

# Mayor and Council Communication

DATE: 02/28/23

M&C FILE NUMBER: M&C 23-0149

LOG NAME: 13PRFP 23-0003 DROP-OFF STATION & SPECIAL EVENT COLL. MC CODE

**SUBJECT**

(ALL) Authorize the Execution of a Services Agreement with Waste Management of Texas, Inc., for Transport Services for Waste and Recyclables from City Drop-Off Stations and Special Event Collection in an Estimated Annual Amount of \$1,102,865.00 for an Initial Seven-Year Term for the Code Compliance Department

**RECOMMENDATION:**

It is recommended that the City Council authorize the execution of a services agreement with Waste Management of Texas, Inc., for transport services for waste and recyclables from City drop-off stations and special event collection in an estimated annual amount of \$1,102,865.00 for an initial seven-year term for the Code Compliance Department.

**DISCUSSION:**

The Code Compliance Department approached the Purchasing Division to procure an agreement for transportation of waste and recyclables from the City of Fort Worth (City) drop-off stations to dispose at processing facilities, and for transportation of waste and/or recyclables generated and placed in open top containers at special events in the City.

In order to procure these services, Purchasing staff issued Request for Proposal (RFP) No. 23-0003. The RFP consisted of detailed specifications describing the vendor responsibilities, transportation and other requirements in order to perform the services. The RFP was advertised in the *Fort Worth Star-Telegram* on November 2, 2022, November 9, 2022, November 16, 2022, November 23, 2022, November 30, 2022, and December 7, 2022. Two responses were received.

An evaluation panel consisting of representatives from the Code Compliance, Property Management and Diversity and Inclusion departments evaluated and scored the responses using Best Value criteria. After the initial evaluation meetings, the firms were interviewed on January 9, 2023 and the City requested a Best and Final Offer (BAFO) which resulted in no changes to the prices submitted by each of the Bidders in their initial responses. The individual scores were averaged for each of the criteria and the final scores are listed in the table below.

Bidders	Evaluation Criteria						Total Score
	a	b	c	d	e	f	
Waste Management of Texas, Inc.	6.00	6.50	9.00	2.50	2.50	55.00	81.50
Allied Waste Services of Fort Worth, LLC dba Republic Services	6.00	6.50	8.25	2.50	2.50	14.27	40.02

Best Value Criteria:

- a. Preferred Minimum Requirements
- b. Experience and Qualifications
- c. Proposed Approach
- d. Exceptions
- e. Financial and Litigation History
- f. Cost of Service

After evaluation, the panel concluded that Waste Management of Texas, Inc. presents both the best value and the necessary coverage for the City. Therefore, the panel recommends that Council authorize agreements with Waste Management of Texas, Inc. No guarantee was made that a specific amount of services would be purchased. Staff certifies that the recommended vendor bid met specifications.

FUNDING: The estimated cost for these services for Year One of the contract is \$1,102,865.00, however, the actual amount used will be based on the need of the department and available budget. The estimated value of this contract over the seven-year initial term is \$9,459,100.00. The estimated contract amount does not constitute a not to exceed limit on the contract, as the unit prices paid to Waste Management of Texas, Inc. are adjusted annually by the cost adjustment, growth of the City, storm events and other variable factors. Funding is budgeted in the Other Contractual Services account of the Code Compliance Department's rollup within the Solid Waste Fund.

**BUSINESS EQUITY:** Waste Management of Texas, Inc. is in compliance with the City's Business Equity Ordinance by submission of the prime contractor waiver form. The City's Business Equity Goal on this project is 25%.

**AGREEMENT TERMS:** Upon City Council approval, the Department will finalize an agreement that will begin on April 1, 2023 and expire on March 31, 2030 (initial term). The agreement may be extended for up to seven years following expiration of the initial term.

**ADMINISTRATIVE CHANGE ORDER:** An administrative change order or increase may be made by the City Manager up to the amount allowed by relevant law and the Fort Worth City Code and does not require specific City Council approval as long as sufficient funds have been appropriated.

**EXEMPT PROCUREMENT:** The City Attorney's Office has determined that solid waste services may be exempt from competitive bidding under the provisions of Chapter 252 of the Texas Local Government Code as necessary to preserve or protect the public health or safety of the municipality's residents. Nevertheless, the City chose to voluntarily procure this agreement through the competitive process, as allowed, to ensure the City receives a fair and equitable contract.

A Form 1295 is not required because: This contract will be with a publicly-traded business entity or a wholly-owned subsidiary of a publicly-traded business entity: Waste Management, Inc.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as appropriated, in the Solid Waste Fund. Prior to an expenditure being incurred, the Code Compliance Department has the responsibility to validate the availability of funds.

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Expedited