

RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO TERMINATE REQUEST FOR QUALIFICATIONS (RFQ) 2023-506-WG FOR NON-EXCLUSIVE FRANCHISE WASTE HAULERS TO PROVIDE MULTI-FAMILY AND COMMERCIAL WASTE COLLECTION AND DISPOSAL AND TO PREPARE A REQUEST FOR PROPOSALS (RFP) FOR A "SINGLE HAULER" FOR SUCH SERVICES, TO AWARD AN EXCLUSIVE FRANCHISE TO THE QUALIFIED PROPOSER HAVING THE MOST COMPETITIVE AND COMPREHENSIVE PROPOSAL, INCLUDING WITH RESPECT TO CUSTOMER PRICING, SUCH RFP TO BE REVIEWED AND APPROVED BY THE MAYOR AND CITY COMMISSION PRIOR TO ISSUANCE; AND, FURTHER, APPROVING THE EXTENSION, ON A MONTH-TO-MONTH BASIS, OF THE CONTRACT TERM FOR THE FOLLOWING AGREEMENTS UNTIL SUCH TIME AS THE NEW FRANCHISE AGREEMENT TO BE AWARDED PURSUANT TO THE RFP BECOMES EFFECTIVE: (1) THE NON-EXCLUSIVE FRANCHISE WASTE CONTRACTOR AGREEMENTS BETWEEN THE CITY AND (A) WASTE MANAGEMENT INC. OF FLORIDA AND (B) WASTE CONNECTIONS OF FLORIDA, INC. (COLLECTIVELY, THE "FRANCHISE WASTE CONTRACTORS") 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; AND FURTHER, APPROVING THE CITY MANAGER'S EXECUTION OF AMENDMENTS AS OF OCTOBER 1, 2023 TO THE FRANCHISE AGREEMENTS AND SERVICE AGREEMENT MEMORIALIZING THE APPROVED TERM EXTENSION.

**WHEREAS**, on October 16, 2019, the Mayor and City Commission adopted Resolution No. 2019-31056, extending the City's Non-Exclusive Franchise Waste Contractor Agreements with Waste Management Inc. of Florida and Waste Connections of Florida, Inc. for the provision of multi-family and commercial waste collection and disposal services in the City, as well as a new Service Agreement with each of the non-exclusive franchisees for municipal waste and recycling services, 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 waste contractor paradigm; and

**WHEREAS**, in addition to surveying commercial collection systems in ten (10) South Florida municipalities, MSW sought to receive input from businesses and, although only a limited number of businesses responded, the issues that were important to the respondents were fairly consistent across the board and included:

- Improving quality of service, including collection consistency
- Improving hauler accountability
- Adding clarity to contract pricing, including special charges

- Decreasing traffic and the number of waste collection vehicles on the street
- Increasing uniformity (i.e., more standard dumpsters and carts)
- Receiving City support for customer service, enforcement and contract disputes

**WHEREAS**, at the April 29, 2022, Finance and Economic Resiliency Committee (FERC) meeting, the City Administration presented MSW's findings, including and, among them, MSW recommended that the City transition to an exclusive franchise system for multi-family residential and commercial waste collection and disposal services and, in support of its recommendation, offered the following benefits the City could expect to derive by implementing a single-hauler system (MSW's presentation at the April 29, 2022 FERC meeting is attached hereto as **Exhibit A**):

- Procurement process allows for competitive bidding
- Prices should decrease for most businesses
- Improved service level and pricing transparency
- Improved operational efficiencies and economies of scale
- Streamlined contract management and oversight
- Improved hauler accountability
- Less truck traffic on streets
- Fewer greenhouse gas emissions

**WHEREAS**, MSW also pointed out the arguments against implementing a single-hauler system, which included, limited customer choice, some customers may experience rate increases and the potential for the perception of reduced market competitiveness; and

**WHEREAS**, the FERC directed MSW to expand its analysis to include additional municipalities and to return to a future FERC meeting with its findings; and

**WHEREAS**, MSW thereafter studied 139 municipalities in Miami-Dade County, Broward County, Palm Beach County, Pinellas County, Lee County, Collier County and Monroe County; and

**WHEREAS**, MSW returned to the FERC meeting on May 27, 2022 and reported that 63% of the municipalities included in their review had an exclusive franchise system in place, whereas 16% had an open market system, 5% had a non-exclusive franchise system and 17% offered waste collection and disposal services directly (MSW's follow-up presentation at the May 27, 2022 FERC meeting is attached hereto as **Exhibit B**); and

**WHEREAS**, the City Commission on July 20, 2022 via Resolution No. 2022-32228, approved Public Works' 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 twelve months through September 30, 2023; and

**WHEREAS**, the item was heard and discussed at several additional FERC and City Commission meetings that took place between July 2022 and July 2023, culminating in a request by the Administration at the September 27, 2023 City Commission meeting for authorization to issue RFQ 2023-506-WG (the "RFQ") for the selection of qualified franchise waste haulers to provide multifamily residential and commercial waste collection and disposal services and the

adoption by the Commission of Resolution No. 2022-32833 authorizing the issuance of the RFQ; and

**WHEREAS**, pursuant to Resolutions 2023-32617 and 2022-32833, the City Commission also authorized the month-to-month extension of the non-exclusive Franchise Waste Contractor Agreements and accompanying franchise fees, in-kind services, and other program contributions, as well as the Service Agreement for the collection of waste and recyclable materials at City-owned properties and rights of way, all of which were set to expire on September 30, 2023, until such time as the solicitation process of the RFQ was completed and the new contracts are in place; and

**WHEREAS**, because this Resolution directs the administration to terminate the RFQ and issue a Request for Proposals (“RFP”) for a single hauler, the month-to-month extensions should remain in effect until such time as a new franchise agreement is awarded pursuant to the RFP; and

**WHEREAS**, the City has given further consideration to the desirability of pursuing an exclusive franchise/single waste hauler solution for multifamily residential and commercial waste collection and disposal services; and

**WHEREAS**, in addition to the benefits afforded by an exclusive franchise system as previously reported by MSW at the April 29, 2022 FERC meeting, an exclusive franchise system would yield the following advantages:

- Standardized collection costs
- Stabilized yearly cost increases for users
- More efficient routing of collection vehicles
- Enhanced enforcement of health and safety laws as a result of having a single contractor to monitor
- Easier supplemental customer support by the City (or possibly require the franchisee to have customer support staff dedicated exclusively to addressing the concerns of City customers to obviate or at least minimize the need for the City to have its own supplemental customer support team).

**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 direct the Administration to terminate Request for Qualifications (RFQ) 2023-506-WG for Non-Exclusive Franchise waste haulers to provide multi-family and commercial waste collection and disposal and to prepare a Request for Proposals (RFP) for a “Single Hauler” for such services, to award an exclusive franchise for such services to the qualified proposer having the most competitive and comprehensive proposal, including with respect to customer pricing, such RFP to be reviewed and approved by the Mayor and City Commission prior to issuance; and, further, approving the extension, on a month-to-month basis, of the contract term for the following agreements until such time as the new franchise agreement to be awarded pursuant to the RFP becomes effective: (1) the non-exclusive franchise waste contractor agreements between the city and (a) Waste Management Inc. of Florida and (b) Waste Connections of Florida, Inc. (collectively, the Franchise Waste Contractors”) 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; and further, approving the city manager’s execution of amendments,

effective as of October 1, 2023, to the franchise agreements and service agreement memorializing the approved term extension.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Steven Meiner, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Laura Dominguez)

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

\_\_\_\_\_  
City Attorney *AD*      2-11-24  
Date