

RESOLUTION: _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY'S FINANCE AND ECONOMIC RESILIENCY COMMITTEE, AT ITS APRIL 29, 2022 MEETING, TO EXTEND, ON A MONTH TO MONTH BASIS, THE CONTRACT TERM FOR THE FOLLOWING AGREEMENTS, FOR A PERIOD NOT TO EXCEED TWELVE (12) MONTHS FROM THEIR CURRENT EXPIRATION DATE OF SEPTEMBER 30, 2022: (1) THE NON-EXCLUSIVE FRANCHISE WASTE CONTRACTOR AGREEMENTS BETWEEN THE CITY AND (I) WASTE MANAGEMENT INC. OF FLORIDA AND (II) WASTE CONNECTIONS OF FLORIDA, INC. (THE "FRANCHISE WASTE CONTRACTORS") FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL, AS WELL AS RECYCLING SERVICES FOR MULTI-FAMILY RESIDENCES AND FOR COMMERCIAL PROPERTIES IN THE CITY; AND (2) THE SERVICE AGREEMENT AMONG THE CITY AND THE FRANCHISE WASTE CONTRACTORS FOR ADDITIONAL SOLID WASTE COLLECTION SERVICES AND COLLECTION OF RECYCLABLE MATERIALS AT CITY OWNED PROPERTIES, PARKS, RIGHTS OF WAY, AND OTHER PUBLIC FACILITIES AND PROPERTIES, IN ORDER TO PROVIDE THE ADMINISTRATION WITH AN OPPORTUNITY TO CONDUCT PUBLIC OUTREACH AND PRESENT TO THE CITY COMMISSION THE RECOMMENDED SERVICE OPTIONS TO BE INCLUDED IN THE PROCUREMENT PROCESS FOR THE NEW AGREEMENTS; AND FURTHER, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE FRANCHISE AGREEMENTS AND SERVICE AGREEMENT, MEMORIALIZING THE APPROVED TERM EXTENSION, FOR A PERIOD NOT TO EXCEED ONE YEAR, THROUGH SEPTEMBER 30, 2023.

WHEREAS, on July 23, 2014, the Mayor and City Commission adopted Resolution No. 2014-28681, authorizing the Administration to negotiate and execute agreements with the top three ranked proposers: Waste Management Inc. of Florida, Progressive Waste Solutions, and Southern Waste Systems LCC ("Franchise Waste Contractors") and a separate service agreement to provide additional solid waste/recycling services at City-owned properties ("Service Agreement") pursuant to Request for Qualifications (RFQ) No. 2013-178SR for Franchise Waste Contractors to provide Residential and Commercial Waste Collections and Disposal Services; and

WHEREAS, the City entered into separate Non-Exclusive Franchise Waste Contractor Agreements ("Franchise Agreements") with each Franchise Waste Contractors and a separate Service Agreement with all of the Franchise Waste Contractors for municipal solid waste and recycling services; and

WHEREAS, the City's Franchise Agreements, and the related Service Agreement, had an initial term of five (5) years, effective as of October 1, 2014, and contemplated a renewal term, at the City's option, of up to three (3) years; and

WHEREAS, in and around 2016, Southern Waste Systems was purchased by Waste Management Inc. of Florida; and

WHEREAS, in 2018, Progressive Waste Solutions of FL, Inc. changed its name to Waste Connections of Florida, Inc., leaving Waste Management Inc. of Florida and Waste Connections of Florida, Inc. as the remaining Franchise Waste Contractors; and

WHEREAS, on July 31, 2019, the Finance and Citywide Projects Committee (FCWPC) discussed the renewal, and recommended that the item be forwarded to the City Commission for its consideration; and

WHEREAS, on July 31, 2019, the FCWPC further recommended that the City Commission increase the franchise fee set forth in Section 90-221 of the City Code, from the current franchise fee of eighteen percent (18%) to twenty percent (20%) of the franchisee's monthly gross revenues; and

WHEREAS, on September 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-30981, pursuant to Section 90-221 of the City Code, increasing the franchise fee paid to the City by each Franchise Waste Contractor, from eighteen percent (18%) of the Contractor's monthly gross receipts, to twenty percent (20%) of the Contractor's monthly gross receipts; and

WHEREAS, on September 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-30982, extending the existing Franchise Agreements on a month-to-month basis for a maximum period of six (6) months, and providing that the renewal of the Franchise Agreement for the remainder of the three (3) year renewal term provided under Section 90-230(b) of the City Code, shall be subject to negotiation of mutually acceptable terms for a new Service Agreement, with additional public benefits to be provided to the City; and

WHEREAS, on October 16, 2019, the Mayor and City Commission adopted Resolution No. 2019-31056, extending the renewal of the City's Franchise Agreements and new Service Agreement for a period of three (3) years, Commencing as of October 1, 2019 and expiring on September 30, 2022; and

WHEREAS, in the interim, the Sanitation Division of the Public Works Department engaged Midatlantic Solid Waste Consultants (MSW) to assist staff with evaluating the current agreement structure and to provide recommendations for an open versus closed, exclusive versus non-exclusive, Franchise Waste Contractor Agreement model; and

WHEREAS, on April 29, 2022, the Public Works Department and its consultant presented its assessment to the Finance and Economic Resiliency Committee and, following the presentation, members of the Committee recommended to extend, on a month to month basis, the City's current Franchise Agreements and the Service Agreement for a period of twelve (12) months past the current expiration date of September 30, 2022; and

WHEREAS, the Administration recommends accepting the recommendation of the City's Finance and Economic Resiliency Committee, to extend, on a month to month basis, the contract term for the following agreements, for a period not to exceed September 30, 2023: (1) the Non-exclusive Franchise Waste Contractor Agreements for Residential Solid Waste Collection and Disposal for Multifamily Residences with Nine (9) or more Units, Commercial Solid Waste Collection and Disposal, as well as for Recycling Services for Multi-family Residences with two (2) or more Units, and for Commercial Properties in the City with (i) Waste Management Inc. of Florida and (ii) Waste Connections of Florida, Inc; and (2) the Service Agreement among the City, Waste Connections of Florida, Inc. and Waste Management Inc. of Florida for Additional Solid Waste Collection Services and Collection of Recyclable Materials at City Owned Properties, Parks, Rights of Way, and other Public Facilities and Property(ies), in order to provide the Administration with the opportunity to conduct public outreach, to determine the residents' preference for waste collection services and, together with the recommendations of the City's

consultant, present to the City Commission the recommended service options to be included in the procurement process for the new agreements.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City's Finance and Economic Resiliency Committee, at its April 29, 2022 meeting, to extend, on a month to month basis, the contract term for the following agreements, for a period not to exceed twelve (12) months from their current expiration date of September 30, 2022: (1) the Non-Exclusive Franchise Waste Contractor agreements between the City and (i) Waste Management Inc. of Florida and (ii) Waste Connections of Florida, Inc. (the "Franchise Waste Contractors") for residential solid waste collection and disposal, as well as recycling services for multi-family residences and for commercial properties in the City; and (2) the Service Agreement among the City and the Franchise Waste Contractors for additional solid waste collection services and collection of recyclable materials at city owned properties, parks, rights of way, and other public facilities and properties, in order to provide the Administration with an opportunity to conduct public outreach and present to the City Commission the recommended service options to be included in the procurement process for the new agreements; and further, authorize the City Manager to execute amendments to the Franchise Agreements and Service Agreement, and memorializing the approved term extension, for a period not to exceed one year, through September 30, 2023.

PASSED and ADOPTED this _____ day of _____ 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6-13-22
Date