

Indian River County Florida

*Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
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Solid Waste Disposal District Special Call Meeting Minutes - Draft

Wednesday, April 24, 2024

4:00 PM

Commission Chambers

Board of County Commissioners

*Susan Adams, District 1, Chairman
Joseph Flescher, District 2, Vice Chairman
Joseph H. Earman, District 3
Deryl Loar, District 4
Laura Moss, District 5*

**John A. Titkanich, Jr., County Administrator
William K. DeBaal, County Attorney
Ryan L. Butler, Clerk of the Circuit Court and Comptroller
Terri Collins-Lister, Deputy Clerk**

1. CALL TO ORDER

Present: 5 - Chairman Susan Adams
Vice Chairman Joseph Flescher
Commissioner Joe Earman
Commissioner Laura Moss
Commissioner Deryl Loar

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES**2.B. INVOCATION**

Pastor Jeremy Rebman, First United Methodist Vero Church

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph H. Earman

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to approve the Agenda as presented. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

5. SOLID WASTE DISPOSAL DISTRICT

- 5.A.** [24-0371](#) 2nd Special Call Meeting - RFP#2024020 Solid Waste and Recyclables Collection Services

Recommended Action: Upon public input and SWDD Board discussion, SWDD staff recommends the Board consider and approve the following: 1. Accept the final ranking of firms, as developed by the Selection Review Committee. 2. SWDD staff recommends Carted Yard Waste Services for Unincorporated Indian River County. ***Board Decision 1: Customer provided yard waste cans or Carted Yard Waste Services?*** 3. SWDD staff recommends Universal Collection for Unincorporated Indian River County. ***Board Decision 2: Subscription Service or Universal Collection?*** 4. Authorization to the Negotiations Team to pursue simultaneous negotiations with the top two firms of FCC Environmental Services of Florida, Inc. and Waste Management, Inc. of Florida to obtain their “Best and Final Offer” for that option. 5. Authorize negotiations with subsequently ranked firms, should negotiations with one or more of the two top ranked firms fail. Based on the final negotiations, staff will bring a recommendation of award and a final Franchise Agreement to the Board for execution at a future meeting.

Attachments: [Staff Report](#)
[Final Ranking of Selection Review Committee](#)

Utilizing a PowerPoint presentation, Himanshu Mehta, Managing Director of the Solid Waste Disposal District (SWDD), provided a recap of the Request for Proposal Process (RFP) for Collection Services and stated the purpose of the meeting was to obtain public input and for the SWDD Board to decide on the services to begin October 1, 2025. A copy of the presentation is on file in the Office of the Clerk to the Board.

Mr. Mehta provided the final ranking of the firms by the Selection Committee for the service options indicating FCC Environmental Services Florida, LLC. (FCC) and Waste Management Inc. of Florida (WM) as the top two ranking firms for all service options. He stated the decisions before the Board was to accept the Selection Committee's proposal final ranking of the firms, make a decision on either customer provided yard waste cans or carted yard waste service, Subscription Service or Universal Collection, and authorization to the Negotiations Team to pursue simultaneous negotiations with the top two firms of FCC and WM to obtain their "Best and Final Offer".

Commissioner Loar referred to the RFP process and pointed out that it was clear FCC had the lowest cost, yet the top two firms were to go back and "sharpen their pencils" to get the best deal for the residents. He asked if the top two (2) vendors were aware that they would come back and renegotiate their numbers and why not renegotiate with all five firms. Bethany Jewell Gray, Consultant with Kessler Consulting, Inc., stated that the "Best and Final Offer" was a common tool utilized to get the best price and it was clearly stated in Addendum Nine (9) (addendum) when the updated procurement schedule was issued. Mr. Mehta explained aside from the price, the Selection Committee's decision was based on RFP evaluation criteria such as the number of trucks, staffing, participation in the County, challenges with sub-standard roads, what type of vehicles the vendor would use, type of fuel used for their trucks, the number of individuals in the call center, etc. Commissioner Loar reiterated his concern on what kind of message the County was sending to the vendor who had the lowest rate and yet was asked to "sharpen their pencil".

County Administrator Titkanich stated he was made familiar with the process through Kessler Consulting and they had provided examples of other counties and municipalities who had gone through the process and utilized the tool the "Best and Final Offer". He referred to staff and asked specifically where in the addendum was the language the "Best and Final Offer".

Jennifer Hyde, Purchasing Manager, was not aware that the County had ever gone through an RFP process using the "Best and Final Offer" method of negotiation; however, it was not unheard of and a common practice both among counterparts in

the State and nationally. She noted that this method of negotiation was considered a recommended best practice because it would enable the County to negotiate concurrently with both firms and ultimately arrive at the best product or service. She referred to the addendum and stated in terms of the schedule where it said timeline, one of the entries stated, "deadline for Best and Final Offer if requested". County Attorney DeBaal stated he had received confirmation from the consultant that this method of negotiation has been done frequently in other areas, it was something the haulers expected and were used to, and there had been no challenges to the bid in any other Florida area with this type of process. A discussion followed with Commissioner Loar stating his concern with the method of negotiation for the "Best and Final Offer" for a 10-year Franchise Agreement and only negotiating with the top two firms.

Ms. Gray told of Sarasota County who recently used this method of negotiation and reiterated it was a common tool utilized to get the best and final price. She stated the RFP process was not just about price, but their qualifications. A discussion followed among the Board regarding the RFP process and Chairman Adams gave a synopsis of the discussions that had taken place and emphasized the method of negotiation was in place to get the best price for the residents. Attorney DeBaal mentioned the Selection Committee chose the proposal for a developed response by the bidders to see how many trucks or what type of equipment would the vendor use, instead of just a price.

Mr. Mehta told how the Selection Committee arrived at their decision for the final ranking of firms. He stated there was great engagement between the Selection Committee and the vendors. They asked great questions and the Selection Committee provided responses, and in the process, they identified there was a schedule included which discussed the "Best and Final Offer"; there was an opportunity for the vendors to ask additional questions. He was confident in the RFP process that was followed and stated that it was done fairly and transparently. Mr. Mehta, in response to a question by Commissioner Earman, stated the vendors were provided a sample agreement which included any modifications made during the process.

A motion was made by Commissioner Loar, seconded by Chairman Adams, to accept the final ranking of firms, as developed by the Selection Review Committee. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

Mr. Mehta referred to the total annual price comparisons for residential, commercial, and supplemental services in his PowerPoint presentation and stated the top two firms were FCC and WM. He mentioned the only enhancement included in the RFP was a change to bulk pickup. He referred to Options 3 (Subscription Service) and 4 (Universal Service) with carted yard waste and opined it would end up costing less

than Options 1 (Subscription Service - Current System) and 2 (Universal Service - customer provided containers) because it would decrease the vendor's liability and increase efficiency.

The Board sought and received information from Mr. Mehta about the City of West Melbourne's garbage collection program. He confirmed that under Options 1 and 2, residents would continue to use their own bins for yard waste, and the yard waste would be picked up manually. He continued under Options 3 and 4, each resident would receive a 96-gallon carted bin for yard waste and the option to exchange the cart for a smaller one free of charge. There was concern about no significant price reduction for the universal or subscription service with carted yard waste despite the expected decrease in worker's compensation claims for the vendor. Ms. Gray mentioned that the vendor would include the cost for bins and their maintenance/replacement in the service, as well as the option to exchange the cart for a smaller bin, and would provide a claw truck service that residents could request at an additional cost to pick up large piles of yard waste.

Chairman Adams opened the floor for comments.

Freddie Woolfork expressed concern that jobs would be eliminated if the County went to carted yard waste. Mr. Mehta replied one of the things the County has done was create positions through the local call center as well as additional routes would be created.

John Genovese thanked the Board for taking the resident's interests at heart and stated he had been a long-time Board member in his community and was not aware of one problem that was not handled by WM.

Jeff Bauer sought and received confirmation from Mr. Mehta that there were hurricane debris contracts in place in case of an emergency and added the County required a hurricane plan from the hauler annually that would provide additional services in case of a storm. Mr. Mehta, in response to Mr. Bauer's question concerning individuals with a medical necessity, stated Backdoor Service was in the current contract and in the RFP. All the individual would need to do was provide the hauler with a note from their doctor.

Glen Powell thanked the staff and the Board for looking at the different options and the open forums. He felt the limited size and number of bins for yard waste would not work for those with large amounts of yard debris.

Margo Sudnykovych sought and received clarification on the carted yard waste and hurricane debris pickup services.

A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve staff's recommendation for carted yard waste services in the unincorporated area of Indian River County. The motion carried by the following vote:

Aye: 4 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, and Commissioner Loar

Nay: 1 - Commissioner Moss

Mr. Mehta displayed a chart of the total annual price comparisons and monthly single-family rates focusing on Options 3 and 4, with carted yard waste. Chairman Adams indicated those who have subscription service should not compare their current garbage bill because the recycling price was included in the totals listed on the chart. Commissioner Earman received confirmation the recycling fee would be included on the individual's property tax bill.

Commissioner Loar questioned WM's price reduction going from Option 3 to Option 4. Mr. Mehta explained going from Subscription to Universal would eliminate the need for billing the customer. He provided an example of the Universal recycling billing where the County designated a fixed number of single-family and multi-family homes and every month, based on a certificate of occupancy report from the building department, the County either increased or decreased those numbers. Commissioner Loar pointed out there was not a large reduction by FCC and Chairman Adams felt it was because WM being the current hauler already had a baseline established.

Vice Chairman Flescher stated he would be in support of Option 3 because of the high senior population on fixed incomes who did not generate a lot of trash.

Mr. Mehta, in response to Chairman Adams, stated it was the Board's pleasure if they chose to postpone the decision and allow for negotiations with the top firms to see what prices they come up with for both Subscription and Universal Service.

A motion was made by Vice Chairman Flescher for Option 3 Subscription Service with carted yard waste and Commissioner Earman seconded the motion for discussion.

Commissioner Earman agreed with Vice Chairman Flescher and was in support of Option 3. He pointed out that 70% of the population in the unincorporated area of the County subscribed to curbside trash pickup and the other 30% did not generate a lot of trash and utilized the convenience centers, etc. He wondered after a couple of years in the contract, if the County could take another look and make a switch over to Universal Service. Mr. Mehta mentioned the County had been unsuccessful in getting the County's current hauler to switch over to Universal Service in the current agreement, but it could be something that could be negotiated in the future contract. He suggested the Board direct staff to negotiate with the top two firms on Options 3

and 4, and giving the Board time to reconsider that decision and the ability for staff to come back with the "Best and Final Offer".

Commissioner Moss was in support of Option 3 for those citizens on fixed incomes and seasonal residents who would not be able to opt out of Universal Service.

Mr. Mehta clarified that if the Board chose to vote on Option 3 Subscription Service, then the decision would be for staff to negotiate with the top two firms for Subscription Service with carted yard waste service only. If the Board would like the "Best and Final Offer" for Options 3 and 4, there would need to be a different motion.

Commissioner Loar remarked that 55% of the County's recycling was contaminated with garbage and reminded the Board that starting in October 2025, the new Franchise Agreement would be in effect for the next ten years. He felt the Board needed to look beyond next year, and what the County would look like in the future with the population growing, and illegal dumping. He completely disagreed with revisiting the agreement in a couple of years to look at Universal Service because it would affect how the vendors had made their bids and the process of adding the assessment to the tax bill. He was in support of Option 4 Universal Service.

Chairman Adams was interested in getting the best price for the residents and agreed with Commissioner Loar's comments.

County Attorney William DeBaal came forward and said it was the Board's last opportunity for the next 11 years to take a look at this issue and it would cost nothing for the Board to take a look at getting the best prices for Options 3 & 4.

A discussion followed with Mr. Mehta stating staff recommended Option 4 Universal Service to decrease the contamination of recycling bins and illegal dumping. He wanted the opportunity to bring back the negotiated prices from the haulers for Subscription and Universal Services.

Chairman Adams stated there was a motion on the floor by Vice Chairman Flescher to move forward with negotiating on Option 3 Subscription carted yard waste service only.

John Casagrande, Senior Vice of President of Business Development with Coastal Waste and Recycling of Florida, Inc. (CWR), spoke on the ranking of firms and recommended the Board get the "Best and Final Offer" from all five firms.

Jim Harpring, Town Manager, Town of Indian River Shores, recommended the Board allow staff to negotiate prices for both Universal and Subscription Services.

Joanne Stanley, Manager of Municipal Sales with Republic Services, Inc. (REP), concurred with Mr. Casagrande that during the RFP process it was believed that all of the firms would be given the opportunity to provide their "Best and Final Offer" at the table.

Jeff Bauer opined the County should work with seasonal residents if the Board would happen to go with Universal Service.

Margo Sudnykovych asked the Board to support Option 3 Subscription Service.

A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, that the Solid Waste Disposal District move forward with negotiating on Option 3 Subscription service with carted yard waste service only. The motion failed by the following vote:

Aye: 2 - Vice Chairman Flescher, and Commissioner Earman

Nay: 3 - Chairman Adams, Commissioner Moss, and Commissioner Loar

Commissioner Loar made a motion for Option 4 Universal Service with carted yard waste. The motion died for a lack of a second.

A motion was made by Commissioner Moss, seconded by Chairman Adams, to obtain "Best and Final Offer" for both Option 3 (Subscription Service) and Option 4 (Universal Service). The motion carried by the following vote:

Aye: 3 - Chairman Adams, Commissioner Earman, and Commissioner Moss

Nay: 2 - Vice Chairman Flescher, and Commissioner Loar

Mr. Mehta confirmed the Board's final decision was to authorize the Negotiations Team to pursue simultaneous negotiations with the top two firms of FCC and WM to obtain their "Best and Final Offer" and authorization to negotiate with subsequently ranked firms, should negotiations with one or more of the two top-ranked firms fail.

A discussion ensued on what was considered a failed negotiation with County Attorney DeBaal asking Mr. Mehta to display the final ranking of the top five firms and their evaluation points. Jennifer Hyde, Purchasing Manager, in response to Attorney DeBaal, stated there was never a compilation of points. She explained the Selection Committee member's initial ranking of firms and offered to display a graph to show how the members calculated each firm's evaluation criteria.

Mr. Metha displayed a chart listing a comparison of annual and monthly single-family prices for Options 3 and 4 from all five firms, with FCC and WM as the top-ranked firms.

A discussion followed regarding the number of firms to negotiate for their "Best and

Final Offer".

A motion was made by Commissioner Earman for the Negotiations Team to negotiate with the top four firms FCC Environmental Services Florida, LLC., Waste Management, Inc., Coastal Waste and Recycling of Florida, Inc., and Republic Services of Florida for their "Best and Final Offer". The motion failed for a lack of a second.

Mr. Mehta stated the reason staff recommended negotiating with the top two firms was not just about the price. Still, other factors dictated how the selection committee ranked the firms such as the type of fuel the hauler would be using, the capability to provide service to sub-standard roads, the number of trucks, call center, staffing, etc.

The Chairman called for a recess at 6:35 p.m. and reconvened at 6:42 p.m. with all members present.

Director of Utility Services Sean Lieske clarified that staff was not necessarily negotiating with the firms for the "Best and Final Offer", but a negotiated offer. He stated that it would be difficult to negotiate with all five firms and basically, it would be going back to rebidding. In response to a question by Commissioner Moss, Mr. Lieske and County Administrator Titkanich explained the Selection Committee's calculation of evaluation criteria and points, stating it was fair for all firms based on their price.

Vice Chairman Flescher came forward and told of the difficulties the Board had coming to a decision and noted there was enough time to scrap the whole process and rebid Options 3 and 4.

Commissioner Moss made a motion to negotiate with the top three firms FCC Environmental Services Florida, LLC., Waste Management, Inc., and Coastal Waste and Recycling of Florida, Inc. for their "Best and Final Offer". The motion failed for a lack of a second.

Vice Chairman Flescher reiterated scrapping the whole process and rebid Options 3 and 4. He felt the County would get better results on the pricing.

Attorney DeBraal spoke up and stated there was no good legal reason submitted on the record from the last three meetings to bring the Board to the point of rejecting all of the proposals and rebid. He strongly recommended the Board not reject the proposals.

Commissioner Moss made a motion to negotiate with the top three firms FCC Environmental Services Florida, LLC., Waste Management, Inc., and Coastal Waste

and Recycling of Florida, Inc. for their "Best and Final Offer". Chairman Adams seconded the motion for discussion.

Mr. Mehta clarified the top two firms for Options 3 and 4 were FCC and WM; however, CWR was ranked third for Option 3 and REP was ranked third for Option 4.

With a motion on the floor, Chairman Adams rescinded her second and asked if there was a second on the motion. The motion failed for a lack of a second.

A discussion followed on negotiating with the top four ranked firms including Republic, with Attorney DeBaal stating the motion was made earlier and it failed. County Administrator Titkanich reiterated that staff recommended negotiating with the top two firms because of FCC Environmental Services Florida, LLC. and Waste Management's technical and financial ranking. Mr. Mehta added that in the staff's recommendation, the negotiations team would be allowed to negotiate with the third, fourth, and fifth-ranked firms if they could not come up with a solid price and contract.

Commissioner Loar made a motion to authorize the Negotiations Team to pursue simultaneous negotiations with the top two firms of FCC Environmental Services Florida, LLC. and Waste Management, Inc. of Florida to obtain their "Best and Final Offer" and authorization to negotiate with subsequently ranked firms, should negotiations with one or more of the two top-ranked firms fail. Commissioner Moss seconded the motion.

John Casagrande, CWR, believed that Mr. Mehta was incorrect, and stated CWR was ranked number 2 on Option 3 as displayed on the screen during the break. Purchasing Manager Jennifer Hyde clarified the rankings displayed were the initial rankings, not the final rankings.

Charles Merkley, Director of Municipal Sales and Contracts with FCC, strongly supported staff's recommendation.

A motion was made by Commissioner Loar, seconded by Commissioner Moss, to authorize the Negotiations Team to pursue simultaneous negotiations with the top two firms of FCC Environmental Services Florida LLC. and Waste Management, Inc. of Florida to obtain their "Best and Final Offer" on Options 3 (Subscription Service) and 4 (Universal Service), and authorization to negotiate with subsequently ranked firms should negotiations with one or more of the two top ranked firms fail. The motion carried by the following vote:

Aye: 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

6. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 7:01 p.m.