendation to the Board is based upon the aggregate scores and rankings of all of the committee members. Under this approach, FCC had the winning ranking.

Exhibit B shows the scores and rankings that were awarded by each member of the selection committee. Exhibit C shows the overall ranking by the selection committee.

Staff and the selection committee members affirm that the RFP process has been fair, open, transparent, and competitive.

ISSUES:

Historically, in most cases, the County's RFP process results in a selection committee decision that is supported by a clear majority of the members of the selection committee. In this case, however, the vendor recommended by the committee was not ranked number one by a majority of the committee members. FCC and Waste Management both were ranked number one by two committee members and Waste Pro had one number one ranking. This result occurred in part because the RFP awarded 50 points to the vendor offering the lowest price (FCC). When price is removed from consideration, the committee members unanimously allocated the most points for the remaining criteria (A through D) to WMIF.

The Board of County Commissioners must decide how it wishes to proceed. The Board may accept the committee's recommendation and award its franchise agreement to FCC. In the alternative, the Board may score and rank the vendors' proposals, based on the criteria in the RFP and the Board's assessment of County's best interests.

Sections 3.7 and 3.8 of the RFP describe the Board's rights and options related to the award of the County's franchise agreement. RFP2020-3179 is attached in Exhibit D.

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board authorize the Chairman to execute the Contract for Collection of Solid Waste and Recyclable Materials with the number one ranked proposer, FCC Environmental Services as determined by the Final Ranking of the selection committee.

Or

Move that the Board review the proposals and ranking criteria in the RFP and award the Contract for Collection of Solid Waste and Recyclable Materials to the firm that is most advantageous to the County based on price and the other criteria in the RFP and the Board's assessment of the best value and the County's best interests.

ALTERNATIVE RECOMMENDATIONS

1. The Board may reject all of the proposals, based on any reason the Board deems sufficient;
2. The Board may defer the award of the County's work; or
3. The Board may take any other action the Board deems lawful and appropriate.

FISCAL IMPACT:

RECOMMENDATION

Funds are budgeted annually and revenues collected, via special assessment, for the residential services portion of the contract.

Funding Source	County Funds	Non-County Funds

Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

☐ Budget Transfer / Amendment ☐ Chair Letter ☒ Contract / Agreement

☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution

☐ Other: