

# Indian River County Florida



## Solid Waste Disposal District Draft Meeting Minutes

### Board of 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**

**Randi Wardlow, Deputy Clerk**

Indian River County  
Administration Complex  
1801 27th Street, Building  
A  
Vero Beach, Florida,  
32960-3388  
[www.indianriver.gov](http://www.indianriver.gov)

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Tuesday, June 18, 2024

Commission Chambers

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## 15. SPECIAL DISTRICTS AND BOARDS

### B. Solid Waste Disposal District

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

#### 15.B.1.

Approval of SWDD Meeting Minutes of April 09, 2024

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the Solid Waste Disposal District minutes of April 9, 2024 as written. The motion carried by the following vote:**

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

#### 15.B.2.

Amended Renewal No. 4 with Tiger Inc for Sale and Purchase of Natural Gas

**A motion was made by Commissioner Earman, seconded by Vice Chairman Flescher, to approve Option #1 of staff's recommendation. The motion carried by the following vote:**

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

**15.B.3****Appeal of Denial of Protests Relating to RFP 2024020**

Purchasing Manager Jennifer Hyde began her slide presentation to the Board with a recap of the timeline which led to the Solid Waste Disposal District's (SWDD) decision to award the solid waste collection services contract to Waste Management (WM) on May 21, 2024. Following the decision, protests were filed by two of the bidders, FCC Environmental (FCC) and Coastal Waste & Recycling of Florida (Coastal), regarding the procedure followed during the RFP (Request for Proposal) and BAFO (Best and Final Offer) negotiations. Ms. Hyde's presentation continued by enumerating the vendors' assertions and countering with staff's response in denial of the protest. Ms. Hyde requested the Board hear the appeals to the protests and either uphold or deny the decision.

Vice President of Business Development for FCC Charles Merkley appeared before the Board to highlight information he described as unfair and flawed. His protest challenged the basis the review panel used to re-rank the firms, the lack of negotiation during the BAFO period, omission of capabilities consideration, and the methodology WM used to drop their costs by 25 to 50 percent off of their supposedly best offer. He suggested either starting the RFP process over, or re-entering negotiations with the top two vendors as the manner in which the BAFO had been executed unfairly and changed the RFP into a request to bid.

Attorney for Coastal, Joe Goldstein, Shutts and Bowen, requested the Board re-look at the procedure followed, specifically regarding the basis for rankings made at the second meeting, and the exclusion of Coastal from the BAFO even though they were tied for second place. He also questioned how WM was able to drastically lower their price, and cautioned accepting their offer would set a bad precedent as future vendors would not submit their best prices to future RFPs. Attorney Goldstein requested the issuance of a new RFP based on the final options chosen by the Board.

The Board entered into discussion regarding the RFP and BAFO, recapping the Board and public meetings which explained the process and goal of achieving the best possible price. SWDD Managing Director Himanshu Mehta confirmed the proposals were all sufficient in terms of quality, and the only thing left to negotiate was price, hence the BAFO request. The Board agreed they were surprised regarding WM's pricing, however they declined to second guess the vendor's strategy. The Commissioners stood by the process and expressed trust in staff's handling of the selection process. Director Mehta confirmed there were provisions to monitor and address WM's service under the new contract.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to deny the appeals to the protests from FCC Environmental and Coastal Waste and Recycling. The motion carried by the following vote:**

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