

RESOLUTION: _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING, BY 5/7TH VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT IN SECTION 2-367(e) OF THE CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A SERVICE AGREEMENT WITH WASTE CONNECTIONS OF FLORIDA, INC. (WASTE CONNECTIONS) FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE, YARD DEBRIS, AND BULK WASTE AND THE OPERATION OF THE CITY'S GREENWASTE FACILITY, TO CONTINUE TO PROVIDE STABLE PRICING AND RELIABLE RESIDENTIAL WASTE COLLECTION SERVICES TO CITY RESIDENTS WHO RESIDE IN SINGLE FAMILY HOMES OR MULTIFAMILY HOUSING PROJECTS WITH TWO (2) TO EIGHT (8) RESIDENTIAL UNITS; SAID AGREEMENT HAVING AN INITIAL TERM OF TEN (10) YEARS, COMMENCING ON JANUARY 1, 2026 AND EXPIRING ON DECEMBER 31, 2035; WITH TWO RENEWAL TERMS, SUBJECT TO CONSENT OF THE PARTIES: (I) A FIRST RENEWAL TERM FOR A PERIOD OF FIVE (5) YEARS, FROM JANUARY 1, 2036 TO DECEMBER 31, 2040; AND (II) A SECOND RENEWAL TERM FOR A PERIOD OF THREE (3) YEARS, FROM JANUARY 1, 2041 TO DECEMBER 31, 2043.

WHEREAS, on June 9, 2010, the City and Choice Environmental Services of Miami, Inc. (Choice Environmental) entered into a Service Agreement for the Collection and Disposal of Residential Solid Waste, Yard Trash, Bulk Waste, and Operation of the City's Green waste Facility pursuant to Request for Proposals No. 60-08/09 (the 2009 RFP), with a term ending on December 31, 2018; and

WHEREAS, on February 21, 2019, the City entered into an Agreement with Waste Connections of Florida, Inc. d/b/a Waste Connections of Florida (Waste Connections), a related corporate entity to Choice Environmental, for Collection and Disposal of Residential solid Waste, Yard Debris and Bulk Waste and for the Operation of the City's Green Waste Facility, for an initial term of five (5) years, commencing on January 1, 2019 and expiring on December 31, 2023, with the option to renew for up to three (3) additional one-year renewal terms; and

WHEREAS, Waste Connections serves the City's single family homes and multifamily housing projects with two (2) to eight (8) units; and

WHEREAS, the City is currently in its second one-year renewal term with Waste Connections, set to expire on December 31, 2025; and

WHEREAS, Waste Connections indicated to the Administration that it would not be able to agree to the last renewal term under the current contract due to the increase in cost of service; and

WHEREAS, the City's Public Works Department conducted research in the State of Florida, based on bids submitted to the different Florida cities for residential solid waste services, and determined that there had been an average rate increase of 50% over a five-year period, from 2019 – 2024; and

WHEREAS, on November 20, 2024, at the request of Commissioner Joseph Magazine, the Mayor and City Commission approved a referral to the Finance and Economic Resiliency Committee (FERC) to discuss the City's Residential Solid Waste Collection Contract; provide a presentation showing the City's current situation and statistics showing recent rate increases; and provide staff recommendations on whether or not to continue with the existing agreement or to procure a new one, as well as any other options; and

WHEREAS, on December 20, 2024, FERC members discussed the Residential Solid Waste Collection Contract and recommended negotiating a long-term agreement with Waste Connections, subject to approval of the agreement by the City Commission pursuant to a waiver, by 5/7th vote, of the formal competitive bidding requirement; and

WHEREAS, on February 3, 2025, the Mayor and City Commission adopted Resolution No. 2025-33461, accepting the recommendation of FERC; and

WHEREAS, the Administration has negotiated a Service Agreement with Waste Connections, containing the following essential terms:

- (1) Term: Initial Term of ten (10) years, from January 1, 2026 to December 31, 2035; first renewal term, upon consent of the parties, for a period of five (5) years, from January 1, 2036 to December 31, 2040; and second renewal term for a period of three years from January 1st, 2041 to December 31st, 2043;
- (2) Compensation: City to pay Waste Connections a per unit fee ("Unit Price"), in the amount of \$42.03 per month, of which (i) 25% (\$10.51) relates to the disposal cost ("Disposal Costs"), which could be subject to change as a passthrough expense if Miami-Dade County modifies the disposal fees; and (ii) the remaining 75% (\$31.52) relates to the collection costs ("Collection Costs"), which Collection Costs are subject to annual CPI escalations not to exceed 5%, without negative adjustments;
- (3) Equipment. The Services will be operated with no less than three (3) trucks, no more than six (6) years old. New trucks will be provided for this contract in year 2 (2027), year 8 (2033), and if the agreement is renewed by mutual consent, in 2039;
- (4) Public Benefits:
 - In Kind Services: delineated in an attachment to the City Commission Memorandum accompanying this Resolution;
 - Green Waste Facility: Green Waste Facility services is free to residents and at a charge of \$20 per cubic yard for landscape firms;
 - Contribution for Green Waste Facility Upgrades: Waste Connections will provide the City with a one-time payment of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, as a contribution toward the improvement costs associated with the City's Green Waste Facility project;

- Contribution for Recycling Program: Waste Connections agrees to provide the City with an annual contribution, in the amount of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, payable each February 1st of each contract year during the Term of the Agreement, toward the City's recycling program;
 - Monthly Roll-off Containers; Advertising Neighborhood Pride Weekends: During first weekend of every month during the Term, Waste Connections will place five (5), twenty (20) yard roll off Containers at such location or locations designated by the City; Waste Connections will advertise the Neighborhood Pride Weekends at no cost to the City;
 - Promotional Material: Within sixty (60) days from the Commencement Date, Waste Connections will provide corporate literature and promotional materials to assist the City with its anti-litter program;
 - Public Advertisements: As directed by the City Manager, Waste Connections, at its sole cost, will place City-approved, public advertisements on its collection trucks and replace any such public advertisements with new public advertisements every six (6) months during the Term;
 - Residency: Waste Connections will make reasonable efforts, whenever practical in its hiring policies, to employ personnel from among residents of the City of Miami Beach; and
 - Bulky Yard Trash: Bulky Yard Trash will be collected on a scheduled basis, at no additional charge, for up to six (6) times per year, on dates scheduled between the customer and Waste Connections;
- (5) Performance Penalties: Waste Connections is subject to monetary performance penalties; and
- (6) Termination for Convenience: Upon 30 days' notice, the City Manager may terminate the Agreement for convenience; and

WHEREAS, based upon the favorable financial terms and the reliable services provided by Waste Connections, and previously by its related entity, the City Manager recommends that the Mayor and City Commission waive, by a 5/7th vote, the formal competitive bidding requirement, as permitted under Section 2-367(e) of the City Code, as being in the best interest of the City, and approve and authorize the execution of the Service Agreement with Waste Connections, containing the above referenced essential terms, a copy of which is attached to the City Commission Memorandum accompanying this Resolution, so that Miami Beach residents may continue to receive excellent residential waste collection services at stable prices.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby waive, by 5/7th vote, the formal competitive bidding requirement in Section 2-367(e) of the City Code, finding such waiver to be in the best interest of the City, and approve and authorize the City Manager and City Clerk to execute a Service Agreement with Waste Connections of Florida, Inc. (Waste Connections) for the collection and disposal of residential solid waste, yard debris, and bulk waste, and the operation of the City's Green Waste Facility, to continue to provide stable pricing and reliable residential waste collection services to City residents who reside in single family homes or multifamily housing projects with two (2) to eight (8) residential units; said agreement having an initial term of ten (10) years, commencing on January 1, 2026 and expiring

on December 31, 2035; with two renewal terms upon consent of the parties: (i) a first renewal term for a period of five (5) years, from January 1, 2036 to December 31, 2040; and (ii) a second renewal term for a period of three (3) years, from January 1, 2041 to December 31, 2043.

PASSED and **ADOPTED** this ____ day of _____ 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

6/15/2025
Date