

CITY OF RIVIERA BEACH, FL  
REGULAR CITY COUNCIL MEETING  
DECEMBER 16, 2009

**ADDITIONS, DELETIONS, SUBSTITUTIONS, & REVISIONS**

SECTION	ITEM NO.	<u>REVISIONS</u>
AWARDS AND PRESENTATIONS	Item No. 10	TYPOGRAPHICAL CORRECTION: <del>RESENTATION</del> <u>PRESENTATION</u>
ORDINANCES ON SECOND READING	Item No. 13	TYPOGRAPHICAL CORRECTION: <del>STAUES</del> <u>STATUTES</u>
REGULAR	Item No. 18	CORRECTION TO TYPOGRAPHICAL AMOUNT IN THE BACK-UP MEMORANDUM FROM COUNCILMAN SHELBY L. LOWE - THE DOLLAR AMOUNT UNDER LETTER H: <del>\$WHAT</del> , <u>\$7.5 million.</u>
REGULAR	Item No. 16	<u>ADDITIONS</u> Additional Back-Up Provided

12/14/09 Original

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RIVIERA BEACH, FLORIDA....."The Best Waterfront City In Which To Live, Work, & Play"

# MEMORANDUM

DECEMBER 14, 2009

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: RUTH JONES, CITY MANAGER

RE: **Status: DRAFT RFP SOLICITATION DOCUMENT FOR ANNUAL FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES**

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Attached, please find revised matrix detailing principal elements of proposed RFP for the Annual Franchise Agreement for Solid Waste Disposal Services which has been slightly modified to reflect additional information related to the "Evaluation Criteria" and "Scope of Services" of the draft RFP. As you may recall, these additional items were discussed in staff's individual meetings with you on Friday and Monday and are *italicized*, underlined and in **bold** font for ease of review.

Also, please note that staff's timeline for a final agreement has been revised from the end of March 2010 to the end of April 2010.

This item is scheduled for your consideration on the December 16, 2009 regularly scheduled meeting of the Council.

**MATRIX SUMMARY OF PRINCIPAL ELEMENTS OF RFP FOR ANNUAL FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION AND DISPOSAL**

**Principal elements of solid waste disposal and recyclables franchise agreement**

Staff's objective: Secure a new solid waste disposal contract with a reliable vendor and competitive rates to minimize cost to City residents and businesses while providing enhanced customer service and quality control. For ease of reference, below is a matrix which summarizes the principal elements of the RFP.

Contract Element	Contract Term/Requirement	Rationale/Objective																				
Length of Contract	Initial (5) Year term, With option for (1) additional (5) year renewal	Longer Contracts reduce uncertainty about future costs of service also allows contractor to amortize fixed cost over longer period to allow for lower service fees.																				
Contractor Qualifications/Competency	<p>5% Proposal Bond</p> <p>(5) Years operating experience in refuse collection/disposal.</p> <p>Adequate Financial Capacity to finance cost related to service (payroll, equipment, insurances) .</p> <p>Ability to post performance/payment bond for annual value of contract.</p>	<p>Ensure selected contractor will enter into contract.</p> <p>Ensure selected vendor has adequate experience and financial resources to provide professional quality services to City residents and businesses.</p> <p>Guarantee contractor's execution of obligations under contract and reduce risk of liability for unpaid obligations related to contract (capital equipment purchases/ leases).</p>																				
Insurances	<table border="0"> <thead> <tr> <th style="text-align: left;"><u>COVERAGES</u></th> <th style="text-align: left;"><u>MINIMUM LIMITS OF LIABILITY</u></th> </tr> </thead> <tbody> <tr> <td>Worker's Compensation</td> <td>Statutory</td> </tr> <tr> <td>Employer's Liability</td> <td>\$300,000</td> </tr> <tr> <td colspan="2"><b>GENERAL LIABILITY:</b></td> </tr> <tr> <td>Bodily Injury</td> <td>\$1,000,000 each occurrence \$5,000,000 aggregate</td> </tr> <tr> <td>Property Damage</td> <td>\$300,000 each occur \$5,000,000 aggregate</td> </tr> <tr> <td colspan="2"><b>AUTOMOBILE LIABILITY;</b></td> </tr> <tr> <td>Bodily Injury</td> <td>\$300,000 each person \$5,000,000 each occurrence</td> </tr> <tr> <td>Property Damage</td> <td>\$300,000 each occurrence</td> </tr> <tr> <td>Umbrella Coverage</td> <td>\$5,000,000 each occurrence</td> </tr> </tbody> </table>	<u>COVERAGES</u>	<u>MINIMUM LIMITS OF LIABILITY</u>	Worker's Compensation	Statutory	Employer's Liability	\$300,000	<b>GENERAL LIABILITY:</b>		Bodily Injury	\$1,000,000 each occurrence \$5,000,000 aggregate	Property Damage	\$300,000 each occur \$5,000,000 aggregate	<b>AUTOMOBILE LIABILITY;</b>		Bodily Injury	\$300,000 each person \$5,000,000 each occurrence	Property Damage	\$300,000 each occurrence	Umbrella Coverage	\$5,000,000 each occurrence	Needed to reduce potential liability to City.
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**MATRIX SUMMARY OF PRINCIPAL ELEMENTS OF RFP FOR ANNUAL FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION AND DISPOSAL**

Contract Element	RFP Terms/Requirements	Rationale/Objective
Evaluation Criteria	<ul style="list-style-type: none"> <li>• Overall Cost of Service</li> <li>• Responsiveness-Bonding, legal requirements, specifications met</li> <li>• Experience, Reliability, References</li> <li>• Financial Viability of Company</li> <li>• <b><u>Amount of Minority Participation</u></b></li> </ul>	<p>Price will be the principle criteria for making the award; however is not necessarily determinative. Responsiveness and experience are equally important to ensure City selects a capable, competent, qualified professional service provider.</p>
Scope of Services	<ol style="list-style-type: none"> <li>1. Base Proposal: Containerized Curbside Residential Solid Waste Collection, (2X weekly);</li> <li>2. Base Proposal: Residential Curbside Recycling Collection,(1X week);</li> <li>3. Base Proposal: Residential Curbside Yard/Vegetative Waste Collection, (1 x weekly);</li> <li>4. Base Proposal: Commercial Solid Waste and Recycling Collection; At least weekly, but negotiated between contractor and business owner.</li> <li>5. <b><u>Construction Debris Roll-off Container</u></b></li> </ol>	<p>These represent traditional solid waste services contracted by City since 1997. This mix of services has proven cost-effective and sufficient for user needs.</p>
Time/Schedule for Services	<p>Residential, mixed residential and commercial occupancy Recycling Collection Service (6:00 a.m. – 6:00 p.m. Monday through Friday)</p>	<p>Consistent with current pick-up times. Provides for minimal impact while not being punitive and costly to contractor.</p>
Contractor Performance	<p>RFP Provides escalating penalties for failure of contractor to provide timely resolution to many common quality service issues such as damage to customer's property, failure to respond to customer calls, missed pick-ups</p>	<p>Penalties range from \$200.00 per day/per event to \$2,500.00 depending on nature of non performance (please refer to article no. 36 of RFP specification for detailed list.</p>
Franchise and Administrative Fee	<p>Monthly fee to be paid to the City during entire term of the contract.</p>	<p>For the exclusive right to provide solid waste disposal services in the City and to compensate the City for the cost of administering, billing, supervision, bad-debts, and customer service activities rendered for the effective performance of the Agreement.</p>
Minority Participation	<p>The amount and extent of MBE Participation proposed by Contractor will be one of the criterions used to evaluate proposals.</p>	<p>To encourage contractors to utilize MBE's and satisfy the City's 15% MBE participation goal.</p>

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**MATRIX SUMMARY OF PRINCIPAL ELEMENTS OF RFP FOR ANNUAL FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION AND DISPOSAL**

Once approved, the RFP for the Annual Franchise Agreement will be immediately advertised and staff anticipates returning with a recommendation to City Council to negotiate terms with the top firm in February 2010. Staff is committed to completing negotiations and finalizing an agreement for consideration by City Council prior to the end of **April 2010**.

**Remainder of page left intentionally blank.**



**REGULAR CITY COUNCIL MEETING  
AGENDA  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
600 WEST BLUE HERON BOULEVARD  
RIVIERA BEACH, FL 33404  
DECEMBER 16, 2009  
6:30 PM**

**NOTICE**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THE PROCEEDINGS SHALL CONTACT THE LEGISLATIVE ASSISTANT AT 561-845-4095 NO LATER THAN 96 HOURS PRIOR TO THE PROCEEDINGS. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICES 1-800-955-8771 (TDD) OR 1-800-8770 (VOICE) FOR ASSISTANCE.

**MAYOR:**

**THOMAS A. MASTERS**

**CHAIRPERSON:**

**DAWN S. PARDO**

**CHAIR PRO-TEM:**

**JUDY L. DAVIS**

**COUNCILPERSONS:**

**BILLIE E. BROOKS - DISTRICT 1**

**TONYA DAVIS JOHNSON – DISTRICT 3**

**SHELBY L. LOWE – DISTRICT 5**

**ADMINISTRATION:**

**RUTH C. JONES, CITY MANAGER**

**CARRIE E. WARD, MMC, CITY CLERK**

**PAMALA H. RYAN, CITY ATTORNEY**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the City Council with respect to any matter considered at this meeting, such interested person, at own expense, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105.

**ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM (NON-CONSENT ITEMS ONLY), PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE LEGISLATIVE ASSISTANT PRIOR TO THE BEGINNING OF THE MEETING. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED. PLEASE SILENCE ALL AUDIO DEVICES TO AVOID INTERFERENCE WITH RECORDING EQUIPMENT.**

**CITY CLERK CALLS TO ORDER**

**Roll Call**

**Invocation**

**Pledge of Allegiance**

**AGENDA Approval:**

**Additions, Deletions, Substitutions**

**Disclosure By Council**

*(If any Council Member has anything to disclose regarding any item on the Agenda, please do so at this time)*

**Adoption of Agenda**

## **CONSENT AGENDA:**

**ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILPERSON SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.**

## **MINUTES:**

- 1. MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 18, 2009**
- 2 MINUTES FROM THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 2, 2009.**

## **RESOLUTIONS:**

- 3. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY CLERK TO NOTICE AND PREPARE FOR THE GENERAL MUNICIPAL ELECTION; AND A SPECIAL ELECTION TO BE HELD TUESDAY, MARCH 9, 2010; AND RUN-OFF ELECTIONS IF NECESSARY, TUESDAY, MARCH 23, 2010. ALL ELECTIONS SHALL BE HELD WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY BETWEEN THE HOURS OF 7:00 AM UNTIL 7:00 PM TO FILL THE EXPIRED SEATS TO WIT: CITY COUNCIL DISTRICT TWO (2); CITY COUNCIL DISTRICT FOUR (4); AND FOR SUCH SPECIAL ELECTION CITY COUNCIL DISTRICT THREE (3); RESPECTIVELY; PROVIDING FOR THE USE OF VOTING EQUIPMENT; PROVIDING BALLOTS, ABSENTEE BALLOTS, AND PROVISIONAL BALLOTS IN SUCH ELECTIONS; APPOINTING A CITY OF RIVIERA BEACH CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE.**

4. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 241-09 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT WITH THE BG GROUP, LLC OF BOCA RATON, FLORIDA, THE LOW RESPONSIVE AND RESPONSIBLE BIDDER FOR DEMOLITION AND RELATED SERVICES FOR THE OLD CITY HALL COMPLEX IN THE AMOUNT OF \$23,850; AND PROVIDING AN EFFECTIVE DATE.
5. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH WORKFORCE ALLIANCE, INC., TO PERMIT THE CITY OF RIVIERA BEACH TO PROVIDE WORK EXPERIENCE FOR PARTICIPANTS WITHOUT COMPENSATION TO THE CITY; AND PROVIDING AN EFFECTIVE DATE.
6. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT TO CONTINUE TO PROVIDE POLICE SERVICES TO THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA); AUTHORIZING THE FINANCE DIRECTOR TO ACCEPT FOUR EQUAL PAYMENTS IN THE AMOUNT OF \$46,303.10 FOR THE 2010 FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.
7. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT ON BEHALF OF THE CITY OF RIVIERA BEACH, AN APPLICATION TO PALM BEACH COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ROADWAY RECONSTRUCTION IN THE AMOUNT OF \$310,000 FOR FISCAL YEAR 2010-2011; AND PROVIDING AN EFFECTIVE DATE.

8. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE INTERLOCAL AGREEMENT FROM PALM BEACH COUNTY – OFFICE OF CRIMINAL JUSTICE COMMISSION IN THE AMOUNT OF \$168,000 FOR FISCAL YEAR OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET; AND PROVIDING AN EFFECTIVE DATE.
  
9. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 243-09 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROPOSED CONSTRUCTION SERVICES CONTRACT WITH ALL-SITE CONSTRUCTION, INC., OF RIVIERA BEACH, FLORIDA FOR DRAINAGE IMPROVEMENTS TO GULFSTREAM WAY AND LONE PINE ESTATES IN THE AMOUNT OF \$39,525; AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO TEN PERCENT (10%); AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 460-1127-541-0-6351; AND PROVIDING AN EFFECTIVE DATE.

### **END OF CONSENT AGENDA**

### **PETITIONS AND COMMUNICATIONS FOR FILING:**

### **AWARDS AND PRESENTATIONS:**

10. RESENTATION TO RIVIERA BEACH OFFICER BRIAN DeSANTIS BY COUNCILWOMAN BILLIE E. BROOKS ON BEHALF OF THE MAYOR AND CITY COUNCIL.
  
11. PRESENTATION BY GEORGE CARTER, PRESIDENT, RIVIERA BEACH MARITIME ACADEMY GIVING AN UPDATE ON THE YOUTH BUILD PROGRAM.

**12. PRESENTATION OF THE CITY OF RIVIERA BEACH INFILL HOUSING PROGRAM REVIEW AND ANALYSIS BY MR. ARNOLD BROUSSARD.**

**PUBLIC HEARINGS:**  
**NONE**

**ORDINANCES ON SECOND READING:**

- 13. ORDINANCE NO. \_\_\_\_ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2010 THROUGH 2014, WHICH IS REQUIRED TO BE AMENDED ANNUALLY ACCORDING TO FLORIDA STATUES SECTION 163.3177; AND PROVIDING AN EFFECTIVE DATE.**

**ORDINANCES ON FIRST READING:**  
**NONE**

**COMMENTS FROM THE PUBLIC – 8:00 PM\*<sup>1</sup> – Non Agenda or Consent Item Speakers (Three Minute Limitation)** *Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct During Official Meetings", which has been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium from the meeting and/or the building, if necessary. Please govern yourselves accordingly.*

<sup>1</sup>Public Comments shall begin at 8:00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is being considered at 8:00 PM, then public comments shall begin immediately after the item has been concluded.

**REGULAR:**

14. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NUMBER 1 TO INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH FOR FUNDING OF THE EXPANSION AND RENOVATION OF THE RIVIERA BEACH MARINA AND INCLUDE THE REVISED EXHIBIT A AND EXHIBIT C, AND COUNTY REVISIONS TO SECTION 4.05 SPECIFYING THE REIMBURSEMENT REQUIREMENTS IN THE CASE OF LEASE OR CONTROL CHANGES; AND AUTHORIZING THE FINANCE DIRECTOR TO REVISE THE BUDGET FOR THE CITY OF RIVIERA BEACH MARINA EXPANSION PROJECT IN THE AMOUNT OF \$5,000,000 AS PROVIDED IN THE REVISED EXHIBITS; AND PROVIDING AN EFFECTIVE DATE.
  
15. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PITTMAN LAW GROUP P.L. TO PROVIDE LOBBYIST REPRESENTATION AT THE STATE LEVEL ON BEHALF OF THE CITY OF RIVIERA BEACH; COMPENSATION SHALL BE \$5,000 PER MONTH FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2010; THE SAME TO BE PAID FROM THE PROFESSIONAL SERVICES – OTHER , ACCOUNT NO. 001-0203-5190-3106; AND PROVIDING AN EFFECTIVE DATE.
  
16. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE GENERAL TERMS AND CONDITIONS, SPECIAL CONDITIONS, SCOPE OF SERVICES AND TECHNICAL SPECIFICATIONS FOR CITY OF RIVIERA BEACH RFP NO. 246-09 FOR THE ANNUAL FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES; AUTHORIZING THE PURCHASING DIRECTOR TO SOLICIT OFFERS FOR SAME FROM QUALIFIED PROVIDERS; AND PROVIDING AN EFFECTIVE DATE.

17. RESOLUTION NO. \_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING POLICIES AND PROCEDURES COVERING THE FOLLOWING: CONTRACT COMPLIANCE, FIXED ASSETS, AND PROCUREMENT CARD POLICIES AND PROCEDURES AS PHASE ONE TO BE FOLLOWED BY THE CITY OF RIVIERA BEACH; AND PROVIDING AN EFFECTIVE DATE.
  
18. DISCUSSION: COUNCILMAN SHELBY L. LOWE WILL DISCUSS ROAD PROJECTS IN THE CITY APPROVED BY THE METROPOLITAN PLANNING ORGANIZATION'S (MPO).

**BOARD APPOINTMENT(S):**

**DISCUSSION BY THE CITY MANAGER:**

**LEGAL DISCUSSION/REQUEST:**

**DISCUSSION AND RECOMMENDATIONS BY CITY COUNCIL:**

**ADJOURNMENT**