

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE, AT ITS MARCH 31, 2023 MEETING, TO PROCEED WITH A REQUEST FOR QUALIFICATIONS (RFQ) FOR THE CITY'S WASTE HAULER SERVICES, AND TO EXTEND THE CURRENT CONTRACTS FOR NON-EXCLUSIVE COMMERCIAL FRANCHISE WASTE SERVICES WITH WASTE MANAGEMENT OF FLORIDA AND WASTE CONNECTIONS OF FLORIDA, INC., SET TO EXPIRE ON SEPTEMBER 30, 2023, ON A MONTH-TO-MONTH BASIS UNTIL SUCH TIME AS THE SOLICITATION PROCESS OF THE RFQ IS COMPLETED AND A REPLACEMENT CONTRACT(S) IS EXECUTED.

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, 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, at the April 29, 2022 Finance and Economic Resiliency Committee (FERC) 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, a motion was made to expand the analysis, and to come back to a future meeting with its findings; and

WHEREAS, the Administration continued meeting with FERC on May 27, 2022, July 29, 2022, November 14, 2022, January 27, 2023, February 17, 2023, and lastly on March 31, 2023; and

WHEREAS, parallel to the FERC discussions of what would be the future terms of a non-exclusive commercial franchise waste contractor agreement and service agreements, a motion was made for Public Works to place a request to extend, on a month-to-month basis, the contract term of 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. The City Commission approved this request via Resolution No. 2022-32228; and

WHEREAS, at the March 31, 2023 FERC meeting, Committee members made a motion to proceed with a Request for Qualifications (RFQ) and provided additional guidance to consider when drafting the RFQ, listed below:

- Have the Administration work towards a goal of having no less than 3 waste haulers (and 4th and 5th candidates to substitute any waste hauler that ceases providing services).
- Consider a cap on annual fee increases, and a waiver that would allow the Administration (depending on extenuating circumstances) to come back to the City Commission for approval.
- Determine the term duration of the contracts between customers and haulers (whether a maximum of 2 years, or 5 plus years-should there be capital equipment).
- Restrict the option for auto renewal. Instead, allow a 90-day renewal notice from the waste hauler to the resident to allow the resident to terminate the agreement if desired, and if the customer does not respond, to allow for the renewal of the contract on a year-to-year basis with a termination right to each party upon 60 days' notice.
- [Include a clause, that would allow residents to call the City's Sanitation staff directly, should there be any service issues or concerns, as well as allowing for residents to call the waste hauler directly.]
- Effective next fiscal year provide a quarterly LTC report that would list complaints, from customers, issues involved, and turnaround time taken to cure or remedy the issue(s).
- Include language to allow for property manager credentials to be accepted by the City as opposed to resident only credentials, and to accept drop off bulk waste or bulk pickups on behalf of the resident (and if possible, find ways to make it easier for multi-family with more than 9 units to have curbside bulk pickup); and

WHEREAS, as the RFQ process takes place, the Non-Exclusive Franchise Waste Contractor Agreements should remain effective on a month-to-month basis, and accompanying franchise fees, in kind services, and other program contributions set to expire on September 30, 2023 to be extended effective October 1, 2023, until such time as the solicitation process of the RFQ is completed.

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 Finance and Economic Resiliency Committee, at its March 31, 2023 meeting, to proceed with a Request For Qualifications (RFQ) for the City's waste hauler services, and to extend the current contracts for non-exclusive commercial franchise waste services with Waste Management of Florida and Waste Connections of Florida, Inc., set to expire on September 30, 2023, on a month-to-month basis until such time as the solicitation process of the RFQ is completed and a replacement contract(s) is executed.

PASSED and ADOPTED THIS ____ day of _____, 2023.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

WMM For 4/21/23
City Attorney ro Date