MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Alina T. Hudak, City Manager
DATE: May 17, 2023

SUBJECT: 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.

RECOMMENDATION

The Administration recommends 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 contract 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.

ANALYSIS

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.

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.

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. A motion was made to expand the analysis, and to come back to a future meeting with the findings. 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.

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.

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 ensure no less than 3 waste haulers (with additional waste haulers to serve as alternates to replace any primary waste hauler that drop out).
- Consider an annual percentage increase cap, and a hardship waiver that would allow the waste hauler to exceed the cap's limit (depending on extenuating circumstances,) with the City Commission's 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 a major capital investment for equipment).
- Restrict the option for auto-renewal. Instead, allow a 90-day renewal notice from the waste hauler to the resident, and a 60-day window for the customer to respond to the waste hauler.
- 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, identified issues, and turnaround time to remedy the issue(s).
- Include language to allow for property manager credentials to be accepted by the City in the same manner as resident credentials for the purposes of drop off of 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 curb bulk pickup).

As the RFQ process takes place, the Administration will require that the month-to-month Non-Exclusive Franchise Waste Contractor Agreements and accompanying franchise fees, in kind services, and other program contributions set to expire on September 30, 2023, be extended from October 1, 2023, until such time as the solicitation process of the RFQ is completed and the new contracts are in place.

SUPPORTING SURVEY DATA

Results from the 2022 Resident Survey related to the City's perception and satisfaction show an overall approval of 67.4% and rated the City as a good place to live.

FINANCIAL INFORMATION

No fiscal impact.

CONCLUSION

The Administration recommends 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 contract 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 the solicitation process of the RFQ is completed and a replacement contract(s) is executed.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	Does this item utilize G.O. Bond Funds?
No	No

Strategic Connection

Prosperity - Market and promote Miami Beach as a world class arts, culture, and quality entertainment destination.

Legislative Tracking

Public Works

ATTACHMENTS:

	Description
🗋	Resolution