

RESOLUTION NO. 2016-36

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, RESCINDING RESOLUTION NO. 2016-31 (MARCH 22, 2016), WHICH WAIVED COMPETITIVE BIDDING CONCERNING THE DISPOSAL OF RESIDENTIAL SOLID WASTE GENERATED IN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, since 2014, the City has engaged in three separate competitive solicitations in its efforts to maximize efficiency and reduce costs in the City's solid waste management program; and

WHEREAS, pursuant to RFP No. 2014-15-9500-00-002, the City solicited competitive rates from pre-qualified vendors for the collection of the residential waste generated within the City; and

WHEREAS, pursuant to RFP No. 2014-15-9500-00-002, the City requested the pre-qualified vendors to provide their rates for three different scenarios: (1) collection services only, assuming the City's residential waste will continue to be taken to the Miami-Dade County landfill for disposal; (b) collection services only, assuming the City's residential waste will be taken to a different disposal facility, which will be located within 30 miles of the City center; and (c) combined collection and disposal services, assuming the City's residential waste will be collected by a vendor and then taken to a permitted disposal facility selected by the vendor; and

WHEREAS, Progressive Waste Solutions of FL, Inc. ("Progressive Waste") provided the City with the highest ranked and best overall proposal and, accordingly, the City and Progressive Waste entered into a certain Exclusive Franchise Agreement ("Franchise Agreement") on August 11, 2015; and

WHEREAS, the City did not renew its agreement with Miami-Dade County for the disposal of the City's residential waste because the County's disposal rates were too high; and

WHEREAS, the City did not timely accept the rates in the Franchise Agreement for combined collection and disposal services because the City believed it could obtain better rates for disposal services; and

WHEREAS, the Franchise Agreement implicitly limits the number of vendors and disposal options available to the City because, under the Franchise Agreement, the rate for disposal varies depending on the location of the disposal site, the rate increases the further away the disposal site is as measured from the City center, and Progressive is not required to transport the City's waste more than thirty miles from the City center; and

WHEREAS, on March 22, 2016, the City adopted Resolution No. 2016-31, which waived the City's requirements for competitive procurements, because the City believed it could obtain the best rates for disposal services by negotiating solely with Progressive Waste; and

WHEREAS, after adopting Resolution No. 2016-31, the City learned that the City may be able to obtain the best rates for disposal services by conducting a competitive procurement process, because there are two other vendors that may be willing to offer their disposal services to the City and thus compete with Progressive Waste for the City's business; and

WHEREAS, other than the County and Progressive Waste, the City has identified Waste Management/Sun-Bergeron and Wheelabrator as two other possible vendors who can provide disposal services at licensed and permitted facilities; and

WHEREAS, the City has concluded that it should conduct a competitive procurement process to better evaluate the total cost of obtaining disposal services, because the total cost to the City includes the rate (i.e., the tipping fee) that the City must pay for the disposal of the City's residential waste, as well as the cost the City must pay to Progressive Waste under the Franchise Agreement for transporting the City's residential waste to the disposal facility; and

WHEREAS, the City wishes to conduct a competitive procurement process to ensure that the City obtains the best possible price for its disposal services and thereby minimizes the disposal costs paid by the City's residents.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

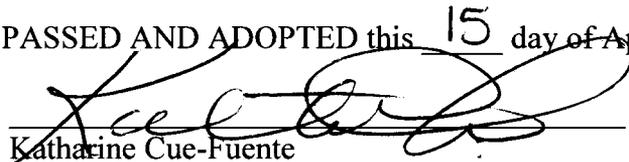
Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted as the Council's findings and statement of legislative intent, and they are incorporated by reference as if fully set forth herein.

Section 2: Resolution 2016-31 (adopted on March 22, 2016) is hereby rescinded.

Section 3: **Effective Date.**

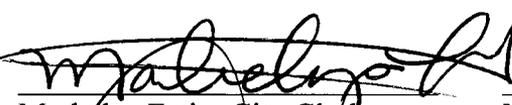
This resolution shall become effective when passed by the City Council of the City of Hialeah, Florida, and signed by the Mayor of the City of Hialeah, Florida, or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

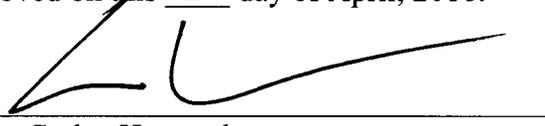
PASSED AND ADOPTED this 15 day of April, 2016.

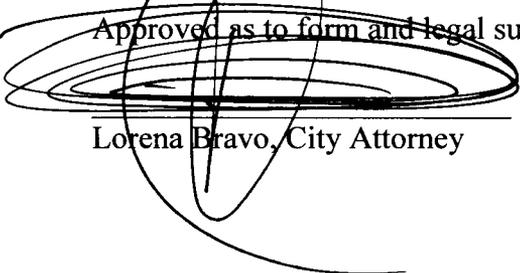

Katharine Cue-Fuente
Council Vice President

Attest:

Approved on this 12 day of April, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez


Approved as to form and legal sufficiency:

Lorena Bravo, City Attorney

Resolution was adopted by a (6-0-1) vote with Councilmembers, Caragol, Cue-Fuente, Hernandez, Lozano, Garcia-Martinez and Casáls-Muñoz voting "Yes". Council President Gonzalez absent.