

City of Delray Beach

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Minutes - Final

Tuesday, January 10, 2023

3:15 PM

Special Meeting at 3:15 PM

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/s>
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City Commission

Mayor Shelly Petrolia

Vice Mayor Adam Frankel

Deputy Vice Mayor Juli Casale

Commissioner Ryan Boylston

Commissioner Shirley Ervin Johnson

Pursuant to Section 3.12 of the Charter of the City of Delray Beach the Mayor has instructed me to announce a Special Meeting of the City Commission to be held for the following purposes:

SP.1. APPROVAL OF RESOLUTION NO. 17-23 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST-RANKED QUALIFIED FIRM FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 2022-046.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution 17-23 - Approving Award and Authorizing Negotiations](#)
[Simple Legal Review Approval Resolution 17-23](#)
[RFP 2022-046 Waste Management Submittal](#)
[2022-046 Technical Scoring Summary Sheet - Initial Ranking 12.20.22](#)
[RFP 2022-046 Coastal Waste & Recycling of Florida, Inc. Submittal Redacted](#)
[2022-046 Price Analysis](#)

The January 10, 2023 Special City Commission Meeting was called to order at 3:15 pm.

The roll call was taken by Alexis Givings, Deputy City Clerk, and the following were present:

Present: 4 Mayor Shelly Petrolia, Vice Mayor Adam Frankel, Deputy Vice Mayor Juli Casale, Commissioner Shirley Ervin Johnson

Absent: 1 Commissioner Ryan Boylston

Others present were:
Terrence Moore - City Manager
Lynn Gelin - City Attorney

Mr. Moore explained that this item is the result of a request for proposal process that was initiated late summer in 2022 regarding the Solid Waste Franchise Agreement. Proposals were made available via the qualification and ranking process. Representatives from both Coastal Management and Waste Management were present to provide presentations of their interest in offering services to the community. Mr. Moore also recognized Mr. John Archambo, the City's outside consultant.

Ms. Gelin advised that a randomizer program was used to make the selection of who presented first.

John Casagrande, Vice President of Coastal Waste and Recycling, introduced members of his team prior to beginning his PowerPoint presentation. He stated that the focus was only going to be on three (3) topics. The first topic was regarding the Bio Diesel Trucks, which is part of the green initiative for the City. He explained that the advantages of the bio diesel trucks are that they have less down time, are more reliable, provide better service and costs about \$65,000 less than a Compressed National Gas (CNG) truck. Additionally, he mentioned the company is investing in electric trucks; in which electric trucks truck have no emissions and have zero noise. These trucks would be used to service the pails along the beach, Atlantic Avenue and Pineapple Grove. The second topic was to establish a recycling program downtown. He advised that he will meet with the Downtown Development Authority (DDA) to assist in meeting with the businesses and owners to develop a pilot program that meets their needs. The first six (6) months of the pilot program will be no cost to the business owners. Lastly, he spoke about their detailed transition plan and the anticipated start date, if awarded the contract. He spoke about the three (3) municipalities that Waste Management lost to Coastal Management and the transitions. To end, Mr. Casagrande stated that their Best and Final Offer (BOFA) was \$1.2 million dollars a year cheaper than Waste Management's BOFA, and approximately \$13 million dollars over the life of the contract.

Barbara Herrera, representative of Waste Management (WM), stated that their initial proposal was \$22.9 million dollars different than their competitor, representing a savings. She noted that they were ranked #1, three times by two evaluation committees in Delray Beach. She advised that they are a local team with national support. As the incumbent in Delray Beach, she asked they be allowed to negotiate an agreement with the city manager that can be brought back to the city commission. Ms. Herrera advised that the City asked them to provide the best and final offer, in which they found a reduction and impact to the residents in the form of \$2 million dollars. In comparison to the competitor, she noted that is a price difference of \$1.09 per home, representing about five cents per residential service. She stated they have a proven environmental commitment and that they will have 21 CNG trucks dedicated to Delray Beach, which are much quieter than diesel trucks and far superior at reducing greenhouse gas emissions. She asked the commission to see this Request for Proposal (RFP) process through to its natural conclusion and allow WM to meet with the city manager to negotiate an agreement they can bring back with pride.

Rick Kania, Director of Revenue for Waste Management and Delray Beach resident, expressed his concerns regarding the process, evaluation committees, public presentations and the competitor's tabulation, which he noted had errors and equated to about a \$441,000 advantage for the

competitor. He spoke briefly about the BOFA and reduction rates. Lastly, he asked the commission if they were willing to take the risk of assigning this contract to a different collector within the initial term. He implored the commission to follow the recommendations of senior staff and negotiate with the most qualified.

SP.2. Public Comments

Mayor Petrolia opened the floor for public comments.

Dan Comerford, Mayor of the Town of Jupiter Inlet Colony, expressed his recommendation for Waste Management and spoke about the RFP process.

June Jackson, 42 NW 11th Avenue, and representative of Knowledge is Power, expressed her support for Waste Management.

Mayor Petrolia closed public comments.

Mayor Petrolia asked the City's consultant, Mr. Archambo to provide a brief background of his experience. Mr. Archambo, stated that he has been in the garbage business for about 48 years. Mayor Petrolia asked if he had a recommendation with respect to the bidding process or the RFP process. He advised that he is more familiar with a sealed bid, which takes out subjectivity of an RFP. He stated that the sealed bids pre-qualify the haulers in advance and after going through the pre-qualification, the sealed bids are open and the lowest bidder wins.

Discussion ensued regarding the type of bid the City opted to chose in the selection process. Mayor Petrolia asked Mr. Archambo to provide his recommendation as the City's consultant. Mr. Archambo stated that his presentation was to do a brief comparison of the bid numbers and answer questions; however, that changed due to there being a BOFA on the table. He noted that both companies are reputable but had concerns with Coastal Management bidding \$4 million dollars less than Waste Management.

Further discussion ensued regarding the bid process and the vast number of questions in the pre-bid documents. Mr. Moore noted that he supported the recommendation of the documents after meeting with department directors and counsel. Further discussion ensued regarding the revelation of the BOFO numbers and whether the process was fair with the competitors seeing each other's numbers.

Waste Management representatives and Coastal Management representatives entertained questions from the city commission. Afterwards, Deputy Vice Mayor Casale made a motion for discussion, and

seconded by Vice Mayor Frankes, to award to Waste Management and negotiate to Coastal Management's price.

Deputy Vice Mayor Casale withdrew her motion. She made another motion to select Waste Management and negotiate. Mayor Petrolia passed the gavel and seconded the motion.

The motion was carried by the following vote:

YES: 2 - Deputy Vice Mayor Casale, Mayor Petrolia

NO: 2 - Commissioner Ervin Johnson, Mayor Petrolia, Vice Mayor Frankel

Failed

Commissioner Ervin Johnson made a motion, seconded by Vice Mayor Frankel, to move forward with Coastal Management.

The motion was carried by the following vote:

YES: 2 - Commissioner Ervin Johnson, Vice Mayor Frankel

NO: 2 - Mayor Petrolia, Deputy Vice Mayor Casale

Ms. Gelin opined and advised the city commission to discuss alternatives as the current fees will expire soon and may go up higher than what was being proposed.

Deputy Vice Mayor Casale made a motion to accept and negotiate with Waste Management. The motion was seconded by Vice Mayor Frankel.

Discussion ensued regarding the price and services offered by both competitors. Further discussion ensued regarding recycling, in which Mr. Moore asked the commission to allow him the opportunity to incorporate their points of view, move forward and come back with a recommendation at a future meeting in February.

The motion was carried by the following vote:

YES: Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale

NO: Commissioner Ervin Johnson

With no further business to discuss, Mayor Petrolia adjourned the Special City Commission Meeting at 4:30 p.m.

approved



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the January 10, 2023 Special City Commission Meeting held January 10, 2023, which minutes were formally approved and adopted by the City on January 17, 2023.



City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.