

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY ADMINISTRATION TO ISSUE A REQUEST FOR PROPOSALS FOR AN EXCLUSIVE FRANCHISE WASTE CONTRACTOR FOR (1) RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL FOR MULTI-FAMILY RESIDENCES WITH NINE OR MORE UNITS; (2) COMMERCIAL SOLID WASTE COLLECTION AND DISPOSAL; AND (3) RECYCLING SERVICES FOR MULTI-FAMILY RESIDENCES WITH TWO OR MORE UNITS, IN ORDER TO CONSOLIDATE SUCH SERVICES UNDER A SINGLE EXCLUSIVE FRANCHISE SYSTEM AS INITIALLY RECOMMENDED BY THE CITY'S PROFESSIONAL STAFF, AND PROVIDE FOR A COMPETITIVE PROCESS THAT INCLUDES CONSIDERATION OF THE PRICING THE FRANCHISEE WILL CHARGE TO THE CITY'S RESIDENTS AND BUSINESSES.

WHEREAS, on October 16, 2019, the Mayor and City Commission adopted Resolution No. 2019-31056, extending a renewal of the City's Non-Exclusive Franchise Waste Contractor 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, at its July 20, 2022 meeting, the Mayor and City Commission adopted Resolution No. 2022-32228, approving the extension of the Agreement on a month-to-month basis of the contract term for the non-exclusive commercial franchise waste contractor agreement and service agreement with Waste Management Inc. of Florida, and Waste Connections of Florida, Inc., for a period not to exceed September 30, 2023; and

WHEREAS, 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; and

WHEREAS, the City Commission has already approved an exclusive franchise system for solid waste collection and disposal for single-family residences and multi-family residences with less than nine units, but its current agreements for multi-family and commercial establishments are non-exclusive, and the City currently has two operators; and

WHEREAS, at the April 27, 2022 Finance and Economic Resiliency Committee meeting, the City Administration presented MSW's findings, and, among them, MSW recommended for the City to transition to an exclusive franchise system; and

WHEREAS, notwithstanding the staff's initial recommendations, the Finance Committee has indicated its intent to recommend a non-exclusive franchise system, to be expanded to double the current number of providers and allow for up to four (4) non-exclusive providers, with all of their trucks conflicting with each other on already congested City streets; and

WHEREAS, there are very strong policy considerations for moving to an exclusive franchise system, including, without limitation, the following:

- The procurement process for selection of an exclusive franchisee will allow for competitive pricing, unlike the current framework, where the City Commission has no role in the prices charged to residents in most multi-family buildings and businesses;
- The professional staff's recommendation is that prices should decrease for most users, if the City follows a competitive pricing model for an exclusive franchisee;
- In addition to pricing transparency, an exclusive framework will lead to improved levels of service, improved operational efficiencies and economies of scale;
- An exclusive framework will provide for streamlined contract management and oversight, including improved hauler accountability; and
- Most importantly, an exclusive provider will mean fewer trucks on already congested City streets, alleviating additional traffic and reducing greenhouse gas emissions; and

WHEREAS, based on the foregoing, and in view of the need to move forward with a competitive solicitation for the benefit of City's residents and businesses as soon as possible, the Mayor and City Commission desire to authorize the issuance of a Request for Proposals for a single, exclusive franchisee, as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the City Administration to issue a Request For Proposals for an exclusive franchise waste contractor for (1) residential solid waste collection and disposal for multi-family residences with nine or more units; (2) commercial solid waste collection and disposal; and (3) recycling services for multi-family residences with two or more units, in order to consolidate such services under a single exclusive franchise system as recommended by the City's professional staff, and provide for a competitive process that includes consideration of the pricing the franchisee will charge to the City's residents and businesses.

PASSED AND ADOPTED this ____ day of _____ 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *FA*

3-17-23
Date