REVISED

FILED
OFFICE OF THE CITY CLERK
OAKLAND

REVISED PER PUBLIC WORKS COMMITTEE MEETING ON 03/27/12

2012 MAR 28 PM 1:45

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 83783 C.M.S.

RESOLUTION ADOPTING ZERO WASTE SYSTEM REQUEST FOR PROPOSALS: PROPOSAL EVALUATION CRITERIA AND WEIGHTING, ~~WAIVER OF ARIZONA POLICY~~, METHOD FOR ADJUSTING CUSTOMER RATES, DIVERSION PERFORMANCE MEASUREMENT, AND CONTINUED PARTICIPATION IN ALAMEDA COUNTY MEASURE D

WHEREAS, the City of Oakland's Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services with Waste Management of Alameda County, and the Agreement for Residential Recycling Service with California Waste Solutions expire on June 30, 2015; and

WHEREAS, the Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D) was enacted in 1990 for the purpose providing a recycling plan that is funded by a per ton surcharge on materials disposed in Alameda County landfills, of which 50% is disbursed to on a per capita basis to municipalities for the continuation and expansion of municipal recycling programs; and

WHEREAS, on December 5, 2006 through Resolution No. 80286 C.M.S. the City Council adopted a Zero Waste Strategic; and

~~**WHEREAS,** on May 4, 2010 the City Council adopted Resolution No. 82727 C.M.S., which urges City departments to refrain from entering into new contracts with businesses headquartered in Arizona; and~~

WHEREAS, on January 17, 2012 through Resolution No. 83689 C.M.S the City Council adopted a Zero Waste System Design that provides the framework for developing new Contracts under a single franchise for citywide garbage and organics collection services, a single franchise for citywide residential recycling, and landfill capacity procured separately from collection and processing services; and

WHEREAS, on February 21, 2012 through Resolution No. 83729 C.M.S. the City Council adopted a adopted a process and schedule for releasing a RFP for zero waste service contracts, including a Protocol for Process Integrity; and

WHEREAS, the City will use a competitive procurement through a Request for Proposals (RFP) to establish new Franchise Contracts (Contracts); and

WHEREAS, the RFP must clearly the describe the criteria by which the proposals will be evaluated, the diversion performance that will be required in the resulting Contracts, and a

method for adjusting customer rates; and

~~**WHEREAS,** waiving the City's policy regarding entering into new contracts with business headquartered in Arizona would increase competition among qualified service providers to submit the most cost-effective proposal;~~

WHEREAS, Alameda County Measure D revenues, collected through fees on Oakland franchised solid waste, provide critical funding to City and regional waste reduction and recycling programs; now therefore be it

RESOLVED: That the City Council hereby adopts the evaluation criteria and weighting for the proposals for the Garbage and Organics Franchise, and Residential Recycling Franchise, as shown it Table 1;

Table 1
Evaluation Criteria and Weighting
Garbage and Organics Contract
Residential Recycling Contract

Evaluation Criteria	Description of the Evaluation Criteria	Criteria Weight
Customer Rates	Comparison between proposals of rate cost to customers	35%
Zero Waste / Diversion Programs	Evaluation of proposed waste diversion outcomes in meeting City diversion goals, providing public outreach and customer communications	25%
Operational Approach	Evaluation of vehicles, route operations, facilities	20%
Customer Service	Evaluation of approach to customer service, information and management systems	5%
Experience & Performance	Evaluation of experience providing services to similar size cities, management team experience, performance history	5%
Financial Capacity	Evaluation of financial statements and independent financial reviews	5%
References	Evaluation of references	5%

and be it

FURTHER RESOLVED: That the City Council hereby adopts the evaluation criteria and weighting for the proposals for the Landfill Disposal Contract, as shown it Table 2;

Table 2
Evaluation Criteria and Weighting
Landfill Disposal Contract

Evaluation Criteria	Description of the Evaluation Criteria	Weight of the Evaluation Criteria
Cost	Comparison between proposals	60%
Operational Approach	Evaluation of facility available disposal capacity, permitted undeveloped	14%
Experience & Performance	Evaluation of experience providing services to similar size cities, management team experience, performance history	13%
Financial Capacity, Indemnification, & Liability	Evaluation of financial statements and independent financial reviews.	13%

~~**FURTHER RESOLVED:** That the City Council hereby waives any proscription regarding the Zero Waste System RFP process regarding businesses headquartered in Arizona; and be it~~

FURTHER RESOLVED: That the City Council hereby approves including a provision in the Zero Waste System Contracts for a solid waste industry-related index to calculate annual adjustments to customer rates; and be it

FURTHER RESOLVED: That the City Council hereby approves including a provision in the Zero Waste System Contracts for withholding of a full annual adjustment of compensation to the Garbage and Organics Franchise and to the Residential Recycling Franchise if the annual diversion performance requirement is not met; and be it

FURTHER RESOLVED: That the City Council hereby approves including a provision in the Zero Waste System Contracts for the denial of contract extension if the franchisee fails to meet the contract diversion performance standard in year seven of the contract; and be it

FURTHER RESOLVED: That the City Council hereby approves the payment of Alameda County Measure D fees on franchised Oakland solid waste that may be disposed in a landfill outside of Alameda County.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 3 2012, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, ~~KERNIGHAN~~, NADEL, SCHAAF and PRESIDENT ~~REID~~ – 6

NOES - ~~0~~

ABSENT - ~~0~~

ABSTENTION - ~~0~~

Recused - Reid – 1

Excused - Kernighan – 1

ATTEST: LaTonda Simmons

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California