

# **TOWN OF WINDSOR AGENDA REPORT**

**Town Council Meeting Date:** May 17, 2017

**To:** Mayor and Town Council  
**From:** Kristina Owens, Administrative Operations Manager  
**Subject:** Recommendation for Award of Proposed Collection Service Agreement for Exclusive Residential and Commercial Garbage, Recyclable Materials, and Organic Waste Collection Services

**Recommendation to Council:**

Adopt a resolution awarding a solid waste franchise to GreenWaste Recovery, Inc., approving a 10-year Collection Service Agreement and authorizing its execution and implementation, and approving maximum service rates; and /or provide direction to staff, if desired.

**Background:**

On November 4, 1996, a Town voter initiative was approved requiring solid waste services to be competitively bid every 10 years, referred to as, the “Refuse, Recycling, and Composting Competitive Bid Ordinance” requiring that “all Town recycling, solid waste and green waste collection programs, whether provided through an exclusive or non-exclusive agreement, shall be subject to a competitive bid process.”

On June 20, 2007, the Town contracted with Windsor Refuse and Recycling, Inc. (“WRR”), a wholly owned subsidiary of The Ratto Group of Companies, Inc. (“TRG”), for exclusive collection, processing, recycling and disposal of residential and Commercial solid waste. The exclusive franchise agreement will expire on September 30, 2017 and cannot be extended per the voter initiative.

The current contract with WRR provides collection for all of the Town’s residents, businesses and Town facilities for all material types (garbage, recyclable material and green waste, not including construction and demolition material). WRR is required to deliver all of the Town’s garbage to the Sonoma County Central Landfill/Transfer System (“Central Landfill”) pursuant to the Waste Delivery Agreement between the Town of Windsor and Republic Services of Sonoma County, Inc. (“WDA”). The WDA requires that “Committed City Waste” (i.e. garbage and residual material resulting from processing recyclable material) be delivered to County facilities through the year 2039, at a minimum.

Recyclable material is not flow controlled and can be delivered to any permitted processing facility of WRR’s choosing, with the Town’s consent. Residual material resulting from the processing of recyclable material must be directed back to the Central Landfill.

Organic waste, which is defined as green waste and food waste, must be delivered to Sonoma County Waste Management Agency (“SCWMA”)-managed facilities if it contains Commercial food waste. Other organic waste material may be delivered to any permitted processing facility

of the franchise company's choosing. Residuals resulting from the processing of organic waste must be directed back to the Central Landfill.

Regardless of which Proposer is chosen to provide services to the Town, unfortunately, significant increases to the current Service Recipient Rates will occur. The Town has enjoyed historically low rates offered by the incumbent for the past 10 years. It is understood that the current Service Recipient Rates, although economically beneficial to Service Recipients, are unsustainable and detrimental to the successful use of current facilities, equipment, containers and other contractually bound operations.

Furthermore, there have been several new laws and developments in the field of waste management which have contributed to projected increases to the current Service Recipient Rates:

- One reason is a result of stipulations of the contractual WDA that require garbage to be delivered to the in-County Central Landfill, which has above average disposal tip fee rates. This includes residuals from processing recyclables that have to be re-transferred from the out-of-County processing facilities and sent back to Sonoma County for disposal. The landfill tip fee in 2007 was \$82.00 per ton for disposal, and as of April 1, 2017 the tip fee is \$130.57 per ton for disposal (non-Ratto Group of Companies) and \$134.36 for WR&R. The tip fee increase from April 2016 to April 2017 was a 6% increase.
- AB 1594 (2014) and AB 1826 (2014) require significant changes in the manner that green waste/organic waste is managed. Under AB 1594, green waste that is used as alternative daily cover (ADC) may not be counted as diversion from landfill. Under AB 1826, the Town is obligated to arrange for organic waste collection service and processing service provided to particular Commercial and multi-family properties. Because of these new State requirements, green waste/organic waste processing fees have increased substantially over the course of the current agreement. Specifically, increased fees are due to the lack of permitted in-County organics processing facilities, the cost to "out-haul" to available facilities, and the new surcharges applied to organic waste as part of the WDA and the reopening of the Central Landfill Site. As a comparison, the fee for green waste/organics was \$37.50 in 2007 and is \$76.53 in 2017.
- Under AB 341 (2012), the Town is obligated to arrange for recycling collection service and processing service provided to particular Commercial and multi-family properties. However, the current rate structure does not provide a mechanism to address a decrease in value for the sale of recyclables, or the negative impact on contamination. Part of this is due to tightening international markets for recyclables, and another speculation within the industry is that low prices of virgin material have offset the incentive for recyclers to purchase and use recyclable material, thus lowering the recyclable material revenue received by the waste hauler.
- The primary cost areas that the Town's hauler has direct control over are customer service, route operations, vehicle maintenance, and recyclables processing costs. When comparing the hauler's starting revenue in 2007 with reported revenue in 2016, and adjusting for disposal and green waste/organics costs (both are flow controlled), the hauler's net revenue has increased by only 3.4%, whereas the cost of disposal has increased by approximately 50% and green waste/organics costs have increased by 150%. Over the corresponding timeframe, customer rates have increased 29% overall. Effectively this has resulted in a significant shift in available revenue from hauling operations to paying for disposal and green waste/organics processing.

## *Development and Release of the RFP*

The Town's Request for Proposals ("RFP") for Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection Services was developed after an extensive process that included input from the Town Council, Town Council Ad Hoc Subcommittee, Town staff, an outside solid waste consultant (R3 Consulting Group, or "R3"), the Executive Director of the SCWMA, and members of the Windsor community.

As part of the development of the RFP, the Town hosted two solid waste public meetings on July 19 and July 27, 2016, to discuss the upcoming RFP, gather feedback from residents and businesses regarding current solid waste programs and services, and learn what services and options customers were concerned about with respect to a new collection service agreement. Both meetings were publicized on the Town's website and posted in public venues around the Town. At both meetings, attendees stated that they were unaware of many of the collection service programs that were currently being offered (bulky item, used oil and oil filters, etc.) and that an improvement in education and outreach was essential.

At a Town Council meeting held August 17, 2016, the Council was provided with collection options for possible inclusion in the Draft Collection Service Agreement ("Draft CSA"), and details of the RFP process. After hearing from the public, the Council provided comments and directed staff to make minor revisions to the RFP and release it to the public. The RFP was released on August 25, 2016 and the Draft CSA was released on September 14, 2016 at the mandatory pre-proposal meeting.

From the time that the RFP was released, to date, the Town has released nine addenda. These addenda address a wide array of waste hauler questions, extension details, other revisions to the RFP process calendar, updates based on discussion with other agencies in Sonoma County regarding the SCWMA and binding contractual agreements, displaced employees in compliance with new legislation proposed in AB 1669, and provisions related to negotiations with the top ranked companies.

On September 14, 2016, the Town held a mandatory pre-proposal meeting, which interested Proposers were required to attend, sign-in, and submit a Communication Protocol Form in order to be considered eligible in the competitive RFP process. The pre-proposal meeting was attended by approximately 20 people. Completed Communication Protocol Forms were received from eight companies (thus, at that time, eight companies were still eligible to submit a proposal in response to the RFP).

The due date for proposals was originally October 26, 2016, and was later postponed to November 21, 2016. The Town received five proposals from the following companies, in alphabetical order:

- C & S Waste Solutions of California, Inc. ("C&S");
- GreenWaste Recovery Inc. ("GW")<sup>1</sup>;

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<sup>1</sup> Company submitted proposal to the City of Santa Rosa – Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection Services RFP #16-79

- Sonoma County Resource Recovery, LLC. (“SCRR”)<sup>1</sup>;
- USA Waste of California, Inc. (“USA”)<sup>1</sup>; and
- Windsor Refuse & Recycling, LLC. (“WR&R”)<sup>2</sup>

Subsequently, due to compliance with a newly-enacted law, AB 1669, the Town had to request information from WRR regarding potential displaced workers, wages, and benefits. This information was provided to all five Proposers, and the Town extended the deadline for submitting final rates to February 13, 2017.

### *Evaluation Process*

The evaluation team, consisting of three Town staff members and two representatives from R3, carefully reviewed all five proposals and considered the responses to the follow-up questions issued following the interviews held on December 6 and 7, 2016. All five Proposers submitted timely responses to the team’s questions.

Members of the evaluation team then visited all five Proposers’ proposed recycling material recovery facilities on December 16 and 17, 2016. The purpose of these on-site visits was to assess the facilities’ safety and cleanliness, ability to accept the Town’s material, sorting process, storage capacity, and ability to meet diversion requirements, and to meet company staff.

Each proposal was evaluated using the six criteria outlined in the RFP: qualifications, financial ability, technical approach, sustainability programs, public education and outreach program, and service recipient rates. Each of the six evaluation criteria was weighted evenly and could be scored from 0 to 100 points, with “0” being the lowest score and “100” being the highest score. Accordingly, a maximum of 600 points could be given to any single proposal.

The evaluation of service recipient rates is particularly complex because the RFP was structured to allow customers the ability to “mix and match” the best combination of garbage, recyclables, and organic carts or bins that best matched the customer’s unique needs. For example, a Single Family Dwelling (“SFD”) customer will be allowed to choose any combination of 20, 32, 64, or 96 gallon carts for 1) garbage, 2) recyclables, or 3) organics, and each cart size and material type has a different price point. Accordingly, it is possible to have 16 combinations of SFD rates. For Commercial and Multi-Family Dwelling (“MFD”) customers the same ability to choose from 32, 64 or 96 gallon cart sizes, and 1, 1.5, 2, 3, 4, 6 cubic yard bins and 10, 20, 30 and 40 cubic yard debris boxes, and up to 6 days per week collection frequency, is possible. For purposes of evaluating each proposal, each Proposer’s service recipient rates were applied in a matrix against the available information on customer service levels (i.e., cart/bin size, material collected, frequency of collection).

The results of this matrix generated projected revenue by the different program types: SFD, MFD, and Commercial customers. The results did not take into account any migration that may or may not occur with the start of new programs. The Proposer with the lowest estimated revenue received the highest points, the Proposer with the next lowest revenue received the

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<sup>2</sup> The Ratto Group of Companies, Inc. (50% ownership of WR&R) announced its sale to Recology, Inc. Recology, Inc. did not submit a proposal to the Town.

second highest points (i.e., if their revenue was 5% higher, they received 5% less points than the maximum allowable, and so forth for each of the five Proposers). This methodology was applied to all program types, and the total combined points was assigned to each Proposer. Accordingly, if a Proposer had lower SFD rates, but higher Commercial rates, they did not necessarily receive the highest points. Similarly, if a Proposer does not charge for source separated Commercial recycling, but their Commercial garbage rates are higher, this would be reflected in the total points.

Each member of the evaluation team was asked to individually and independently score the five proposals. On February 21, 2017, the evaluation team completed its technical evaluation and scoring of the five proposals. After the evaluation team completed its scoring, the individual scores were entered into a spreadsheet for tabulation. Table 1 below provides a summary of the evaluation team’s score for each Proposer. All total scores have been rounded to the nearest whole number.

<b>Table 1</b>					
<b><u>Original Proposers’ Score Per Evaluation Criteria Section</u></b>					
	<b>SCRR</b>	<b>GW</b>	<b>C&amp;S</b>	<b>USA</b>	<b>WR&amp;R</b>
<b>Qualifications</b>	434	401	391	396	313
<b>Financial Ability</b>	380	385	395	440	325
<b>Technical Approach</b>	438	409	388	388	392
<b>Sustainability Programs</b>	448	440	362	343	317
<b>Education and Outreach Programs</b>	441	381	419	354	376
<b>Service Recipient Rates</b>	360	485	420	415	320
<b>Total</b>	<b>2,501</b>	<b>2,500</b>	<b>2,375</b>	<b>2,336</b>	<b>2,042</b>
<b>Ranking</b>	<b>1 (tie)</b>	<b>1 (tie)</b>	<b>3</b>	<b>4</b>	<b>5</b>

The results of the scores concluded that SCRR outscored GW by one point, resulting in a practical tie and two top-ranked companies. At this point the Town entered into negotiations with both SCCR and GW.

### *Final Negotiations*

On March 13 and 15, 2017, R3 and the Town met with the two top-ranked companies in order to negotiate a “best and final offer”. Each company was given one week to resubmit its services and rates for consideration. Each company was asked to provide its updated proposal bond letter from a financial institution increasing the bond amount from \$50,000 to a maximum or total of \$150,000; acknowledgement and agreement to increase the franchise assignment payment to \$1,000,000 for any assignment of the contract to another party; acknowledgement and agreement to increase proposal validity to 210 days; an updated implementation schedule; a summary of proposed services provided including any updates/changes; any updates to proposed equipment

and/or proposed location for the transfer/processing of recyclable material and/or organic waste; the timeline for full operation; definitive names of key staff; wage/benefits package to be offered to employees under the current Town contract; preferred choice of Large Item (Option 1) or Community Drop-off (Option 2) services and reason for the preference; acknowledgement that the costs of street sweeping, servicing the Windsor Unified School District (“WUSD”) and the Windsor Fire District (“WFD”), and Windsor Town facilities/events as discussed in the RFP are included in proposed rates; and revised customer rate sheets.

On March 28 and March 30, 2017, R3, the Town Manager, the Town Attorney, and staff met with each Council member individually to discuss the RFP timeline, negotiations, proposed provisions to the Draft CSA, and items of utmost importance to be addressed in the final days of negotiations to achieve the “best and final offer” from the top-ranked companies. On April 5, based on the final proposed service recipient rates provided by the top-ranked companies, the Town Manager and members of the evaluation team were able to perform a final analysis and conclude the team’s recommendation as previously stated in this report.

During the meeting held April 19, 2017, the team made a brief staff report on staff’s evaluation and recommendation to award the contract to GreenWaste Recovery, Inc., and the Council heard public comment, including comment from some of the Proposers. However, the Town Attorney recommended that Council delay its decision on an award, to allow time for analysis of correspondence received late that afternoon from the law firm of Lozeau Drury, which alleged that a full Environmental Impact Report analyzing all five proposals was required under the California Environmental Quality Act (“CEQA”). In addition, after having reviewed the agenda report, C&S informed the Town that the report contained many “errors and misrepresented their company and their proposals”. WR&R informed the Town, that WR&R interpreted the rate table differently than intended; thus their intended rates were not reflected accordingly in the agenda report. As was noted in correspondence to the Town Council on, April 18, 2017, C&S’ claims that their rates were “misrepresented” were based on C&S’ continued use of rates that were submitted as an exception to the RFP requirements. As noted in correspondence to the Town on April 14, 2017, WR&R failed to identify 1) that their submitted MFD and Commercial Recycling Rates were to be charged for “processing dry Commercial mixed waste” and there was no charge for MRF and Commercial source separated recyclables, and 2) WR&R’s SFD rates, while submitted in the correct format as required by the RFP, allowed for any size recyclable cart or organic cart to be charged as at the same rate as the corresponding garbage cart size.

Council directed staff to meet with C&S and WR&R to seek clarification of their submitted rates. The Communication Protocol was also lifted, allowing Proposers the ability to communicate directly with Councilmembers and to schedule visits to proposed facilities. For several of the Councilmember site visits, Town staff also attended.

On April 27, 2017, staff met separately with C&S and WR&R, both companies clarified the intent behind their original submitted service recipient rates.

While a complete re-scoring of proposals was not done, the clarified rates for both companies are reflected in Table 2. For purposes of illustration only, Table 2 below shows the differences if evaluation points were taken into account for the clarified rates and the negotiated rates.

<b>Table 2<sup>3</sup></b>					
<b>Proposers' Score Per Evaluation Criteria Section – Adjusted for Clarified and Negotiated Rates</b>					
	<b>SCRR</b>	<b>GW</b>	<b>C&amp;S</b>	<b>USA</b>	<b>WR&amp;R</b>
<b>Qualifications</b>	434	401	391	396	313
<b>Financial Ability</b>	380	385	395	440	325
<b>Technical Approach</b>	438	409	388	388	392
<b>Sustainability Programs</b>	448	440	362	343	317
<b>Education and Outreach Programs</b>	441	381	419	354	376
<b>Service Recipient Rates</b>	409	<b>499</b>	423	387	422
<b>Total</b>	<b>2,550</b>	<b>2,515</b>	<b>2,378</b>	<b>2,308</b>	<b>2,145</b>
<b>Adjusted Ranking</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

On May 1, 2017, Addendum No. 9 was released to all five Proposers, noting additional contract provisions negotiated and accepted by the two top ranked companies and inquiring whether the provisions were acceptable to the other three companies. The additional provisions, which were accepted by all five Proposers, are:

- Extension of Proposal Obligation and Validity (180 days to 252 days)
- Increase in Proposal Bond Amount (\$50,000 to \$150,000)
- Increase in Assignment Requirements
  - Agreement Years 1 – 5 = \$1,000,000
  - Agreement Year 6 = \$ 800,000
  - Agreement Year 7 = \$ 550,000
  - Agreement Year 8 = \$ 300,000
  - Agreement Year 9 & 10 = \$ 100,000

The Town Attorney's Office also consulted with First Carbon Solutions to prepare a CEQA checklist analyzing the potential environmental impacts of each of the five proposals. (See further discussion under Environmental Review, below.)

Lastly, on May 3, GreenWaste Recovery, Inc. publicly announced the termination of its option to purchase the property located at 298 W Robles Avenue, Santa Rosa, originally identified during negotiations as GreenWaste's transfer facility, and its execution of a new purchase agreement for property at 879 & 901 Lindberg Avenue, Petaluma, for its proposed administrative office, truck yard, maintenance, and transfer facility.

<sup>3</sup> It should be noted in the Table 2 above that the total Adjusted Ranking shows that SCRR scored the highest after the clarified and negotiated rates were factored in; however, GW negotiated rates are lower than SCRR (score of 499 for GW versus 409 for SCRR).

## **Discussion:**

### *Staff Recommendation*

Town staff recommends GreenWaste Recovery Inc. as the preferred company to provide residential and Commercial garbage, recyclable materials, and organic waste collection services to the Town. As previously noted, although SCRR received the top ranking, it exceeded GW's cumulative score by only one point. SCRR had many outstanding service features. However, SCRR's proposed service rates were higher than GW's proposed rates, particularly for SFD customers using 32, 64 and 96-gallon carts (but were lower for 20-gallon SFD carts), and for Commercial (nearly all commodities and container sizes) and MFD (nearly all commodities and container sizes). GW ranked highest in the service recipient rate criteria and ranked second in qualifications and sustainability programs. GW provided a technical approach that is sound and meets RFP requirements and an education and outreach program that the evaluation team believes will promote greater diversion and meet State requirements.

In support of the Town's recommendation, the following information summarizes the key points of GW's proposal.

### GW Qualifications

- GW stated that it currently provides similar services to jurisdictions in San Mateo County, Santa Clara County, Santa Cruz County, City of San Jose, City of Palo Alto, Town of Los Altos Hills, and Monterey County.
- Reference checks indicated a "yes" recommendation for all references, and responses were overall positive, indicating "satisfied" or "very satisfied" with services provided.
- GW stated that it has enough resources in the market area to meet the Town's implementation schedule.

### GW Technical Approach

- GW has proposed to construct a new "*direct-haul transfer facility*" to transfer recyclable materials. This type of proposed transfer facility will directly move material from one covered vehicle to another so that material is never placed on the floor. The location has been identified at 879 & 901 Lindberg Avenue, Petaluma and contract language has been provided to the Town. In the event that this facility is not up and running by the collection services start date, GW has agreed to long-haul recyclable material to the GW-owned and operated Material Recovery Facility in San Jose. After the transfer facility is built, recyclable material will be delivered to the San Jose Material Recovery Facility ("MRF").
- Organic waste processing facility has not been identified beyond indicating "SCWMA facilities"; however, there are currently no SCWMA facilities in place and there are not expected to be any by the start of collection services.



- The company will have walk-in customer service ability at the local corporation yard 879 & 901 Lindberg Avenue, Petaluma.
- GW will provide new containers and new vehicles and a split-body truck system, which is the same as current services.
- GW proposed a total of seven new side-loaders and two front-loaders operating on bio diesel, which the evaluation team believes is sufficient for proposed services.
- Contract Sweeping Services in Santa Rosa was proposed to provide street sweeping services, which appears to be a sound third party contractor.
- GW proposed the second highest dollar amount attributed to transition services.

#### GW Sustainability Programs

- GW is fully committed to meeting the diversion requirement without any caveats, and provided a sound approach for achieving high diversion rates, with state-of-the-art processing facility with high recovery rates.
- The evaluation team has confidence in GW's ability to meet State mandates including diversion, AB 341 and 1826, which was particularly noted during site visits to the company's MRF. GW also acknowledged and agreed to meet AB 1669 requirements.
- GW indicated an internal sustainability program which includes an environmentally preferable purchasing policy at their corporation and maintenance yard, plans to seek Green Business Certification in the Town, and solar panels used on their processing facilities. Additionally, the recyclable material flow from the Town, to San Jose to the Oakland Port was the second shortest route, which has a direct link to the greenhouse gasses emitted for material flow.
- GW has proposed an expansive list of acceptable recyclable materials due to the MRF's ability to separate and thus divert those materials from disposal.
- GW proposed higher diversion rates, increasing from the required 50% in 2018 to 60% in 2027.

#### GW Education and Outreach Program

- GW has proposed the following education and outreach transition activities: introductory mailers, new and expanded services notice, recycling guides for SFD, MFD and Commercial customers.
- Contamination reduction efforts were addressed and include driver training and leaving paper contamination slips on containers that are repeatedly contaminated.
- The education and outreach plan provided addresses all requirements of the RFP and includes a quarterly newsletter, seasonal program notification mailer, service and program notifications on billing inserts, non-collection notices, Town-specific website, technical assistance to Town facilities, and a "Recycling Ambassador" school program.
- Diversion Coordinator position will be full-time for the first three years and may reduce time for the remaining contract, as provided in the RFP.
- GW proposed the highest dollar amount attributed to the public education and outreach program to support their aggressive diversion programs.

GW Service Recipient Rates

- GreenWaste’s SFD service recipient rates for 32 (tied with WR&R), 64 and 96-gallon cart customers are the lowest, and their customer rate for 20 gallon carts is the second lowest.
- Commercial and MFD rates are significantly more complex than for SFD customers. Factors for Commercial and MFD rates include: cart or bin size, frequency of collection (1 – 6 days/week), garbage, recycling and organics programs as separate rates.
- GW has the lowest to second lowest in many of the Commercial and MFD garbage rate categories. GW has the lowest Commercial Organic waste rates, the 2<sup>nd</sup> lowest rates for MFD Organic waste (C&S is proposing not to charge for MFD organics), and third lowest rates for on MFD and Commercial source separated recycling rates (both C&S and WR&R are proposing not to charge for MFD and Commercial source separated recycling). The customer rate comparisons are found in Tables 6 –14. Additionally, GW will not increase customer rates for either On-call Large Item Collection (Option 1) or Community Clean-up Events (Option 2).
- In terms of estimated total revenue projections using proposed rates as shown in Tables 6-13, and available customer service data, GW has the lowest proposed revenue (i.e., lowest overall cost to customers), followed by WR&R, C&S, SCRR, and USA.

*Summary of Proposals*

Table 3 below provides a high level summary of key topics associated with each proposal with proposal details following.

<b>Table 3 Comparison of Proposer Technical Details</b>					
<b>Proposal Detail</b>	<b>SCRR</b>	<b>GW</b>	<b>C&amp;S</b>	<b>USA</b>	<b>WR&amp;R</b>
<b>Ownership</b>	LLC; 3 entities	100% company	100% company	100% company	Joint Venture; 2 entities
<b>Company Type</b>	Private; Local Bay Area	Private; Local Bay Area	Private; Northern California	Private; National	Public; Northern California
<b>Contract Manager</b>	On staff	On staff	On staff	On staff	On staff
<b>AB 1669 Compliance</b>	Acknowledged and agreed	Acknowledged and agreed	Did not fully agree	Acknowledged	Acknowledged and agreed
<b>Recyclable Material Processing Facility (MRF)</b>	Transfer to San Rafael through Windsor facility	Transfer to San Jose through Petaluma facility	Transfer to Ukiah through Windsor facility	Transfer to Sacramento through Novato facility	Transfer to Stockton from Santa Rosa facility

**Table 3  
Comparison of Proposer Technical Details**

<b>Proposal Detail</b>	<b>SCRR</b>	<b>GW</b>	<b>C&amp;S</b>	<b>USA</b>	<b>WR&amp;R</b>
<b>Distance Windsor to MRF to Oakland Port</b>	~70 miles	~136 miles	~170 miles	~210 miles	~195 miles
<b>Organic Waste</b>	Transfer to Ukiah through Healdsburg T.S	Transfer through SCMWA	Transfer to Ukiah through Windsor facility	Direct haul to Novato	Transfer through SCMWA
<b>Transfer Facility</b>	Identified and contract/lease information included	Identified and contract information included	Identified but no contract/lease information included	Currently constructed	Currently constructed
<b>Local Office/Corp Yard</b>	Santa Rosa; contract/lease information included	Sonoma County (Petaluma); contract/lease information included	Windsor; No contract/lease information included	Santa Rosa; Currently constructed (third party facility)	Santa Rosa; Currently constructed (company owned)
<b>Vehicles</b>	New	New	New	New	New or Used
<b>Fuel Type</b>	Diesel	Renewable Diesel	Clean Diesel	Diesel	Renewable Diesel
<b>Type</b>	Split-body side loader; Single-body front loader	Split-body side loader; Single-body front loader	Split-body side loader; Single-body front loader	Single-body side loader; Single-body front loader	Split-body side loader; Single-body front loader
<b># of Vehicles</b>	5 side loaders 2 front loader	7 side loaders 2 front loader	3 side loaders 1 front loader	7 side loaders 2 front loaders	4 side loaders 2 front loaders
<b>Passes per House</b>	3	2	2	3	2
<b>Street Sweeping Provider</b>	Company	Contractor	Company	Contractor	Company
<b>Carts</b>	New; Standard 20, 32, 64 and 96-gallon (split 96 for recycling)	New; Standard 20, 32, 64 and 96-gallon	New; Standard 20, 32, 64 and 96-gallon	Used; Standard 20, 32, 64 and 96-gallon	New; Standard 20, 32, 64 and 96-gallon

<b>Table 3 Comparison of Proposer Technical Details</b>					
<b>Proposal Detail</b>	<b>SCRR</b>	<b>GW</b>	<b>C&amp;S</b>	<b>USA</b>	<b>WR&amp;R</b>
<b>CSR location</b>	Windsor	San Jose	Ukiah	Phoenix, AZ	Santa Rosa

### Detailed Analysis of Proposals

#### *RFP Criteria: Qualifications*

##### Experience

- **SCRR** is a limited liability company owned 50% by Garden City Group, 25% by Marin Sanitary Service Group, and 25% by Kevin Walbridge based out of Marin County. Kevin Walbridge has been identified as the President, Louie Pellegrini as the Vice President and Joseph Garbarino as the Chairman. SCRR has not provided services elsewhere; however, individually, the companies' related experience includes collection service in the City of Alameda, City of San Leandro, City of San Jose, City of Livermore, City of San Rafael, County of Marin, and City of Larkspur, and others. SCRR has identified Kevin Walbridge as the contract manager and has not yet identified a diversion coordinator. SCRR's constituent entities have provided transition services in the City of Livermore, City of San Anselmo, City of Los Altos, and the City of San Jose.
- **GW** is a privately held corporation headquartered in San Jose, CA. GW currently operates collection services in Santa Clara County, the Town of Los Altos Hills, the City of Palo Alto, Santa Cruz County, and the Monterey County Peninsula. GW has identified Sal San Filippo as their contract manager and has not yet identified a diversion coordinator. GW has provided transition services to the City of Petaluma, City of Palo Alto, County of Santa Cruz, and the Monterey County Peninsula.
- **C&S** is a privately held corporation headquartered in Ukiah, CA. C&S currently operates collection services in the City of Ukiah, unincorporated Lassen County, Lake County, and the City of Clearlake. C&S has identified Kristyn Byrne as their contract manager and has not yet identified a diversion coordinator. It should be noted that C&S' General Manager was the incumbent's General Manager in October 2015 for a period of nine months. C&S staff's experience includes conducting transitions in Lassen County, the City of Selma, the City of Salinas, City of San Jose, the Town of Windsor, and others in California and Nevada. Not all staff's transition experience has been provided under the company's name.
- **USA Waste** (aka Waste Management "WM") is a publicly held corporation doing business as Waste Management of North Bay in Novato, California. The company is headquartered in Houston, Texas. USA provides similar collection services to the cities of Stockton and Lodi, Yolo County, Woodland, West Sacramento, Shasta County, and Oakland. USA has identified Joe Cadelago as the point of contact for the Town in the interim until a contract manager is hired. USA has identified Vanessa Barberis as the diversion coordinator in the interim until a

diversion coordinator is hired. USA has provided transition services in the City of Stockton, and others in California and the county.

- **WR&R** is a limited liability company owned 50% by The Ratto Group of Companies, Inc. (“TRG”) and 50% by Industrial Waste & Debris Box Rentals, Inc. (dba Industrial Carting) headquartered in Santa Rosa, CA. TRG (dba “Windsor Refuse and Recycling, Inc.”) is the incumbent. TRG provides services to most communities in Sonoma County (except the City of Sonoma), and West Marin County, and the Novato Sanitary District. WR&R has identified Rick Powell as the contract manager and Lisa Moore as the diversion coordinator for this engagement. TRG has provided transition services to the Town of Windsor, and other cities limited to Northern California.

### Company Structure

- **SCRR** proposed a company structure with 50% ownership by Garden City Group, 25% by Marin Sanitary Service Group, and 25% by Kevin Walbridge.
- **GW, C&S, and USA** proposed a company structure that is 100% company-owned (not including third-party contractors used for street sweeping services, education and outreach, etc., as applicable).
- **WR&R** proposed a company structure with 50% ownership by The Ratto Group of Companies, Inc., and 50% by Industrial Carting. A news article published by *The Press Democrat* on January 28, 2017 indicated that The Ratto Group of Companies, Inc. plans to sell the company to the San Francisco based waste hauling company Recology, Inc. Additionally, WR&R stated in a letter to the Town dated February 13, 2017 that WR&R and Recology “are working to consummate the acquisition [to purchase the business and facilities owned by TRG] as soon as practicable in 2017.”

### Litigation/Assessments

All Proposers provided litigation history as required. The evaluation team took into account the litigation information as provided by the Proposers as part of the evaluation.

- No Proposers reported litigation regarding contract termination.
- **GW, USA, and WR&R** reported litigation regarding regulatory compliance (i.e. air quality, water quality, local enforcement permitting, etc.).
- **WR&R** has assessments for contract compliance, from the City of Santa Rosa and the Town of Windsor.

### Reference Check Responses

Each Proposer provided reference check contact information, which the Town requested feedback regarding each company’s performance under their respective contracts. The evaluation team took into account the reference checks responses for each Proposer.

### *RFP Criteria: Financial Ability*

Although the financial strength of each Proposer varies greatly, all five Proposers appear to have the financial ability to support the contract at this time. The relative impact of the Town's contract on the Proposers is directly related to company size (i.e. the impact of the Town's contract with a large company is negligible, whereas the impact on a smaller company is significant). The ranking of significant to negligible is as follows (with a 1 being negligible and 5 being significant.): 1 – USA; 2 – GW; 3 – WR&R; 4 – SCRR; 5 – C&S.

### *RFP Criteria: Technical Proposal*

#### Transition Plan

- All five Proposers provided details for how the transition would be conducted, including container swap out, notification to customers, education and outreach, collaboration with Town staff and overall transition operations.
- **SCRR, C&S and WR&R** proposed to conduct the container swap-out (as opposed to using a third-party vendor). **GW** proposed to utilize Rehrig Pacific for container distribution during transition, which is a third-party vendor it has worked with before. **USA** proposed to utilize Otto Environmental Systems for container distribution, which is a third-party vendor it has worked with before.
- **SCRR** has proposed the following education and outreach transition activities: online campaign and promotion of the website, Windsor Times advertising, farmers' market advertising, mailer of the container order form and postcard series to all residents, program guidelines to all residents, direct mail piece to Commercial customers, Commercial service guidelines, etc.
- **GW** has proposed the following education and outreach transition activities: introductory mailers, new and expanded services notice, meeting with customers prior to start of service, recycling guides for SFD, MFD, and Commercial customers, etc.
- **C&S** has proposed the following education and outreach transition activities: weekly meetings with the Town during transition, contracting with a third party (currently unidentified) to provide education and outreach to Service Recipients in-person, personal contact with all SFD and MFD customers prior to the start of collection services, contacting all MFD managers and owners, working with Commercial accounts, visiting each school, evaluating Town offices, sending mailers to customers, etc.
- **USA** has proposed the following education and outreach transition activities: meeting with Town staff, providing educational booths at Town Hall meeting, two "Getting to know Waste Management" events, providing a service brochure, development of the website, residential cart delivery notification and phone and email publications, transition media, MFD and Commercial communication material distributed, etc.
- **WR&R** has proposed the following education and outreach transition activities: Send out a newsletter to residents in September 2017 notifying them of new rates and services and make online and phone options available for container changes. WR&R is the current service provider, and transition will therefore be minimal with a focus on container replacement of all used containers and vehicles. Service recipient containers are proposed to be replaced three weeks prior to the start date.

## *Operations Plan*

### Facilities

- **SCRR** has identified their corporation yard and transfer facility for recyclable material at 1145 Kittyhawk Blvd., Santa Rosa, although no leases or permits have been executed. The company has identified 810 DenBeste Court in Windsor as the office space for walk-in customer service. The type of transfer SCRR is proposing will not have material placed on the floor. Instead, walking floors transfer material from the collection truck to the transfer trailer. Recyclable material would be delivered to the Marin Recycling Facility in Marin which is owned and operated by the Marin Sanitary Service, one of the SCRR entities. SCRR has proposed to use the Healdsburg Transfer Station for transfer of organic waste, with an end delivery to Cold Creek Compost in Ukiah for processing. SCRR did provide a Memorandum of Agreement (MOA) between DenBeste Management and SCRR for the 1145 Kittyhawk Blvd. location.
- **GW** informed the Town on May 3, 2017, that it had terminated the proposed purchase of 298 W Robles Avenue, Santa Rosa would instead purchase 879 & 901 Lindberg Avenue, Petaluma for its corporation yard, transfer station, and administrative offices, with a scheduled close of escrow on July 15, 2017. The company will have walk-in customer service ability at the local corporation yard. The location will also serve as the transfer facility for recyclable material. The type of transfer GW is proposing will directly move material from one covered vehicle to another so that material is never placed on the floor. After transfer, recyclable material would be delivered to the GW owned and operated Material Recovery Facility in San Jose. GW proposed to deliver organic waste to SCWMA facilities without using a transfer facility; however, the company did not specify to which SCWMA facility GW plans to deliver.
- **C&S** (under Pacific Recycling Solutions) has proposed to utilize land at 5900 Pruitt Ave. in Windsor (specifically, as noted in C&S's proposal, "pole barn" on the property) as the C&S corporation yard, dispatch/administrative office, truck and employee parking and to transfer recyclable material and organic waste, although there is no confirmation that purchase or permits have been executed to the Town's knowledge. Included as part of the "Summary of Project Statement dated 2/17/2017", document submitted to the Town on the proposed Pruitt Avenue facility, it appears C&S will be using this proposed facility to service additional recyclable materials and organic waste generated outside the Town. Specifically, according to the Summary of Project Statement dated 2-17/2017, estimated the daily permitted tonnage limit will be 175tons/day, with 45 collection trucks unloading recyclables and organics at the facility, and 15 transfer trailers per day transferring the recyclable and organic materials to processing facilities. The Town understands that this property may have significant issues regarding its use due to hazardous materials found on the property; therefore, it may not be available at this time. C&S has not yet identified a specific local walk-in office for customer service, however will be "in the proximity of the Town Green". C&S has proposed to off-load recyclable material and green waste on the floor and top load it into transfer trailers. C&S has proposed to deliver recyclable material to the C&S owned and operated processing facility Pacific Recycling Solutions in Ukiah, and organic waste to Cold Creek Compost in Ukiah for processing.
- **USA** proposed to utilize the corporation yard at the Contract Sweeping Services (the company's proposed third-party vendor for street sweeping) facility in Santa Rosa for its corporation yard purposes, along with walk-in customer service. USA's proposal does not

require the purchase or construction of a new transfer facility or corporation yard. USA proposed to deliver organic waste directly to the Waste Management owned and operated EarthCare of Novato facility in Novato and to deliver recyclable material to the same Novato location, which is fully permitted and capable of accepting the material, for transfer to the WM owned and operated processing facility in Sacramento (primary) and Lodi (secondary).

- **WR&R** proposed to use their facility at 3400 Standish Ave., Santa Rosa, as their corporation yard and walk-in customer service. Their proposal does not require the purchase or construction of a new transfer facility or corporation yard. Recyclable material would be delivered to the Global Materials Recovery Service MRF in Santa Rosa for transfer and delivery to a third-party MRF processor in Stockton for processing. WR&R is the only company that does not own or operate their proposed recyclable material processing facility. WR&R proposed to deliver organic waste to the Healdsburg Transfer Station for delivery to the West Contra Costa Sanitary Landfill Organic Material Processing Facility in Richmond for processing. WR&R has indicated plans to renovate and permit their 3417 Standish Avenue facility and plans to seek Town approval to process recyclable materials at that facility, although no facility forms were submitted for this facility as part of their proposal, and these facilities are included as part of The Ratto Group of Companies' sale to Recology, Inc. Recology's Vallejo facility has also been mentioned as an alternative facility, at the Town's discretion, although no forms were included in the company's proposal for use of this facility.
- All five Proposers agreed to provide a Commercial food waste collection program and deliver material in accordance with the WDA.

#### Vehicles

- **SCRR** proposed new CNG vehicles originally, however during negotiations diesel vehicles were proposed as a means to mitigate impacts on service recipient rates. SCRR proposed five side loaders (with split body for recyclables) and two front loaders. The company's operations plan provides for three total passes per house, but also during negotiations, SCRR indicated they would use split body collection vehicles (garbage and organics) to reduce truck stops to two passes per house per day.
- **GW** proposed seven new side loaders and two front loaders operating on bio diesel. The company's operations plan provides for two total passes per house. GW proposed a Town option for used vehicles; however, during negotiations it was determined that new split body side loaders vehicles would be assumed.
- **C&S** proposed to provide three new split body side loaders and one front loader operating on clean diesel. The company's operations plan provides for two total passes per house.
- **USA** proposed seven new side loaders (single body) and two front loaders operating on diesel. The company's operations plan provides for three total passes per house.
- **WR&R** proposed four split body side loaders and two front loaders operating on renewable diesel. WR&R proposed a Town choice of either new or used/refurbished, however service recipient rates include prices for the new vehicle option. The company's operations plan provides for two total passes per house.

#### Containers



- Four of the Proposers (**GW, C&S, USA, and WR&R**) proposed single-stream carts for all commodity types (i.e. one cart each: garbage, recycling and organics). **SCRR** has proposed a single-stream cart for green waste and garbage, and split carts for recycling (paper/containers).
- All Proposers proposed standard collection cart sizes, of comparable sizes to 20, 32, 64 and 96-gallon carts for garbage as requested in the RFP.
- All Proposers agreed to cart colors that adhere to those in the Draft CSA, with gray or black for garbage, blue for recycling and green for organics, with the body and lid being the same color.
- Four of the Proposers (**SCRR, GW, C&S, and WR&R**) have proposed to provide new carts at the start of collection services; **USA** proposed to provide used carts at the start of collection services.

### Safety

- All Proposers included details in their proposal regarding company standards and protocol for public and employee safety that are up to the standards as provided in the Draft CSA.

### Use of On-route Technology

- **SCRR, C&S, and USA** are proposing to use collection vehicles equipped with GPS tracking and on-board computing to record route conditions that is directly linked to customer service.
- **GW and WR&R** are proposing collection vehicles equipped with a GPS tracking, but this is not directly linked to customer service.

### Street Sweeping Services

- **SCRR, C&S, and WR&R** have proposed to provide street sweeping services directly to the Town.
- **GW and USA** proposed to use a third-party vendor, Street Sweeping Services, which is located in Santa Rosa, CA.

### Displaced Employees

- Pursuant to AB 1669<sup>4</sup>, Displaced Employees, effective January 1, 2017, new service providers are required to retain employees currently employed by the incumbent, whose employment would be terminated in the event that a service contract were awarded to a new contractor. The incumbent provided information to the Town, which was disseminated to Proposers on January 10, 2017 in the form of Addendum 8, which stated that 19 employees (with various positions) may be displaced if a new company were to provide services to the Town (this information came directly from the incumbent and has not been verified by the Town). Proposers were provided until February 13<sup>th</sup> to resubmit Form K – Service Recipient Rates), in case this new information and the stipulations of AB 1669 affected the originally proposed rates. All five Proposers responded with no changes. Additionally, regarding the

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<sup>4</sup> For more information about AB 1669, please visit [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1669](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1669)

requirements of AB 1669, Proposers responded with varying degrees of acceptability, which are as follows:

- **SCRR** and **GW** acknowledged and agreed to the requirements of AB 1669, assuming the employees are qualified for their positions.
- **C&S** acknowledged and agreed to the requirements of AB 1669.
- **USA** acknowledged the requirements of AB 1669.
- **WR&R** indicated that it would comply with the requirements of AB 1669.

#### Customer Service Program

- All Proposers have agreed, per the Draft CSA, to provide a location within Sonoma County for walk-in customer service such as paying bills, altering collection services, and getting additional information.
- **SCRR** proposed to provide walk-in customer service at 810 DenBeste Court, Windsor. Two CSRs would be available to Town services at this location. Additional CSRs would be located in at the Marin Sanitary Services' office in San Rafael. The CSRs in San Rafael are not specifically dedicated to Windsor.
- **GW** proposed to provide walk-in customer service at 879 & 901 Lindberg Avenue, Petaluma. Two CSRs would be housed in this location, and remaining calls would be routed to their San Jose office where four CSRs would be available to answer Town-specific customer questions. The additional CSRs are not specifically dedicated to Windsor.
- **C&S** proposed to provide walk-in customer service at their local office "in the proximity of the Town Green". All CSR's (number not provided) would be located at their Ukiah location, and all customer calls would be directed to this office.
- **USA** proposed to provide walk-in customer service at the Contract Sweeping Services facility in Santa Rosa, CA. One CSR would be available to Town services at this location. Calls would be routed to their Phoenix, Arizona location where approximately 75 CSRs would available to answer Town-specific customer questions. The CSRs are not specifically dedicated to Windsor.
- **WR&R** proposed to provide walk-in customer service at their 3400 Standish Ave., Santa Rosa location, where approximately 40 CSRs would be available to answer Town-specific customer questions. The CSRs are not specifically dedicated to Windsor.

#### *RFP Criteria: Sustainability Programs*

- **SCRR, GW, and WR&R** agreed to the Town's 50% minimum diversion requirement with no exception.
- **USA** agreed to the Town's 50% diversion requirement (as provided on Form L – Pass/Fail Requirements); however, it provided an exception dependent on participation and contamination levels which would be determined in an initial audit. Additionally, in follow-up discussion, USA did not confirm their commitment to meeting the Town's diversion requirement. In response, if USA's terms are not met, it would discuss a reasonable diversion requirement with the Town.
- **C&S**, in their original proposal, did not agree to the Town's diversion requirement (as provided on Form L). C&S, with continued communication, then agreed to the diversion

requirement and provided exceptions dependent on contamination levels, agreeing to increase diversion by 5% within two (2) years from a base-year characterization study until the Town's curbside diversion rate is 50%, however C&S has expressed continued concerns with the diversion requirement. C&S did not provide the projected diversion tonnages by program type as was explicitly required in the RFP and could have been disqualified for not providing this required information.

- **SCRR** indicated its commitment to sustainability which includes a commitment to reduce greenhouse gas emissions (“GHG”) in operations and it is a member of the California Resource Recovery Coalition (“CRRC”).
- **GW** has a defined internal sustainability program which includes an environmentally preferable purchasing policy at the corporation and maintenance yard, plans to seek Green Business Certification in the Town, and solar panels used on their existing processing facilities.
- **C&S** provided limited information regarding their corporate sustainability program and emphasized commitment to operational procedures that are compliant with environmental standards and highest and best of use of materials. However, C&S indicated the installation of photovoltaic (PV) system of solar arrays at their Ukiah facility. The installation went live on live on April 19, 2017.
- **USA** is recognized at the national level for being an ethical company (by Ethisphere Institute in 2016 and 14 years on the Dow Jones Sustainability Index), but did not provide specific information about their corporate sustainability program.
- **WR&R** did not provide any information addressing their internal sustainability practices or commitment to sustainability.
- Regarding GHGs, **C&S**, **GW** and **WR&R** proposed an operations plan that would entail two total stops per household. **SCRR** and **USA** proposed an operations plan with three total stops per household. These numbers may help to determine the potential wear and tear on the Town's streets, as most damage is often found on residential streets dependent on the number of passes per household. The number of household stops, dependent on routing, may also affect total GHGs emitted. All five Proposers have proposed to use diesel. It should also be recognized that SCRR has proposed to build a compressed natural gas (“CNG”) fueling station in Santa Rosa, CA., and use all CNG vehicles for collection services in the Town, if awarded the City of Santa Rosa contract.
- Due to the relatively small variance in flow of garbage and organic waste, only the location of proposed MRFs was considered in examining potential GHG emissions from material flow. The overall flow of recyclable materials starts at the generation point (Town center, in this case) and includes stops at the transfer facility (if applicable), recyclable material processing facility and the Oakland port for sale to end-market recyclers (assumed as primary point to ship to market). For the impact on potential GHG emissions related to recyclables material flow; SCRR proposed the shortest total route of recyclable material, while USA proposed the longest total route. GW is the second shortest total route of recyclable material, followed by C&S, followed by WR&R, with a difference of approximately 140 miles from shortest to longest distance.

#### *RFP Criteria: Education and Outreach Program*

- All Proposers offered to provide an education and outreach program specific to single-family residential, multi-family residential, Commercial, and Town staff.

- All Proposers included details regarding their education and outreach approach to reducing contamination, from using visual audits, warning tags, and various marketing collateral. Additionally, SCRR plans to provide direct assistance with their diversion coordinator for heavily contaminated carts, and C&S plans to utilize vehicle cameras to document contamination and provide Service Recipient follow-up.
- All Proposers included details regarding their proposed school outreach program. Each company proposed, in one form or another, to work with school staff and provide site visits, classroom presentations, and other technical assistance, while GW would introduce “Recycling Ambassador” school program.
- Regarding the use of a diversion coordinator, all companies except for WR&R will need to hire a diversion coordinator position. All Proposers agreed to the hourly commitment of 30 hours per week for the first 3 years of the contract, followed by 20 hours per week for the remainder of the contract. GW, SCRR and WR&R additionally proposed a diversion coordinator position for 40 hours per week for the full life of the contract.
- Regarding a website, SCRR and GW have proposed to provide Town-specific information on the company’s website. C&S has proposed to provide a Town-specific webpage, either as a standalone site or as an extension from the company’s webpage, called “Windsor Recycles”, which will include a cloud-based diversion tool that allows users to search materials to learn how to properly sort their solid waste. USA proposed to develop a Town-specific website, hosted on the Waste Management website. WR&R has not proposed any changes to the website currently used for Town solid waste information and plans to continue to use it in the same manner.

*RFP Criteria: Service Recipient Rates*

As noted previously, regardless of which Proposer is chosen to provide services to the Town, unfortunately, significant increases to the current Service Recipient Rates will occur. The Town has enjoyed historically low rates offered by the incumbent for the past 10 years. It is understood that the current Service Recipient Rates, although economically beneficial to Service Recipients, are unsustainable and detrimental to the successful use of current facilities, equipment, containers and other contractually bound operations.

Contributory reasons for the proposed increase to the current Service Recipient Rates was explained earlier in this report. SFD customers will receive “bundled” rates that include the cost of garbage, recycling and organics services. SFD customers will be able to choose from 20 – 96-gallon garbage cart sizes, and 32- 96 gallon organics and recycling cart sizes. For comparative purposes, Table 6 below assumes the current 96-gallon level of service for cart sizes for recycling and organics. While there is there is variability of pricing for recycling and organics cart sizes that could lower customer rates if customers opted to reduce the size of their recycling cart or organic waste carts the Proposers all noted that reducing the size of recycling or organics carts below 64 gallons may increase contamination and/or reduce the amount of recyclables and organic waste set out for collection.

Please note the proposed service recipient rates for SCRR and GW are based on their proposed rates as a result of negotiations and the April 1, 2017 tip fee increases for garbage and organics processing. On April 27, Town staff met with C&S and WR&R to seek clarification of each company’s intended rates. Both C&S and WR&R acknowledged that they did not fill out the single-family forms correctly, and did not correctly indicate their “intended” pricing for single-

family recycling and/or organics cart. C&S clarified that regardless of the garbage cart size, single-family customers will be able to choose any size recycling and/or organics carts at the same price as the rate for 20, 32, 64, or 96-gallon garbage carts.

Table 4 compares current to proposed SFD customer rates incorporated the April 27, 2017 clarifications by C&S AND WR&R, and the negotiated rates for GW and SCRR.

**The Bolded** rates in the following tables indicate the lowest rates for each container size.

TABLE 4 SFD SERVICE RECIPIENT RATE COMPARISON									
Garbage Container Size	# of Current Customers	Current Monthly Rates	Proposed Rates						
			Negotiated (1)		Clarified (2)		As Submitted (3)		
			GW	SCRR	C&S	WR&R	USA	WR&R	C&S
20 gal	860	\$11.11	\$19.00	<b>\$17.88</b>	\$18.63	\$20.44	\$27.72	\$40.50	\$35.98
32 gal	3,706	\$17.20	<b>\$23.00</b>	\$25.82	\$28.84	<b>\$23.00</b>	\$30.37	\$43.06	\$39.54
64 gal	2,749	\$29.31	<b>\$36.00</b>	\$40.72	\$49.14	\$40.74	\$37.42	\$52.66	\$46.66
96 gal	442	\$47.52	<b>\$49.00</b>	\$55.62	\$79.69	\$66.04	\$44.93	\$66.04	\$57.34
Variability if organic cart sizes were reduced to 64 gallon			-0-	-0-	-0-	-0-	\$1.72	\$10.47	\$0.92
Variability if recycling cart sizes were reduced gallon			-0-	-0-	-0-	-0-	-0-	\$0.25	\$2.29
<p>(1) GW and SCRR as provided in this table represent the negotiated rates, which include the increase tip rate for disposal and organics processing as of April 1, 2017.</p> <p>(2) C&amp;S and WR&amp;R clarified the <i>intended</i> rates after meeting with the Town on April 4/27/17.</p> <p>(3) Compared rates above include a total cost for garbage service, 96-gallon recycling service, 96-gallon organics service, and the Franchise Fee.</p> <p>All rates above do not include the optional services for SFD On-Call Large Item Collection, SFD Community Clean-up, HHW Collection and Street Sweeping <b>not</b> included in rates (Options 1 through 4). The adjustment to be made to these rates if the Town wishes to do so will only affect the collection element.</p>									

Comparing Commercial and MFD customers is significantly more complex. Commercial and MFD recycling and organics programs are added to the cost of garbage services and are tailored specifically to each customer’s needs. Accordingly, it is difficult to have an “apples-to-apples” comparison without knowing specific customer needs.

- Three of the Proposers (SCRR, GW, and USA) would charge for Commercial and MFD recycling and organics programs. C&S will also charge Commercial customers for organics collection.
- C&S and WR&R proposed Commercial and MFD customers source separated recycling at “no cost”, and C&S proposed to provide organics to MFD customers at “no cost”.
- WR&R proposed to implement dry Commercial mixed waste processing, and charge MFD/Commercial customer for this service.

The following Tables 5 through Table 11 compare Commercial and MFD current to proposed customer rates. Please note the proposed customer rates for SCRR and GW are based on their proposed rates as a result of negotiations and the April 1, 2017 tip fee increases for garbage and organics processing.

<b>TABLE 5 MFD GARBAGE SERVICE RECIPIENT RATE COMPARISON</b>							
<b>Garbage Container Size</b>	<b># of Current Customers (all frequencies)</b>	<b>Current Monthly Rates</b>	<b>Proposed Rates</b>				
			<b>USA</b>	<b>C&amp;S</b>	<b>GW*</b>	<b>WR&amp;R</b>	<b>SCRR*</b>
32 gal	9	\$17.20	\$37.38	<b>\$28.84</b>	\$40.82	\$52.57	\$59.10
64 gal	7	\$29.30	\$64.77	<b>\$49.14</b>	\$61.98	\$70.81	\$69.23
96 gal	1	\$47.52	\$96.34	<b>\$79.69</b>	\$84.44	\$88.13	\$94.55
1 CY 1x per week	0	N/A	\$270.21	N/A	<b>\$210.49</b>	\$338.18	N/A
1.5 CY 1x per week	0	\$231.99	\$308.68	\$290.38	<b>\$282.80</b>	\$380.50	\$283.06
2 CY 1x per week	8	\$276.13	\$384.23	\$345.63	\$348.38	\$452.90	<b>\$330.24</b>
3 CY 1x per week	16	\$381.72	\$538.90	\$477.80	\$478.21	\$626.08	<b>\$471.77</b>
4 CY 1x per week	28	\$436.95	\$672.99	\$546.93	<b>\$534.09</b>	\$770.97	\$566.13
6 CY 1x per week	2	\$561.52	\$915.32	\$702.85	<b>\$631.61</b>	\$920.98	\$707.66
10 CY Per Pull	N/A	N/A	<b>\$150.35</b>	\$250.19	\$250.00	\$370.05	\$350.00
20 CY Per Pull	N/A	\$225.64	<b>\$157.87</b>	\$250.19	\$250.00	\$370.05	\$400.00
30 CY Per Pull	N/A	\$254.55	<b>\$165.76</b>	\$250.19	\$290.00	\$417.46	\$450.00
40 CY Per Pull	N/A	\$254.55	<b>\$174.05</b>	\$250.19	\$290.00	\$417.46	\$500.00
Compactor	N/A	\$253.41	<b>\$191.45</b>	\$250.19	\$325.00	\$417.46	\$600.00
*GW and SCRR as provided in this table represent the negotiated rates, which include the increase tip rate for disposal and organics processing as of April 1, 2017							

**TABLE 6  
MFD RECYCLING SERVICE RECIPIENT RATE COMPARISON**

Garbage Container Size	# of Current Customers (all frequencies)	Current Monthly Rates	Proposed Rates					
			USA	C&S	GW	WR&R Source Separated	WR&R Dry Mixed Waste Processing	SCRR (full rate**)
32 gal	0	\$0.00	\$21.00	No Charge	\$6.70	No Charge	\$49.08	N/A
64 gal	0	\$0.00	\$35.22	No Charge	\$9.53	No Charge	\$63.83	N/A
96 gal	6	\$0.00	\$52.09	No Charge	\$12.66	No Charge	\$77.67	\$55.62
1 CY 1x per week	0	\$0.00	\$104.09	No Charge	\$33.28	No Charge	\$313.77	N/A
1.5 CY 1x per week	0	\$0.00	\$111.20	No Charge	\$43.11	No Charge	\$343.88	\$99.32
2 CY 1x per week	0	\$0.00	\$135.55	No Charge	\$51.56	No Charge	\$404.07	\$148.98
3 CY 1x per week	4	\$0.00	\$185.91	No Charge	\$68.17	No Charge	\$552.83	\$248.30
4 CY 1x per week	10	\$0.00	\$226.70	No Charge	\$69.50	No Charge	\$673.30	\$347.62
6 CY 1x per week	8	\$0.00	\$296.26	No Charge	\$83.00	No Charge	\$774.48	\$446.94
10 CY Per Pull	N/A	\$0.00	\$175.70	No Charge	\$225.00	No Charge	\$370.05	\$350.00
20 CY Per Pull	N/A	\$0.00	\$184.49	No Charge	\$225.00	No Charge	\$370.05	\$400.00
30 CY Per Pull	N/A	\$0.00	\$193.71	No Charge	\$225.00	No Charge	\$417.46	\$450.00
40 CY Per Pull	N/A	\$0.00	\$203.39	No Charge	\$225.00	No Charge	\$417.46	\$500.00
Compactor	N/A	\$0.00	\$223.73	No Charge	\$225.00	No Charge	\$417.46	\$600.00

\*GW and SCRR as provided in this table represent the negotiated rates, which include the increase tip rate for disposal and organics processing as of April 1, 2017.

\*\* SCRR rates include a 3-year phase in based on 50% of shown rate in 1<sup>st</sup> year, 75% of shown rate in 2<sup>nd</sup> year and 100% of rate shown in 3<sup>rd</sup> year.

**TABLE 7  
MFD ORGANICS SERVICE RECIPIENT RATE COMPARISON**

Garbage Container Size	# of Current Customers (all frequencies)	Current Monthly Rates	Proposed Rates				
			USA	C&S	GW*	WR&R <sup>5</sup>	SCRR (full rate**)
32 gal	0	\$12.90	\$31.19	No Charge	\$24.68	\$49.08	N/A
64 gal	0	\$21.98	\$53.14	No Charge	\$39.09	\$63.83	\$81.44
96 gal	5	\$35.64	\$78.81	No Charge	\$54.16	\$77.67	N/A
1 CY 1x per week	0	\$0.00	\$130.55	No Charge	\$130.49	\$313.77	N/A
1.5 CY 1x per week	0	\$173.99	\$147.52	No Charge	\$179.39	\$343.88	\$198.64
2 CY 1x per week	0	\$207.10	\$183.02	No Charge	\$224.97	\$404.07	\$248.30
3 CY 1x per week	0	\$286.29	\$255.80	No Charge	\$315.46	\$552.83	\$347.62
4 CY 1x per week	0	\$327.71	\$318.29	No Charge	\$369.27	\$673.30	\$446.94
6 CY 1x per week	0	\$421.14	\$604.81	No Charge	\$502.90	Not Accepted	N/A
10 CY Per Pull	N/A	N/A	\$175.70	No Charge	\$225.00	Not Accepted	\$350.00
20 CY Per Pull	N/A	N/A	\$184.49	No Charge	\$225.00	Not Accepted	\$400.00
30 CY Per Pull	N/A	N/A	\$193.71	No Charge	\$275.00	Not Accepted	\$450.00
40 CY Per Pull	N/A	N/A	\$203.39	No Charge	\$275.00	Not Accepted	\$500.00
Compactor	N/A	N/A	\$213.56	No Charge	\$325.00	Not Accepted	\$600.00
<p>*GW and SCRR as provided in this table represent the negotiated rates, which include the increase tip rate for disposal and organics processing as of April 1, 2017.  **SCRR's "full rate" includes a 3-year phase in based on 50% of shown rate in 1<sup>st</sup> year, 75% of shown rate in 2<sup>nd</sup> year and 100% of rate shown in 3<sup>rd</sup> year.</p>							

<sup>5</sup> WR&R submitted two rate sheets for MFD and Commercial organic waste (one for green waste only, one with green waste and food waste) – the rate used here is for green waste and food waste per the definition of organic waste in the collection service agreement. Rates submitted by WR&R for green waste only are lower by approximately \$4.



**TABLE 8  
COMMERCIAL GARBAGE SERVICE RECIPIENT RATE COMPARISON**

Garbage Container Size	# of Current Customers (all frequencies)	Current Monthly Rates	Proposed Rates				
			USA	C&S	GW*	WR&R	SCRR*
32 gal	11	\$32.05	\$37.38	<b>\$35.91</b>	\$40.82	\$52.57	\$69.52
64 gal	10	\$39.17	\$64.77	<b>\$56.08</b>	\$61.98	\$70.81	\$81.44
96 gal	37	\$43.74	\$96.34	\$86.82	<b>\$84.44</b>	\$88.13	\$111.24
1 CY 1x per week	N/A	N/A	\$270.21	N/A	<b>\$210.49</b>	\$338.18	N/A
1.5 CY 1x per week	24	\$231.99	\$308.68	\$301.59	<b>\$282.80</b>	\$380.50	\$297.96
2 CY 1x per week	34	\$276.13	\$384.23	\$358.97	\$348.38	\$452.90	<b>\$347.62</b>
3 CY 1x per week	47	\$381.72	\$538.90	\$496.24	<b>\$478.21</b>	\$626.08	\$496.60
4 CY 1x per week	57	\$436.95	\$672.99	\$568.04	<b>\$534.09</b>	\$770.97	\$595.92
6 CY 1x per week	12	\$561.52	\$915.32	\$729.98	<b>\$631.61</b>	\$920.98	\$744.91
10 CY Per Pull	N/A	\$225.64	<b>\$150.35</b>	\$250.19	\$250.00	\$370.05	\$350.00
20 CY Per Pull	N/A	\$254.55	<b>\$157.87</b>	\$250.19	\$250.00	\$370.05	\$400.00
30 CY Per Pull	N/A	\$254.55	<b>\$165.76</b>	\$250.19	\$290.00	\$417.46	\$450.00
40 CY Per Pull	N/A	\$253.41	<b>\$174.05</b>	\$250.19	\$290.00	\$417.46	\$500.00
Compactor	N/A	\$225.64	<b>\$191.45</b>	\$250.19	\$325.00	\$417.46	\$600.00
*GW and SCRR as provided in this table represent the negotiated rates, which include the increase tip rate for disposal and organics processing as of April 1, 2017.							

TABLE 9 COMMERCIAL RECYCLING SERVICE RECIPIENT RATE COMPARISON								
Garbage Container Size	# of Current Customers (all frequencies)	Current Monthly Rates	Proposed Rates					SCRR (full rate**)
			USA	C&S	GW	WR&R Source Separated	WR&R Dry Mixed Waste Processing	
32 gal	0	\$0.00	\$21.00	No Charge	\$6.70	No Charge	\$49.08	N/A
64 gal	0	\$0.00	\$35.22	No Charge	\$9.53	No Charge	\$63.83	N/A
96 gal	46	\$0.00	\$52.09	No Charge	\$12.66	No Charge	\$77.67	\$55.62
1 CY 1x per week	2	N/A	\$104.09	No Charge	\$33.28	No Charge	\$313.77	N/A
1.5 CY 1x per week	7	\$0.00	\$111.20	No Charge	\$43.11	No Charge	\$343.88	\$99.32
2 CY 1x per week	31	\$0.00	\$135.55	No Charge	\$51.56	No Charge	\$404.07	\$148.98
3 CY 1x per week	45	\$0.00	\$185.91	No Charge	\$68.17	No Charge	\$552.83	\$248.30
4 CY 1x per week	69	\$0.00	\$226.70	No Charge	\$69.50	No Charge	\$673.30	\$347.62
6 CY 1x per week	8	\$0.00	\$296.26	No Charge	\$83.00	No Charge	\$774.48	\$446.94

\*\*SCRR's "full rate" includes a 3-year phase in based on 50% of shown rate in 1<sup>st</sup> year, 75% of shown rate in 2<sup>nd</sup> year and 100% of rate shown in 3<sup>rd</sup> year.

TABLE 10 COMMERCIAL ORGANICS SERVICE RECIPIENT RATE COMPARISON							
Garbage Container Size	# of Current Customers (all frequencies)	Current Monthly Rates	Proposed Rates				SCRR (full rate**)
			USA	C&S	GW	WR&R	
32 gal	0	\$24.04	\$31.19	<b>\$17.36</b>	\$24.68	\$49.08	N/A
64 gal	4	\$29.38	\$53.14	<b>\$27.11</b>	\$39.09	\$63.83	\$81.44
96 gal	16	\$32.81	\$78.81	<b>\$41.96</b>	\$54.16	\$77.67	N/A
1 CY 1x per week	0	N/A	\$130.55	N/A	<b>\$130.49</b>	\$313.77	N/A
1.5 CY 1x per week	0	\$173.99	\$147.52	<b>\$145.77</b>	\$179.39	\$343.88	\$198.64
2 CY 1x per week	1	\$207.10	\$183.02	<b>\$173.50</b>	\$224.97	\$404.07	\$248.30
3 CY 1x per week	0	\$286.29	\$255.80	<b>\$239.85</b>	\$315.46	\$552.83	\$347.62
4 CY 1x per week	0	\$327.71	\$318.29	<b>\$274.55</b>	\$369.27	\$673.30	\$446.94

\*GW and SCRR as provided in this table represent the negotiated rates, which include the increase tip rate for disposal and organics processing as of April 1, 2017  
\*\*SCRR's "full rate" includes a 3-year phase in based on 50% of shown rate in 1<sup>st</sup> year, 75% of shown rate in 2<sup>nd</sup> year and 100% of rate shown in 3<sup>rd</sup> year.

As required by the RFP, Proposers were to provide estimates for their cost to provide services such as street sweeping, collection from Town Facilities, the WUSD and WFD that are included in Customer Rates. In addition, Proposers were required to provide cost option on either On-call Bulky Waste Collection, or Community Clean-Up Events (current method), and On-call HHW collection (Only USA can provide). Table 11 below summaries this information.

<b>TABLE 11 COMPARISON OF PROPOSED SUPPORT COSTS</b>					
<b>Hauler's Costs included in Customer Rates</b>					
<b>Cost</b>	<b>GW</b>	<b>SCRR</b>	<b>WM</b>	<b>C&amp;S</b>	<b>WR&amp;R</b>
Annual Cost for Street Sweeping	\$206,274	\$242,843	\$141,074	\$160,552	\$110,500
Annual Cost for Public Education and Outreach	\$169,561	\$111,644	\$21,344	\$162,302	\$78,400
Annual Cost for Town Services	\$173,271	\$156,163	\$109,743	\$282,151	\$348,700
Annual Cost for WUSD	\$65,838	\$49,548	\$47,115	\$278,034	\$416,900
Annual Cost for WFD	\$7,759	\$1,294	\$2,205	\$6,590	\$9,900
Cost for Transition (one-time cost)	\$128,182	\$200,000	\$37,040	\$75,000	\$46,800
<b>Options That Could Increase/Reduce Customer Rates</b>					
<b>Optional Programs</b>	<b>GW</b>	<b>SCRR</b>	<b>WM</b>	<b>C&amp;S</b>	<b>WR&amp;R</b>
On-Call Bulky-Waste Collection (each SFD account/month)	\$0.00	\$0.56	\$0.26	\$0.41	\$0.59
Community Clean-up Collection (each SFD account/month)	\$0.00	\$0.16	\$0.26	\$0.59	\$0.20
Deletion of Street Sweeping Costs	-\$1.45	-\$0.84	-\$0.43	-\$0.57	-\$0.20

### **Environmental Review:**

Following the April 19, 2017 meeting, staff reviewed the information presented by the public regarding the appropriate level of review of the contract under the California Environmental Quality Act (“CEQA”). The Town retained First Carbon Solutions (“FCS”) to prepare an assessment of the potential for the award of the contract to any of the five proposers to cause any significant impacts to the environment. That analysis is contained in the Environmental Checklist attached hereto as Attachment 4. As is shown in FCS’s analysis, it can be seen with certainty that the award of the contract to any of the five proposers would not have a significant impact on the environment and, therefore, the award of the contract is exempt from CEQA pursuant to the “common sense” exemption, CEQA Guidelines section 15061(b)(3).

There are several important CEQA principles involved in the Environmental Checklist and the Town’s ultimate decision on the contract. First, the award of the contract here is not providing a new service to the Town. To put it in CEQA terms, the “baseline” for CEQA analysis is the current condition –the Town currently has waste services and the Town will continue to have waste services after awarding a new contract. Under CEQA, then, the analysis is focused on the change in the environment brought about by the Town’s actions in approving the contract. Accordingly, the Environmental Checklist examines how the operations of each of the five

proposers would differ from the current operations and analyzes how those changes would impact the environment, if at all. The second CEQA principle is that not all changes to the environment are necessarily “significant.” In order for a change to the environment to be considered significant, it must exceed an established “threshold of significance.” As the Environmental Checklist demonstrates, none of the changes brought about by any of the five proposers would exceed any applicable threshold of significance. Third, CEQA does not require the Town to examine purely speculative or hypothetical impacts such as the potential for illegal conduct by third parties. (CEQA Guidelines, section 15384, subd. (a), (b).) Thus, the Town does not need to consider the potential impacts of illegal dumping or other speculative impacts from illegal activity. Finally, CEQA does not require the Town to select the proposal with the fewest environmental impacts. (See e.g., *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1989) 47 Cal.3d 376, 402.) While none of the five proposals have significant environmental impacts, some proposals would, for example, generate fewer air pollutants and GHG emissions than others due largely to differences in the haul routes. Nothing under CEQA requires the Town to select the proposal with the fewest environmental impacts.

Therefore, from a CEQA perspective, the Town can approve any of the five proposers under the “common sense” exemption noted above. In addition, should the Town select WR & R, the Class 1 exemption (CEQA Guidelines section 15301) for existing facilities would also apply.

**Fiscal Impact:**

The Town will incur expenditures related to AB 939 Program/Agreement Management, Performance Review, and Annual Rate review related to administering the Collection Service Agreement and will be reimbursed for the actual expenditures. The net fiscal impact to the Town will be \$0 and no budget amendment will be requested.

**Attachments:**

1. Resolution
2. Rate Year One – Service Recipient Rates
3. Collection Service Agreement
4. First Carbon Solutions CEQA Checklist

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