

**February 8, 2017 Zero Waste Advisory Commission**

**Item 3.B: City Facilities Dumpster Collection Services – Revised contract to provide dumpster collection services for City of Austin facilities to include non-hazardous class 2 waste collections.**

**Gerry Acuna:** All right, Guys, the next item of business is, what is that, Item 3. Now where am I here, I'm sorry. Here I am. 3B – as in 'boy'. Yes, thank you.

**Sam Angoori:** Commissioners, Sam Angoori again. This is the City Dumpster Contract, and I'm gonna set this up and then have Jessica Frazier come out and make the presentation. So, we're gonna recap the 12-13, December 13, 2016 Memo to Council and provide additional information. What we're gonna do is we've broken down the contract in four parts, and Jessica is going to go over each one of those parts and give you enough time to ask questions and concerns, if you have for each one of those you can make, excuse me, you can make recommendation on each one of the sections, and you can also make recommendation at the end of the presentation.

**Jessica Frazier:** Good evening. My name is Jessica Frazier, I'm the Finance Division Manager for Austin Resource Recovery.

**Gerry Acuna:** Excuse me, I'm sorry Jessica. Is that in the packet here? The objectives presentation?

**Jessica Frazier:** The print out of the presentation?

**Gerry Acuna:** Yes. Is that in here somewhere? Did I miss it? Is that what it is? Thank you.

**Jessica Frazier:** I don't have their package. He's asking about the package that they have.

**Gerry Acuna:** All right, I'm sorry. Go ahead.

**Jessica Frazier:** You got it?

**Gerry Acuna:** Thank you.

**Jessica Frazier:** All right, so the first thing I wanted to do is to take a second to make a few clarifications for things that seemed to be confusing the last time around. So, the first thing, when we talked about this contract as being a Citywide contract, it's Citywide with a capital 'C'. So, any time we refer to City with a capital 'C' its talking about the City of Austin as a governmental organization, so the departments like ourselves and Austin Water and Austin Energy and APD and EMS, all those departments are part of the City of Austin organization. So when we say city with a lower case 'c', we're talking about the city of Austin as a location, as a city that you come to visit or move to, as the case is a lot of people like to do. So just to clarify that when we say Citywide for the purposes of this contract the reason why we, in our minds it's a Citywide contract is because the City of Austin has facilities and locations throughout the city and so it's just more of a term for ourselves to say this applies to all facilities within the City of Austin that are located throughout the city of Austin. We're not talking about any kind of commercial collections or any other kind of commercial businesses other than the City-owned facilities and locations. Another item we wanted to clarify is why we're using a contract for this. We... each City facility, so City Hall is going to be the best example since that's where we are, we generate trash, we generate recycling and compostable materials, and the volume of materials that we generate from these facilities is too large for us to use cart service, so we have to contract that out to a private hauler. When we look at the total purchase amount of what we would be spending over the course of a year for that service, it exceeds \$50,000 and our state... the local government code which is a state law and the City Council policy for purchasing says, any purchases over \$50,000 must be competitive, solicited competitively when there's more than one vendor that can provide the service. There are situations where we can do sole-source procurements when there's only one person that provides the service or there's a trademark or something that goes along with it, but those are usually very few and far between and they're very difficult to get through the purchasing process because there's a lot of punitive, there's a lot of things that can go along with it that are not good, that we don't want to get involved in so we try to make it as competitive as possible. Another question is why ARR as a department can't service the City facilities.

And again, because of the volume of the trash and the recycling that happens at these City facilities it requires, or the most efficient way to manage that, is through dumpster service. The department doesn't have the staff necessary to service the over 140 locations of City facilities and we don't have the equipment, the trucks, the roll-offs, the dumpsters to service that many facilities and it's not in our, you know, that's not what we do as a business. Another issue is the lack of diversion requirements in the RFP, so we wanted to clarify that the RFP and the service is for hauling of the material only, hauling and processing of the material. The vendor is responsible for, if there's recyclables, and the recycling material, taking them to some place that processes recycling and uses it for recycling and same thing with compost. But, diversion in-of itself, getting the things into the right containers is the responsibility of the City, the generator. So, we wouldn't put diversion requirements on a vendor when the items are already in the container. The requirement we would have on them would be if it's a recyclable in a recycling container then it needs to be recycled. So that in-of itself is our diversion requirement.

The other issue that came up was why the price had increased so much, and we can do our best to assume why a vendor quoted a specific price outside of the things that we can identify as far as scope changes, the rest of it, like I said before, just kind of guesses as to why. A main reason why this contract price would increase is because we've increased the levels of service so the amount of data tracking and reporting that's going to be required and then the number of service, or the amount of services they're provided, so we're adding in compost and the Class 2 and non-hazardous waste collection. The other thing to note about this request is that we're requesting contract authorization. So this isn't necessarily the amount that we're going to spend, it just gives us the authority to spend to a certain amount. When we're calculating what that contract authorization amount should be we add in contingencies. So we look at what our operations are now, but we can't always know what's gonna happen in the future, what our needs are gonna be in the future for City facilities, so we have to add in a little bit of contingency and then each year, in all of our contracts, or all of the contracts I've ever looked at, there's an annual reset, or an annual, not reset, an annual... on the anniversary of the contract the vendor is allowed to ask for a price increase that's in line with the consumer price index. So along with inflation, they're allowed to ask for price increases. So we add in a percentage for each year, just to keep into account in case there's a crazy year when things just go crazy and the, you know, inflation goes up significantly. So our contract authorization amount that we're requesting is always gonna be in excess of the amount we actually expect to spend, just to plan for, in case of emergencies.

The current contract that we have is with Republic. It started in 2010 and it was also a three year contract with three one-year extensions. The last extension expired in November of last year and we're currently in a holdover, which means that we're just kind of holding everything constant until we can get a new contract in place, as long as the vendor continues to agree to support that, and that expires at the end of March. The scope of that contract currently provides for trash and recycling dumpster service at City facilities, as well as at eligible special events and we also utilize this contract for emergencies, the floods that we had in 2013 and the two that were in 2015; we used this to help with the cleanup.

The new Request for Proposal, there are some changes from the old to the new. There is a part in the very beginning of the RFP where we kind of do a summary, or an introduction. So, the very... if you look at them side by side, the things that are different, that are noted in one versus the other, are listed here. So, brush, scrap wood, compostable materials, Class 2 and non-hazardous waste, which includes the utility poles. So that's just the summary part. Then in the actual RFP there are enhancements that we've asked for that are part of the reason why the price has increased so much. One of the things is adding compost collection at City facilities. So, allowing places like City Hall for us to have compost containers so that we can divert even more from City facilities. For the special events that are eligible for our service, we've asked for a dedicated point of contact that's available to us 24/7 so, we want their cell phone number, we want their email address and their first born, and all that. So that we... if there are any issues during the special event, that we have a contact person. We also are asking for a 60 minute response time for any issues that happen. So if they place the dumpster in the wrong place or if the dumpster's overflowing, or for whatever reason there's some kind of issue, they have sixty minutes to respond to that. And then we're also asking them to submit the invoices which include the tonnages and diversion reporting faster than for the rest of the contract. The other big thing for why the price would increase and enhancement that we're asking for is the monthly reporting of diversion, which is the tonnage for trash, recycling and compost for the City facilities and all the other sections of the contract as

well. So, in order to do that, it's gonna require a dedicated route. The other contract that we've had, where we've gone from a non-dedicated route to a dedicated route was in the Central Business District. And in that contract, we saw an increase in the first year, from the old contract to the new contract in excess of twenty percent. So that's just the other comparison that we have of how that type of a request could impact the contract price. The importance of having the data for this purpose or requiring the dedicated route is that we're constantly being asked to measure what the success is of the City and right now the reporting that we do is for our curbside customers. But we are also being asked to do reporting for the City in different aspects. So, the City as an organization and then also for commercial and industrial, and that kind of thing, so this is just another component of trying to gather that data. The other enhancement to the contract is billing to each individual department. Right now, our department gets the bill for the entire City, and it takes a staff member a lot, a long, a lot of time to sift through and make sure that the bill is accurate and it's just a very cumbersome thing. With most of our other Citywide contracts, bills go individually to the department that utilize the service, which makes more sense, because they're the ones that can verify the service was received, or if they asked for additional services. So, those things in combination could cause the contract cost to go up. Okay, before we move on to the sections, do you guys have any questions about that part? Yes...

**Gerry Acuna:** I have more technical type questions for you, but I'd rather you continue then...

**Jessica Frazier:** Okay.

**Gerry Acuna:** ...we can probably come back after the speakers.

**Jessica Frazier:** Okay, that's fine.

**Kiaba White:** And would you just rather we all hold our questions until the end? I'm happy to do that.

**Gerry Acuna:** Let's do that so we can get the presentation complete.

**Jessica Frazier:** Okay.

**Michael Sullivan:** If I could interrupt, I'm sorry. I think in one of the best ways before we get into discussion and possible action would be... if we want to act on this, there has to be a, we need to rescind...

**Gerry Acuna:** Correct, and that's part of the...

**Michael Sullivan:** Okay.

**Gerry Acuna:** ...let's finish the presentation and then we'll do the business of making this official.

**Jessica Frazier:** One of the goals that we hope to achieve with this and breaking it out into sections is to clearly identify what the issues are with each section. So, I understand wanting to wait to the end, but I also... we would, we would like to grasp what the issues... because I don't think that all the issues are universal across all the sections. So I don't know that that necessarily takes action, but I want to make sure that at some point, we can say these are the specific issues we have with this part, because they're not all universally disputed, so that's just kinda my hope to try to help us move forward with this.

**Gerry Acuna:** Again, your presentation is enlightening us, I guess, it's telling us what you actually did to arrive at this RFP and how we arrived at a cost and what the projected service levels are gonna be.

**Jessica Frazier:** Okay.

**Gerry Acuna:** I'd feel much more comfortable if we understood all of that and then come back to asking perhaps, some specific questions.

**Jessica Frazier:** Okay.

**Gerry Acuna:** I'm just...I mean, unless if, the Commission choose otherwise...

**Jessica Frazier:** Okay.

**Gerry Acuna:** I'm open to...

**Jessica Frazier:** All right, so the first section, or there's four sections that we have identified that are differential, differentiated: City facilities, Emergencies, Special Events and Class 2 and non-hazardous waste. So we'll start first with City facilities. Right now there are about 200 trash dumpsters and roll-offs and about 65 recycling dumpsters and roll-offs at the City facilities. The price increase from the current contract to the new proposal is between 32 and 35 percent for trash and recycling. The new needs, that we've included and that would also increase the pricing, is compost collection. There's about 20 City facilities that have food permits, so as a part of the URO requirements, they're going to be required to offer organics collection as well. We have projected those expenses in the first year of the contract and then we have projected that the balance of the sites would actually be, would also be added on. The way that that's gonna work is gonna be different because we want to make sure and do education before we just throw the cart. So, what that's gonna look like and what the plan is for that is still being developed, but this contract covers us from the service perspective of getting the carts picked up from those locations. For this section, for the first 36 months we have a projected authorization, or authorization request of 6.6 million. Each one year extension after that is for, almost 2.7 million with a total contract authorization amount of 14.5 million. So, there are a couple of options that you have with each section that we have listed at the second slide or third slide after the explanation, that you can recommend it as we have requested it, you can recommend with exclusions that address whatever concerns you have about that particular section, or you can not recommend it, like you did the first time and just give your rationale for it specifically. As a reminder, from the December 13<sup>th</sup> memo regarding this same contract for this particular section, what we interpreted as the main concern was that there was a concern with the disposal facility. So, you could recommend the contract and say, we'll recommend it but, not with the current proposed disposal facility.

All right, section 2 are emergencies. So, when we talk about emergencies we're mainly focusing in on storms or floods, or other cleanups. We had an unprecedented number of floods in 2013 and 2015. They were just one right after the other. And we used our current Republic contract to help clean up for that, but there was a big impact on our operations and we had to use our regular staff to help clean that up. So, we're trying to put options in place so that if something like that happens again we have the flexibility to have multiple vendors that can come in and help us. We have already in place separate contracts for debris removal, so we would actually hire a vendor to do the cleaning up and the dumpsters and everything, all in one. And then we have a contractor, contract in place for a debris removal vendor monitor. So this person would oversee the person that's doing the collections, and I know that seems like, what? But for... in order to get FEMA reimbursement, they're very picky on the paperwork and there has to be someone monitoring the collections then making sure that every... all the paperwork is done. So it's very cumbersome, my staff is still dealing with paperwork from the 2013 flood. It's just this ongoing thing. And, so, if we're in a situation where we know or we've identified that a storm or emergency is gonna rise to the level of potential FEMA reimbursement, we would call in these vendors. And the pricing for all of that would be reimbursed at a level of 85 percent. So, these vendors... it's more expensive than us doing it ourselves, but if we're gonna get reimbursed and it can be more efficient, we can get everything cleaned up faster, it's a better option. On the other hand, if there's just small, little pocket events that happen or while a big area is being affected, there's other small pocket areas that we can handle with our operations we would use this contract just to place the dumpster and then we would be the ones doing the cleanup. So, it gives us flexibility to have options if something like that were to happen. So the amount we're asking for this section of the contract for the first 36 months is \$300,000. Each one year extension would be an additional \$115,000, with a total contract authorization at the end of the six years of \$645,000. Again, this is contract authorization, so it would just sit there for the first three years. If we don't have any floods, then that money, that contract authorization would just continue to carry over until the contract expires. And the options with this are the same as with the other one. You can recommend it as we have requested it, or with exclusions that address any concerns that you have, or continue to stick with your, do not recommend. The staff's recommendation, obviously is to approve it.

The next section is special events. So there are only particular events that are eligible to utilize this contract or that we would get involved in, as far as servicing it is concerned. They're City co-sponsored events which are listed there. Typically those include fee waivers and then there are department organized events, where there are departments that organize it and that pay for the fees that go along with it. And then there are community partnership events where the organizer of the event would pay for the fees, but we would help manage it. Specifically, for SXSW, because that was a huge concern that

came up as well, the last time. When we talk about SXS in general at this point, it's talking about the two week timeframe when everybody and their brother comes to Austin. And there's the main events that happen in the Central Business District. So that event and the dumpsters and the service for that event is covered through our Central Business District contract. So, anything that happens along the 6<sup>th</sup> Street, Congress area, is handled by that contract and this wouldn't come into play for this. Where this would come into play is if there is any kind of pop-up event where the City is co-sponsored or it meets any of these criteria that's not in the downtown area. So, that's where that would come into play. For fee waivers, to kind of explain how that works. The City Council typically waives the cost for the recycling dumpster expense. So that means that ARR's budget has to cover that expense for the contractor that provides the dumpster service. Typically they pay for the trash dumpster expense at the cost of our contract. So, we would be covering in our budget the cost for recycling, but then the event organizers, or whoever is responsible for paying the bill, pays for the trash part. Again, I talked about what the enhancements were from the current contract, we're asking for a little bit more 24/7 access and then faster invoicing and diversion reporting. The amount we're asking for contract authorization for this section, for the first 3 years is \$155,000 with each one year extension at \$60,000, with a total contract authorization for \$335,000. Again the options are the same. And then the staff recommendation from the December 13<sup>th</sup> memo was, if the concern you have is the City of Austin being involved with or ARR being involved with special events as a provider, then you could in your recommendation say that you'll approve this part of the contract but only with the provision that dumpster service is provided for special events that are organized by the City, the City departments themselves. So that would exclude all the City co-sponsored events, which would mean that it would impact the fee waiver and our ability to get involved in those kind of things. So, it would kind of set that policy, if that's what the concern is.

And then last, but not least, the Class 2 and non-hazardous waste section. The plan for this section of the contract is for container locations primarily at Austin Energy for their plant use and then Building Services, might have some need for it on an on-demand basis. The containers would only be used for items that can't be diverted or recycled because those are already being separated out and diverted by the department. It includes the utility poles, which at this point, there are three options for managing the utility poles. You can either landfill them, recycle them via waste to energy, which means they chip 'em up and then they burn them, which is not a preference for environmental reasons. And then also, reuse and resale is an option, but that's not preferable either. And then I skipped one of the bullet points, not on purpose, it doesn't include biosolids, this... there's a separate consideration happening for biosolids. This contract does have the provision to potentially utilize that and I think that was part of the concern, but the intent would be only to use it in case of an emergency. So, I'm gonna skip ahead to the staff recommendation part which covers that concern. If that's the concern with this section and why we don't want to approve that for this, you can in your recommendation say that in order to use this contract for biosolids you can notify the City Council via memo, and basically get their approval five business days before utilizing the contract for that purpose. So, back up to the top of the slide, the first 3 years contract authorization that we're asking for, for this contract is \$680,000 and then each one year extension at \$265,000 with a total contract authorization of \$1.5 million. And again, same options for this section. Okay.

**Gerry Acuna:** Thank you, Jessica.

**Jessica Frazier:** Yes Sir.

**Gerry Acuna:** Questions? Commissioner White, do you have a question?

**Kiaba White:** You actually answered one question that I had, but you mentioned that the City doesn't, your department currently does not have the capacity to provide dumpster service to City buildings. Is that something at some point the department has priced out to see if it would be cost effective? To make those investments and provide that service?

**Jessica:** I'm not sure.

**Sam Angoori:** Sam Angoori. As a department we're not going to get into dumpsters and mainly because we do not want to give the perception that we're getting into commercial business, we're only working on residential.

**Kiaba White:** Is that a no?

**Sam Angoori:** So no. That's a no.

**Gerry Acuna:** Any other questions? I've got, actually, a few concerns here with this. When you broke this up, you know, thank you very much for taking the time that was wonderful, I appreciate this, it did shed some light on some items. Again, is there anyone here from Purchasing? First off.

**Jessica Frazier:** Corporate Purchasing?

**Gerry Acuna:** That would lead, or give us some guidance here.

**Jessica Frazier:** No.

**Gerry Acuna:** You know, here we're taking a contract that came to us, and it was a pretty intense document and it covered a lot. You're wanting to break this up into bits and pieces, it's very muddled here and I'm very alarmed that we are trying to use this process to accomplish a simple goal. When this contract originally was discussed the former Director and I had discussed the methodology and it was basically a continuation of what the original contract, City Facility contract, was going to include. It came to this Commission with no input from us, no concerns were addressed with us, it came to us with three additional parts to it, and those three additional parts were, again in my opinion, amendments tacked on to legislation and here we have the Austin Energy component which was troublesome way back when it came to us in the first place, which was about a year and a half ago. On top of that we tacked on a more intense special events component here, which is problematic for me because special events for the most part are handled by the little guy. The guy that has maybe has a pickup truck and some trailers and doesn't have a fleet of trucks; he's not able to compete with the big guys, but this is an opportunity for him to make a dollar or two. And then the other, the emergency, that absolutely is vital and that's always been a part of this and it's gonna have to continue to be a part of this. I am much more comfortable going back to what we began in December when we discussed the cohesive commitment to working as a group, formulating RFPs that represent the policies that we have and making sure that every one of these things is done in a most effective, efficient way. We put these RFPs together, we throw them back out on the street, they come back and at the end of the day you probably have a document and a contract that none of us is going to question, I mean would question, since we were part of this planning process and that's historically been done in the past, I mean this is nothing new. But my concerns are again we're trying to take something and break it up here and say "this is good, but we don't like that" and it's just going to be very confusing in my opinion to staff and maybe even Purchasing, I mean staff, I'm sorry, confusing to the City Council and I again personally would love to start over, get this done, and move on. And have each and every one of these items, as a standalone RFP or IFB for that matter.

**Jessica Frazier:** So we've consulted with Corporate Purchasing about this and gotten their approval to move forward in this fashion. If there are particular items that you're not comfortable with then you can only approve specific parts. Going back out to rebid, how would you section it out? Would you section it the same way we have it here? Or... I think that's part of what we need to kind of talk through. The reason why we've put it in sections is so that you can say, "Special Events: No. Rebid that as a standalone thing. AE: these are our concerns." But, and we talked in our meetings that we had one on one about involving you guys in the contract process and we're going to give you a presentation in April about what contracts are currently in existence, but having you edit the RFP is not something that we can do. We can say, "Tell us what your concerns are, here's a copy of the current contract, tell us what your concerns, and the things we can look out for, and we can incorporate them." But we can't have you edit the RFPs.

**Gerry Acuna:** Fair enough, but in the past, and I think members or two, a member or two up here has been a part of this, where he helped discuss the creation of the RFP, not edit it, but let me...

**Jessica Frazier:** Sure, and that's what I'm saying, is that's what we're going to invite – that conversation. We're not there for this contract.

**Gerry Acuna:** Correct, so here, we can't do that today, we cannot.

**Jessica Frazier:** Right.

**Gerry Acuna:** But in the future we certainly can be a part of the actual compilation of a wonderful RFP. Now the matrix is very, very important too. I mean that's what you evaluate the RFP with. This Commission in the past has been able to participate in the development of the RFP process and the matrix that goes into scoring that, and it's been very, very wonderful, it's worked, and no issues. That is, I think, what we are looking at hopefully accomplishing in the future as a working group. I mean staff, and the Commission and getting things done positively that again, positively impact our master plan.

**Sam Angoori:** Mr. Chair, Sam Angoori again, we hear you. And our plan is in April to bring some updates and also specific to this request we are going to talk about some, a list of all the contracts, the ones that are about to expire and we're going to make a presentation to that effect so that you have enough time to know which contract is coming next, and we have a enough time to discuss those as we get to them. Right now we are past that, of course, and we're going to start in April, the next meeting we have. So at this point we have, Jessica has made the presentation, the four parts. We can go through the item that Michael and you had discussed and if you wish to continue that and whether you want to approve each section or not, or exclude some, it's totally up to the Commission.

**Gerry Acuna:** I appreciate that. Thank you. Josh you have a question?

**Joshua Blaine:** Yes, I appreciate Jessica, you breaking it down into four sections. I also found particularly the explanation of why this is significantly more expensive very useful, so thank you for explaining that, and it does makes sense. Where I have issue with breaking it into four sections, and you asking us to isolate them and approve or not approve certain sections, my biggest concern, particularly as the District One representative on this Commission, is where this waste is going, and all four sections all point to the same: "Well we're not really sure where it is going", but to echo Gerry if we were doing this at the beginning, that would be the number one priority. Where is the waste going? For me it's particularly relevant precisely because this isn't private industry dollars, these are taxpayer dollars, these are City dollars, are paying the facility to take City trash, so even more so I want to know that where this is going is not contributing to a landfill that basically birthed the whole Zero Waste movement. So for me, that's the essence of what we're talking about, and so for that reason it doesn't matter what section is what, it all is potentially going to the same place and that's what I care most about.

**Jessica Frazier:** And you can add that and City Council can add that as a point for when we negotiate the contract, so what they're giving us authorization to do is to negotiate the contract and we can add that in to say, "we don't want it going to a particular," I don't know if we can say "a particular landfill", but you can add in what the specific concerns you have are, and then it can go forward from there. There was a Council question that was asked back in, I think, December that identified all the different facilities that this stuff is going to, and that's public.

**Gerry Acuna:** So what's the logic, oh I'm sorry, go ahead Sam.

**Sam Angoori:** What I was going to add to what Jessica said is that where the waste goes is not, it's really a policy question that the Council has to decide, and you certainly can recommend that in your rationale, but staff cannot make that decision and say "you have to take it to this location or that location."

**Gerry Acuna:** Any other questions? We have some speakers that have signed up to share their thoughts.

**Kiaba White:** I just want one small clarification on the organics. It says that the balance will be, "organics will be collected throughout the term of the contract," does that mean that the rest of the sites where there is a trash and/or recycling container, there will be a composting container by the end of 36 months?

**Jessica Frazier:** The balance of the City locations was what we were referring to. We were talking about the 20 up front that had the sites that we would focus in on first because of the requirements, but then yes, we would work to that point, but I don't know what the plan would be to do that, at this point.

**Kiaba White:** But it would be within the 36 months, or the 6 year contract?

**Jessica Frazier:** We haven't planned, we haven't... I'm going to let...

**Jessica King:** Hi Commissioners, Jessica King, Austin Resource Recovery. So, as you know, the Universal Recycling Ordinance organics diversion requirements don't specify that you have to compost. So we have to look at all of our options. What the facilities that require, or that... let me back up. The City of Austin is really trying to lead by example. And so leading by example means... doing as much we can to follow best practices. So where we produce food waste, our goal would be to work with those locations to put composting in place, and there are some City departments, City offices that are interested in also, even though they're not required under the Ordinance because they don't have a food permit, examples would be Rutherford Lane Center which is where our office is located, our main office is located, and then also One Texas Center. These facilities have expressed interest in employee composting and so that would... we'll have to work with various groups because composting in a work environment, in an office environment, there has to be some rules and things that have to be followed. City Hall, Council Members in particular, are very interested in composting here at City Hall as well. So what we're trying to do is phase it in over time. We have to work with custodial staff certainly to make sure they know all the ins and outs. So we don't have a specific time frame because working with all those different groups, training all the employees – One Texas Center has 13 floors, multiple departments, it is a massive structure that we'd have to go through training everybody on – so doing that will take some time, and we don't have exact plans on all of that, we're kind of going piecemeal, step by step, and then once we've gained some traction in certain facilities then we hope to be able to have a clearer plan for a full rollout. I hope that answered... does that answer your question?

**Kiaba White:** It answers my question, I think that we should be...

**Jessica King:** In the 36 months, our goal would be to try and do it within that 36 months. So if we have organics, the first step is definitely what Jessica said, hit the ones that have food the permits and then rollout faster and further. Yes.

**Kiaba White:** Yeah, I really, I've said it before, I'm gonna say it again, I think that if we're asking the public to participate in an activity that it needs to be highlighted in our public spaces, all of them.

**Jessica King:** Sure.

**Joshua Blaine:** I will second that. I do have a question about that. Is it already the plan to... you reference a lot of outreach and training required for these larger complexes. There's going to be a lot outreach required for the residential rollout as well. Are those sort of complimentary efforts?

**Jessica King:** No.

**Joshua Blaine:** Are you leveraging the community outreach coordinator to...

**Jessica King:** No, no not at this time because, one, we don't have a contract or an ability to plan for it at this point. So by not having the service available to us we can't really figure out... when you have the service available and you understand what the contract entails and what you can and can't accept, that makes a big difference. So, no, not at this time. We're focusing on the organics rollout, to focus on the 194,000 customers that we need to get on par quickly. Internally we will get people on, especially in concert with custodial staff because the custodial staff will be the ones who will have a large responsibility to make sure that people are doing it correctly, and it's hard to control 100 or 200 people on a floor to make sure that they compost correctly on their floor, in their kitchenette, or at their desk, if their doing it incorrectly.

**Gerry Acuna:** Any other questions? Hearing none, there are some folks who – Jessica, thank you very much and I guess don't go too far – but there are some people who have signed up to speak to the item. Andrew Dobbs, Mike Mnoian, Walter Biel, and then Bob Gregory who has about 12 minutes of donated time.

**Andrew Dobbs:** Hey Everybody, Andrew Dobbs, Texas Campaign for the Environment. I want to take a second to thank staff for that presentation, that was incredibly helpful and I think it answered a lot of the questions that we've had for a long time now. And I feel like breaking it down like that was exactly what we needed to be able to understand this in some greater detail, and I think that... I hope that we can have presentations like this earlier in the process in the future, but thank you for the obvious hard work that went into that. You know if you want... our position, we have different positions on the different



sections and they're some issues that override all of them. I will say that if you want to start over the whole process, you know, that we're not opposed to that. I think there's parts of this that need to be started over, so if you want to start the whole thing over let's... we're not opposed to that. But we do think that we can maybe simplify this process by having some areas of it that could go through. The one thing that needs to be noted above all is what Commissioner Blaine brought up, which is that not all facilities are created equal and that's something that has to cascade throughout this, and I want to take a second to say that the Austin Community Landfill's not just a problem facility it's one that is at its current rates slated to run out of space in the next... shorter than the period of this contract. Okay. And they're going to try and expand that facility, if we're going to... we don't want to sign a contract that commits us to sending stuff to that facility in a way that could be construed by State Regulators, or Courts, or anybody else, as the City endorsing that facility's continued existence, cuz we're about to be in a knock down drag out to try and get it shut down, so we're gonna need everything we can on that. The other thing is we don't want stuff getting sent to Tessman Road in San Antonio because, you know, the people in this City do not like their waste getting shipped all the way down to San Antonio; it's obviously wasteful.

Turn to the sections real quick. Section 1 which had to do with the Dumpster contract, the increased costs were fairly well established there, I think. There's still some concerns that I have because it seems like data tracking shouldn't be there. I think it's the problem with the organics – they're the big cost drivers. A little bit more diving under the hood might be valuable, but in general we support that service, which is a well-established City service, being continued and the approval of that section, though once again, with that explicit proviso of excluding the Austin Community Landfill and Tessman Road which we believe the City could do. Go ahead and put it in there, let their lawyers figure it out, you know, I think that's what we should recommend. Number two – or what you should recommend. Number two, section two, the emergency services – great, seems wonderful. Two things: one is the facilities exclusion. Number two is – and this is something that you can either direct Council or that we should direct staff – we need a plan for diversion from disasters, because this is something that's a well-established policy that's – the cities that are doing this have plans. Right? Like, they plan when it's not a disaster, "how are we gonna make sure that we're not just landfilling half the City when it gets blown over, you know that we're actually recovering these materials in a responsible way." If you just sign this contract, you need – you need to ask the vendors while they're here if they're willing to work with the City on that when it comes up. Number three, the special events, you know, we don't have a particular stance on this. I know that it's been one of the major points of contention, it seems to me. Like, it might not be a bad idea to drop this portion and to start over on that entirely with all of the stakeholders together so that nobody feels like they're getting screwed by this, because that's how a lot of people feel right now. That's just a kind of political suggestion, you know policy-wise. You know it's, you know, it's not something that we have a principal position on, other than the fact that it seems better to start over. And number four on the Austin Energy, we do not recommend that restarting. This is, this is something that was rejected by Council once before. And it's been brought back, and it needs – without any of the changes that were recommended. In terms of, and this is what I want to wrap up with, obviously the facility exclusion that applies here too. But there are two big things, is that the diversion requirement, I get what Ms. Frazier said about it's all on the generator, not on the processor. A: Council asked them to put it on the processor on this. B: we had historical experience of a previous contract where the processor was digging through stuff and was trying to divert as much. It's not that hard to have a provision that says "whoever gets this contract has to, like, has to go through another – has to maximize diversion on their end too." Right? Because there may be opportunities there. And then the next and final thing is that Council Members Casar and Houston both requested community impact and environmental justice impact provisions put on this particular contract. And they've never been included here. That would be a good thing to cascade through all of this. But certainly on this, where it's been specifically requested by Council, it needs to be there. We recommend that you recommend against approving that and send it back to start over using the process that Council recommended. I'm happy to answer any questions.

**Gerry Acuna:** Thank you, Mr. Dobbs.

**Joshua Blaine:** You just answered my question.

**Andrew Dobbs:** Oh, okay.

**Gerry Acuna:** Thank you. Mike Mnoian followed by Walter Biel.

**Mike Mnoian:** Thank you Commission. Michael Mnoian from Central Waste and Recycling. We currently service five with a capital C, city facilities. This puts our contract in jeopardy. I don't understand why the vague language is going on. I would like to recommend that our facilities are excluded from this contract cuz now we have an overlap. So, I'm just not sure why they are pushing this for us. We were also excluded from bidding on this contract because we did not meet requirements such as, own our own Type 1 landfill, or have long term service agreements with a Type 1 landfill. You should put some sort of small business provisions, small hauler you know help the little guy out. That's what we are; we're just the little guys. We don't want a landfill, that's not our interest, so if you can take that into consideration I would appreciate it.

**Gerry Acuna:** Thank you. Any questions?

**Joshua Blaine:** Which City facilities do you currently service?

**Mike Mnoian:** We currently service the Austin Convention Center for compost, the Palmer Center for compost, and we service the three wastewater treatment plants for the grit haul.

**Amanda Masino:** I'm sorry, what was that last one for the...?

**Mike Mnoian:** Wastewater treatment facilities for the grit from the sewers.

**Gerry Acuna:** Any other questions?

**Commissioner:** And how long is your contract in place?

**Mike Mnoian:** Our contract, it's been almost one year so, we have two years left on the original, with two or three, one year renewals. So they will overlap.

**Gerry Acuna:** Any other questions? Thank you Mike.

**Mike Mnoian:** Thank you.

**Gerry Acuna:** Walter Biel.

**Walter Biel:** Thank you Guys, my name is Walter Biel. Just to give you a little history about myself, this is my first time to speak at one of these meetings. I'm a native Austinite, born and raised here. I own a company here in town, Recon Services and Recycling, we're a waste hauler, and a C & D recycler. I own 973 Materials, which is the largest concrete recycler here in Austin. We recycle concrete, asphalt, cinder block and brick. At the present we're the only qualified processor, C & D processor, in the City of Austin and we're the only certified processor in the State of Texas from National Certification Recycling, or CI. So I had a whole list of things to talk about today and so this being my first time, I mean, the only things I can say is, Wow. I mean what an eye opener for me. We're involved in the CDRA which is the Construction, Demolition, and Recycling Association. So I had one of the board members tell me, "Hey Walter, you know, your new job at your company is to come to every one of these meetings, come to all the meetings to protect your business." So we're a small business here in town, I have 70 employees that live in the Austin area. So it's really important for us to do the right thing. So I see this contract and I had other things to talk about but it's like, man, if I could get a 32% increase in a contract, I'd be high-fiving every day. Number one, why is it 32%? Well now they don't have a local landfill, so now they're competing at my level, which is good for me. Number two, they say, you know, we have all these diversion rates so I would have more questions. Where does that material go? Where do you take it? What do they do with it? How much do they send out? Don't just take a blank statement and say, we're a recycler, you know, I'm a certified recycler. I can document where every piece of my material goes that we recycle, how much it is on a day to day basis, every month. Ask those questions to the people that have these contracts as to where, and what are you doing to divert this? So, like I said, I don't really have a lot to say, I mean the contract, is, I would only ask, every one of you commissioners, you sent it back

the first time. What has really changed? So, if you're a small business owner, I would suggest you take a really deep breath and go, "You know, what if I own this business that somebody said tomorrow, oh by the way, Joshua, you might have a grocery store but you can't buy your produce from the guy that you normally it buy from, now you have to buy it from Ms. Hoffman." So I would only think, common sense, be more open to the public with these contracts, give everybody the chance to come in and review them. I am gonna be more involved and I know you want me to be, because I have to protect my business. I can't make business decisions on a day to day basis knowing that the City of Austin is gonna change an Ordinance, change a rule, and I had no idea about it. It happens every day in life, so, don't let this type of stuff continue to happen for a local businesses here in town.

**Gerry Acuna:** Thank you Walter, any questions? Thank you very much. Bob Gregory you have 12 total minutes. Bob.

**Bob Gregory:** Thank you very much, I am Bob Gregory with Texas Disposal Systems and I sent you an email last night, real late, I hope you received it and I hope you had a chance to look at it. I don't ever apologize for the length of the email, there's a lot of information but you need that, you need the background, you need the detail. It's really hard to know where to start, on this deal. This is an extremely, extremely complicated thing and this, well actually we're about to get into the organics, the last of the five RFPs that I've been telling you about the last few months. It is a web of RFPs that are linked together and they all involve each other and you can get no information. For the City staff to stand here and talk about sections and ask you, and propose that you ask questions on sections of the contract and you haven't seen a contract. We haven't seen a contract. There are 5 RFP's all tied together, we've not seen it all of any contract and we've not seen a word of most contracts. So you have a handout that has not all, but most of the documents. The body of the document deals with our background and our proposal on this, you hopefully will recall that on the 9<sup>th</sup> of November there was a full presentation. You have within this package the Resolution that you did, there was a unanimous vote in opposition to this. We've only learned more and everything that we've learned since then has only made it worse, and some of the things that we speculated about it that it might be, like which landfill it would go to, which composting facility the City was going to dictate that all of their material would go, which recycling facility, those have been disclosed now and they're in your email.

Just to quickly go through and reference and respond to the staff's presentation tonight. Again, I will point out that we have no contract to review, we must have a contract review. I beg you to have a contract for you to review and for you to hear from those of us that are affected parties. I couldn't have a better lead in than the Simple Recycling contract. That's one of the five contracts. It was done without you knowing about it, without Council knowing about it, and with a lot of the staff not knowing about it to be honest with you, but it was done. We're now reaping the problems with that, as small as that contract is, the contractor says it's a million dollar cost to the City to cancel the contract. Don't let the City staff put you in a position, don't let Robert Goode put you in a position, of approving any of these five contracts without seeing the full detail, without hearing the detail from all of those who are impacted. Had that happened on the Simple Recycling contract there may have been a contract, but it wouldn't have been anything like the one that there is. And I'll just tell you, there are still pages, 13 pages of that contract that City staff will not disclose. We've done an open records request for the Simple Recycling contract. We get it all but 13 pages. You remember the biosolids contract, that there were sections that were redacted? One of the things that was redacted in that biosolids contract was where the biosolids were gonna go when they left the facility, the Hornsby facility in three to four weeks. What we've since learned, and that's in this email that you received last night, that it's going to the Organics By Gosh site, we'll talk about that in a few minutes. There's devils in the details on all of these things that you must, please, you must have the detail and you must see the contract. That's my reoccurring theme tonight. So much of these things that they talked about tonight, you don't know, you can't tell. Actually this contract did not start in 2010, TDS had it until 2012 and TDS diverted 47% of the Austin Energy volume. We presented that detail to you, to this Commission, some of you weren't on here, but back then 47%. The statement that you can't reuse and recycle Austin Energy material is just false. We showed how we did it. The statement that the

contract ended in 2016 is false. The Austin Energy contract was voted, was not renewed by the City Council in December of 2015 because the waste was gonna go to the Austin Community landfill, the Waste Management landfill. They did not renew it, that contract has not been renewed since then, over a year it has been operating without a contract. Please don't let staff tell you that they have to get bids on all these contracts in order to do the servicing. The Austin Energy contract has been going on, for what, 14 months, without a contract because they can do it with purchase orders. Okay. They can do these things, state law allows all recycling, composting, and solid waste bids to be negotiated without any competitive bidding, they allow it, they do it all the time. It is disingenuous for them to say that they can't do it, there will be no crisis if it takes them 30 days, or 30 weeks, or 30 months, or 30-years to do these things right. Please don't approve any of these without seeing the contract. The... several of the things are false because of what I just mentioned. They've said many times that it's City facilities, there are special events in here, we have most of the contracts for special events, we still don't know which ones they're gonna take away from us. We do know that they have been servicing special events on the existing City facilities contract, that doesn't even provide for it. You don't know that because they don't tell you that. We have that information, we'll present it to Council when this issue comes up. The addition of brush, scrap, wood and composted materials and things like that – remember we told you there will be hauling related to the composting, I believe it will also relate to the biosolids. The average price increase: 32%; actually it was about a 300% from - if you take the City facilities add them up and compare it to the price of this one, it's about 10 million dollars increase over the three years. It's much, much more than a 32%. You don't know that until you see the contract and you see the pricing. I've been doing this for a very, very long time and many, many, all the important contracts that we have done, and that we've competed with, have come before the Solid Waste Advisory Commission and the Zero Waste Advisory Commission and the Council, with posted contracts. Do not let staff tell you that they can't post them. The law says they need to keep them, and it's all explained in my email to you, they must keep them confidential until negotiations, it is not at all unusual for things to change when it comes to the dais, but it's just through negotiation, it's not through the final contract. The 2008 biggest boondoggle from the history of the City, waste to energy plant in Nacogdoches, we still can't get that contract and that's been almost 10, that's been 9 years ago. We can't get the Simple Recycling contract, we can't get a number of contracts. Don't accept these things, don't waste your time. There's too many other things you can be doing that's so important that you could and should be doing, rather than trying to second guess and look for the ghost in these contracts. We're not making this up, clearly this contract allows these facilities, allows the City staff to do service to commercial business all over town. There are City facilities that have certain types of business. Mike who got up here a while ago talked about having contracts. We too have contracts. The City of Austin contract, you may have read it in the paper has gone from 12% to 25% diversion in the last year. That's because we got the contract from Republic. They were doing 12% now we're doing 25% that has occurred in one year. The recycling containers, and recycling portion of this Austin airport contract is in this bid. Now on the trash part it's stamped beside it "not included." Well now I suppose that'll be not included until the contract runs out and then they will roll that into this bid. The same with the downtown City dumpster contract, would be rolled into the bid. All the recycling containers at the airport are not marked at all, they're part of this bid. You've got to see the detail, the devil's in the details. So I have the... let me touch on a few highlights then. We've talked about special events, the price, the vendor's quotes. We don't have any idea what the prices are on the special events but I can tell you that when we do special events the demand for service is immediate because they've got 80,000 people showing up for dinner, and breakfast and lunch and they can't have a lack of service. So those people really don't know what is here, if they did know it – this is helpful their presentation tonight, they'll know it more when it goes to Council – they would be here.

I'll go to the handout, the little handout that I gave you and I don't have a tremendous amount of time left, I know, but let me remind you that Republic did not bid on this bid in a timely basis. Ryan Hobbs was standing there and me and a number of people in my staff were watching it on the computer on live feed, when the lady in Purchasing announced that the only bid they received by the cut off time was Waste Management, but yet a few days later they just put out the notice that both companies bid on it, there

was a time on the Austin Energy contract, TDS timely bid but forgot to submit a couple of pages. We were out of compliance. I grant that. They raised the price twenty something percent going to Republic, that's when TDS lost it in 2012 not 2010. Republic didn't even bid on a timely basis, yet here we are. You've got to be asking yourself what on earth is going on? What's the City staff doing? Why can't we know this? Why is there so much uncertainty? Why is there this cloud of detail and problems? We want to know the same thing. Is that my time?

**Gerry Acuna:** That's time.

**Bob Gregory:** We want to know the same thing. Thank you.

**Gerry Acuna:** Any questions? Commissioner Blaine.

**Joshua Blaine:** I'm just laughing because everybody is looking at me. I don't have any specific questions at this moment, but I can't promise I won't.

**Gerry Acuna:** You know I'll have a few questions, I just want to take care of the procedural part of this process, but thank you.

**Bob Gregory:** I'll stay close. Thank you very much.

**Gerry Acuna:** Thank you. All right Commissioners we have, I guess some house cleaning to do based on this item and the house cleaning comes in with the fact that we did pass a Resolution on November the 10<sup>th</sup> of last year, denying or rejecting this RFP. Now it was brought back, well after the Director resigned the item got pushed back and as a result we were not gonna have the opportunity to discuss any proposed changes, the revisions that were presented tonight, if Council didn't take the opportunity to move it to February 16<sup>th</sup>. So here we are, we've got a few options here. We have a Resolution that passed, we can take that Resolution and literally just say stamp it, this is what we decided and it stays at. Or we can take this opportunity to rescind that and literally present some additional thoughts and concerns to Council, on ways to improve this or to accept this or to break it up. This is an opportunity to actually start growth in this, between the Commission and ARR, and I'm again open to any thoughts or concerns. Commissioner White.

**Kiaba White:** Actually, I just had a question for staff, we heard from a speaker that there is a contract for some of the same services and the same time period. I think that's pretty important that we understand what's going on there.

**Jessica Frazier:** The one that I remember hearing about was the organics that's being provided to the Convention Center and Palmer Events Center, so because we don't have a citywide contract and that's not part of contract, there's some facilities - cuz Aviation is an example as well - that they are a little more, further ahead as far as diversion is, speaking of diversion for compost, and so they've had to go out and get their own individual contracts. And so our intent for this is not to replace any of those contracts. We haven't... it's for the facilities that don't currently have those services, so we wouldn't, again this is more for those specific departments to speak to of what their plans are. When we did this as a citywide for these facilities it was with the intent to provide the service to the facilities that don't currently have it. So that's...

**Kiaba White:** Okay, thank you. That's good clarification.

**Gerry Acuna:** Any other questions?

**Stacy Savage:** Well I guess, you know, I would take the opportunity to, I saw you shaking your head during Mr. Gregory's time and wanted to give an opportunity to, I mean, if you refute or rebut anything that he said.

**Jessica Frazier:** I'm going to have to remember everything he said, one of the things he was talking about is the contract, he was talking specifically about a contract with AE for diverting. So there's multiple

contracts that... the AE thing obviously is a separate deal. The contract I was referencing as far as when the start date and expiration dates were our current Republic contract. So those are the start and end dates. It was a six year contract, and so it started in 2010, ended in 2016 so that's part of it. There's a lot of concern about us not sharing the copies of the contract, so once the contracts are executed they are public documents and they are available on our Austin Finance Online website. After we had the stakeholder meetings with the textile recycling it was noticed that the pdf document that was on the public website was half of the textile recycling contract and half of some other contract. So that error has been corrected and I don't know if that's part of what the issue was. There were some things that I think were redacted which included like tax id numbers, and things that are public, or *not* public items regardless of whether we hold the information or not. The presentation that I gave you today was about the RFP document that's public, that was published I think in June when this solicitation was launched, so that information hasn't been hidden, I just took that very long RFP document and tried to consolidate it based on the concerns that I heard you all had. So that's not something that we've been hiding. The bids have to be kept confidential, that's per state law, until the contract is finalized and then because the bid is not necessarily what ends up being in the final contract. Part of what we're talking about here are what your concerns are, and what we eventually go to Council to get approval to do is to negotiate. So we don't have that approval at this point, once we get the approval to negotiate then what the bid had in it and what our RFP had in it, usually there's kind of a combined, very rarely is it, we get exactly what we asked for or the vendor, you know what I mean, like there is some negotiating that has to happen, and so what the final contract looks like isn't necessarily what's in the bid documents and again... yeah?

**Joshua Blaine:** You said that the contract becomes public when they're executed, when they're signed, when they are agreed upon; but is there no opportunity for public input after it's negotiated before it's signed?

**Jessica Frazier:** I don't think so. I think that we get the direction and then we go and negotiate, that would be a Corporate Purchasing, that's past the point where I'm involved, but I believe that part of the public meeting for the RCA's for these RFPs, for these contracts, is to get that input and then go to the vendor and do negotiation. But whether or not we... so if there's a deal breaker that says "we want this specific thing negotiated in the contract, if the vendor won't agree, then we want you to go out and rebid", that's a direction that we can be given and when we go to the vendor and they say, "no we are not going to agree to that" then we can say, okay fine, we either go to the next vendor, if there's another person that bid, or we resolicit. So that's the answer I know to give you but I don't know about the in-between time from when we get approval to negotiate to when it's finalized. I don't know.

**Joshua Blaine:** So, for something as explicit as not wanting citywide waste to go to a particular landfill, it would have to be an explicit negotiation request that in the negotiations, if they will not agree to that provision then you will not accept that negotiation, it will not make it into the contract.

**Jessica Frazier:** As a part of the recommendation that Council gives us, or the approval, the authorization that Council gives us, they can make that stipulation and say this is how we are directing you to go forward with this, or not go forward.

**Joshua Blaine:** Earlier I think Sam said something about the City can't direct where waste goes, and what you just said...

**Jessica Frazier:** I'm talking about, I'm talking generally about provisions in the contract. As far as us saying, waste doesn't go to a specific landfill, that's tricky.

**Sam Angoori:** So, Sam Angoori. What I was saying was that staff here cannot make that policy decision as to where the waste should go or can go, this is the Council decision and as I mentioned earlier you can certainly say that, you know, that's part of your exclusion, you can say that too, as an advice to your Council members that, you know, you want this waste to go to, not to go to this landfill, go to another landfill. Now I also heard a lot of reference to contract and what I also wanted to reiterate is that right now we don't have a contract, we're not at that point yet, the purpose of all this discussion and also going to

the Council is for them, for the Council members, for the Council to give us that authorization to start negotiation of a contract. And certainly, some of your suggestions, you know, you can as part of your recommendation to your Council member could be this should be a provision in the contract.

**Joshua Blaine:** I understand what you're saying that there is no contract, but what I just heard Ms. Frazier say is that once there is a contract we have no say, so, for us to say go ahead and negotiate a contract, it feels like that's the end of our input, so, to me that's why we need to be making a big deal out of this, cuz by the time there is a contract, my understanding from what I'm hearing is that we no longer have input on it, and just correct me if I'm wrong but that's what I'm hearing.

**Sam Angoori:** And now I can certainly find out about that through Purchasing and our Legal, I can certainly find out. I'm not... what I know in the past dealing with say, C.I.P projects and so on, you know we got the bids and then we go to the Council, Council give you authorization, give us authorization to start negotiation and then the contract after a certain number of days, after we get to a point where everybody agrees to, to all the provisions then it's signed and executed.

**Gerry Acuna:** Please correct me, and again I wish there was somebody here from Purchasing, but if I'm not mistaken, I mean there's other cities, through experience, San Antonio for example, Dallas and probably some other communities where the negotiations are obviously off limits, the RFP evaluation is off limits, but once the contract is negotiated prior to a final approval by City Council, the actual contract, the document, is made public and you and I can look at this before we actually vote on that as Council Members, for example. And we can verify that yes, indeed this is what we discussed and this is what is being provided in this contract. That can be done. More importantly I'm concerned with again we're trying to go back and do something that is very confusing, and again we can go back and do it right. I'd rather do that personally, go back and set the, as you said, set policy where we don't send waste to a facility that has been deemed a bad actor, we don't do that. These are the things that you put up front in the RFP so that when you get these proposals from these proposed contractors they know all this. As far as the actual evaluation of that, the matrix is very, very important. And again, I want to believe that we can work together, put together, to establish a wonderful matrix that includes where does your waste go. All those things are components of a good RFP and at the very end you chose the vendor, and that vendor negotiates a contract with you, and the contract is negotiated, and the contract is made public to make sure that everything was absolutely, you know, as stated in that RFP, and then we move on, I mean, that's... I don't know if that's a dream I'm having but I would love to have something like that moving forward that we can all work together to build a better department.

**Sam Angoori:** I agree with you as far as working together and I'm looking forward to that, work with every one of you on future RFPs, but at this point again bring us back to here, this is where we are, and certainly a recommendation by you all however you see fit, and we'll take that to the Council after that, but future RFPs, and I'm not saying that I'm gonna give you the RFP to write, or vendors and so on, but certainly give you a chance to look at the future contracts that say is gonna expire in 12 months from now, you know, you have a certain amount of time to take a look at those and see what, you know, what kind of suggestions you have to include in those future RFPs.

**Gerry Acuna:** We don't want to write a, I certainly don't want to write an RFP, but I want us to be comfortable with what is going in there and that comfort level comes in when we take into consideration department policy, City policy, I mean, we again I'm gonna go back to the landfill question; that is something that we established almost 20 years ago and we should adhere to that, number one. Number two, there's other wonderful policies that have been established over the course due to the Master Plan that need to be included in these future RFPs. This is an opportunity, again, for us to start over, get it done correctly, and submit it. Anyway...

**Stacy Savage:** So when the landfill closes where is this waste going?

**Sam Angoori:** When the landfill closes?

**Gerry Acuna:** The waste from ACL landfill, I think. Is that what you are referring to?

**Sam Angoori:** I'm not sure when the landfill is closing. I don't know.

**Stacy Savage:** Okay. And how do we give peace of mind to those who already have contracts with the City such as CTR, I mean they're a small business. Right? I don't want them to be affected, you know, if this ZWAC commission makes some sort of motion, you know, discussion or action that could...

**Sam Angoori:** Sure and one of the reasons we broke this down was really for that purpose that there are... you know when a small company sees a 17 million dollar price tag, they don't have the compacity to do that, so we broke it down and you can choose from that to go out with one portion of those contracts that has a smaller price on it. There is a very good possibility that smaller firms, smaller contractors can definitely submit proposals for this.

**Stacy Savage:** Even if they already have an existing contract?

**Sam Angoori:** I believe so, I mean, I can...

**Stacy Savage:** I mean, what I'm saying is, can we get it in writing that those five City facilities that CTR manages won't be affected, you know, that's a provision that we can add in and that they can be...

**Jessica Frazier:** So you can add anything into your recommendation and we can go back and communicate with those departments to see what their plans are, and, or to say we would prefer you to continue with this contract or, whatever it is that your recommendation is, if when it gets carried forward then... we'll find out in the meantime.

**Heather Nicole Hoffman:** So any department has the option of opting out of this general contract for specific services and bidding those out?

**Jessica Frazier:** No, the reason why we have this all combined together and the reason why we do one contract as a total City is because there's economies of scale that are identified. So Purchasing policy, purchasing law, prohibits us from separating purchases for the intent of circumventing Council approval, or to break it up so we can assign it to, like there are rules about separating things out, so when we look at what our total need is for the year we look at it as a total City but it's also by department, so it's kind of a sticky situation in making sure that we're not circumventing this policy to not have to go for Council approval, cuz we can just break this up into as many pieces as we could to not have to come talk to you guys about it, same thing. But it wouldn't, from our Corporate Purchasing policy, and the way that our Corporate Purchasing department approaches services that are similar or identical across the departments, so like office supplies and uniforms, and things like that, they try to make consolidated contracts for that reason to get a better economy of scale pricing and that sort of thing. So I think the answer is no, but I don't know. I think the one area where these different departments have been allowed to kind of do their own, is when they have very unique needs that aren't serviced by the current contract or would be too difficult for us to try to incorporate into the contract. So those are the reasons why the current contracts do exist, is because it's not covered under our current citywide contract. So my answer is I don't think so, but I'll find out.

**Joshua Blaine:** How many qualified processors are there who could've potentially bid, you know, baring the big scope. Like technically speaking how many haulers...

**Jessica Frazier:** I can tell you how many people were registered and how many people got sent a notification, but without them submitting a bid I can't evaluate their qualifications.

**Joshua Blaine:** Right. How many are registered?

**Jessica Frazier:** I can tell you that, but not right now because I have no idea.

**Joshua Blaine:** Ballpark... it is tens, is it hundreds?



**Jessica Frazier:** I have no idea, the Corporate Purchasing is the one that sends the stuff out and sees that, so I can get that information for you but I really have no... I couldn't even guess.

**Joshua Blaine:** Cuz, I'm leaning toward what Chair, Gerry, said earlier, which is, you know, scrap where we are here and start over, partially because I'm wondering if this citywide contract is to our benefit. I remember former director Gedert talking often about consolidating contracts and economies of scale. I'm not convinced that there *is* benefit to this. This is really expensive, yes we've added services, you've explained why it's more. One of them is because there needs to be a dedicated route for all of these vendors. I wonder right there how much that's costing; if these were individual contracts could we accomplish the same, you know, diversion metrics without having to do that? That's kind of one thought that I'm having, one reason why I think this is worth rejecting flat-out again, but I'm curious what other people think on that.

**Jessica Frazier:** So before you answer that, my brain turned on a little bit. Austin Finance Online there's a purchasing component of it, and I believe you can go and research the vendors and the list, so if you had this question again about another commodity code, I think you can go search that stuff. But I'll get that information for you. But like I said, the contract information is out there as well.

**Gerry Acuna:** Commissioner Masino.

**Amanda Masino:** So, yeah, I was wondering, so I think we have some overall concerns and then there are some concerns specific to sections. I find I have the most questions about the Austin Energy, the impact of the Class 2 non-hazardous waste section. In this memo recommending approval of this item, there's some information here about the current contract with Green Environmental Services and this says that it, "the current continuation of this contract is causing significant inefficiencies in Austin Energy's ability to manage its waste stream from various power plant facilities." Do you have any more information on that? That's very vague to me, and I'm not – I'd like to know more about what is going on now.

**Jessica Frazier:** We had a conversation about it last month or two months ago, and I can't remember. It was something about the way that they had to take it all to one spot and then get it picked up, versus getting it picked up from – does that sound familiar? I don't - I want to say that was what it was, the efficiency of them having to truck everything to one area and then, versus having the vendor go and pick it up from all the locations – I think that was the reason, but I can get more information.

**Amanda Masino:** So we don't currently have more information, or information on the utility poll options that would be used? So we have the three possibles, but no...

**Jessica Frazier:** I'm not an expert in that area, unfortunately.

**Gerry Acuna:** All right, any other questions or concerns?

**Kiaba White:** Concerns, yes.

**Gerry Acuna:** Well share them please. I mean I...

**Kiaba White:** Well, I guess, on the providing of dumpster service to the City facilities. It bothers me that there has not been any effort to even see if that would be most cost-effectively provided by City staff. I think that if we have staff that do any service, be it janitorial or, you know, fleet repair, or whatever it is, if we have an in-house capability to provide a service, or potentially provide a service that we should at least evaluate whether or not that is our most cost-effective option. And maybe it's not, but I don't like this philosophical, just, resistance to even examining what's most cost-effective to our City. So I have a problem with that, and I think especially since we're talking about new services in terms of organics that we should be doing that evaluation.

**Gerry Acuna:** All right, any other comments? Okay. We had, again, we had a Resolution that we passed on November the 10<sup>th</sup> of last year. And that was a 10-0 vote to reject this current document, or the

contract as written, the RFP as written. Is that correct, am I accurate so far, all right, is to reject this. I again brought this back with the hopes that we could at least better this by bringing a group together to write a better RFP, which broke this back into its respective components, and put it back out on the streets and again begin this process all over. If we were to choose to do that, that's one option. The first option would be just to go back and accept the results of the November the 10<sup>th</sup> Resolution, which is basically 10-0. A 10-0 rejection of this whole contract, which at that point I don't know what City Council would do. I'm assuming that's going to go back out to a re-bid of some sort, I would hope. But, again, Guys I'm open to suggestions here. Can we make this better by working with staff to put the policy issues and questions at the forefront of this and then put it back out on the streets?

**Kiaba White:** Are there any objections to the emergencies portion if we were to put a restriction on the location that waste went to?

**Commissioner:** I would be okay with that.

**Amanda Masino:** I would want the biosolids to be, that they... there's proposed language, I think, for the biosolids to be treated separately, and I would want to see that.

**Joshua Blaine:** As well as the recommendation that was made by Mr. Dobbs to factor in basically C & D diversion, C & D reuse. And paying attention to the way materials are dealt with, not just land filling on the road.

**Gerry Acuna:** So let me ask a question here. Assuming we go back and we decide that we're going to include this and that, and exclude this and that, I mean the costs, obviously, are not going to be reflected in this RFP. I mean, I can't imagine that the vendor would accept the same cost point if we add this or exclude that. It just can't make sense to me, and again, that's back to my point. This is such a convoluted attempt at presenting something to a Council that I guess relies on us for guidance and advice when it comes to ARR matters. So I'm... again, we're basically, almost kicking the can down the road by taking this out, adding that, going back and seeing what the price might be at that stage. Whereas if we decide to just do it over again, we can accomplish much greater results at once, immediately, than guessing here and guessing there. And that is my two cents here, and I'm, again, I'm hoping that the Commission would at least review that option.

**Heather Nicole Hoffman:** Are you looking for a motion... or?

**Gerry Acuna:** I'm looking for suggestions, motions, yes. Results is what I'm looking for.

**Commissioner:** One more question for staff, about, we're saying that we have questions on different sections of this, and you've broken them out. What is the advantage of putting them all in the one contract? Why is this all rolled into one?

**Jessica Frazier:** This was a replacement contract to one that already existed that had a lot of this stuff already rolled into it. So it was just continuing...

**Commissioner:** ...with the additions of the...

**Jessica Frazier:** Right. I think the one exception would be the AE waste part, that was a decision that was made at some point with City staff that we're trying to find a solution, and then they said well, let's try to put it on this one as well, and see if that will work. But the other stuff was just a continuation of, this is how we've managed the contract so far, it's worked well for us, and....

**Commissioner:** And yet there were other contracts for specific facilities throughout the City that were not part of...

**Jessica Frazier:** Those are specifically for compost.

**Gerry Acuna:** There's been add-ons to this.

**Commissioner:** Right. Okay.

**Jessica King:** Hi Commissioners, Jessica King, Austin Resource Recovery again. One of the key reasons to lump all this in one area and y'all might know this based on your work with the sustainability committee, too, is trying to have a better understanding as a City entity, as an organization what our true diversion rates and opportunities are as an organization. So right now the information that we get is very piecemeal, and we have to grab it and kind of figure it out and mush through it. Having one contractor who is able to provide all of the information and have standards across all the departments is actually beneficial to us from a sustainability perspective and understanding those numbers. So that is one benefit.

**Commissioner:** Thank you.

**Kiaba White:** Bringing that up does make me wonder if by lumping all of this together it ends up excluding some potential bidders who would not be able to provide all the services but perhaps could provide some of the services more cost-effectively. I don't know if that's been evaluated in any way or not.

**Joshua Blaine:** That was part of my rationale for making the comment that I made earlier, and it was informed by some of the people who came in and spoke. Certainly as somebody who is part of the small-guy business scene, I am all for making sure that we're not only creating economic opportunities for those who have massive resources, massive national corporations behind them. And we're using our taxpayer dollars to support people who are putting in the hard work and doing the smaller-scale stuff.

**Jessica Frazier:** Two things. One is that when we – any time we do any solicitation, it's reviewed by the S.M.B.R. – which is the Small and Minority Business Resource Department – to see if there's any subcontracting opportunities for minority and woman-owned businesses. So that's something that is always looked at, and if they see any vendors that are registered, or there's opportunities, they'll put goals on the contract, so that when someone bids on it, they're required to go out and try to find subcontractors to help with that. The second part of, or the second I guess option, is that we have contracts, or we have solicitations where we've gone out and we've said that we can award multiple vendors for service, so that might be another way that we can do this. I just don't know how we would decide, or how we would say, "okay, this is" – you know what I mean? – I don't know how we would decide who would service what. So if you guys can think of a way to figure that out. But that's one way that we could do it, where we would say okay, "We want to award this to multiple vendors", so that's another option that we have, it's just very tricky and very – it's tricky.

**Kiaba White:** Could you remind us if there are subcontractors?

**Jessica Frazier:** The RFP didn't identify any M.B.E.W.E.B. opportunities, so there were no goals identified. But that doesn't stop the vendor from exploring them on their own. But it's not a part of the requirements of the submission of the bid.

**Joshua Blaine:** And why is that? How come there weren't any identified?

**Gerry Acuna:** There are some identified on there. Perhaps the information wasn't submitted, but there are a few on there that I know.

**Jessica Frazier:** If there, so that would be a question for how S.M.B.R. does their evaluation, but the, that department is the one that looks to see whether there's any opportunities, or subcontracting opportunities, but I don't know how they determine that. I can find out; another thing I can get some information on and find out.

**Gerry Acuna:** All right folks.

**Amanda Masino:** I'm really leaning towards sending this whole thing back to re-bid. It just seems like we have too many issues, but I would, I suggest that we update our rationale, because I think that staff has

addressed some of the concerns that we had and splitting it up did clarify matters. I want to be very clear in our communication to Council, what are our remaining objections and maybe even what are our recommendations for exploring the option of one RFP versus four. And maybe that's something that we want Council to have the latitude to explore when they're together. So...

**Gerry Acuna:** Thank you.

**Joshua Blaine:** I support that. I would even go so far as to make a motion. I move to reject the proposal to move this into negotiations and with that rejection to update our rationale specific to many of the things that we have explicitly said here, which I can outline now. The location of the landfill – making sure that we're not sending waste to a landfill that is against longstanding City policy. Exploring whether a single contract is even the right tack if there are multiple contracts that maybe should be involved, and the same old concerns that we've had about the Austin Energy portion not being resolved. I think those are the three big ones, right?

**Kiaba White:** I'll second that, but I would like to add some items to that if you're amenable. In addition to the location of the landfill here in Austin, I would like to make sure that we express a concern about shipping our waste to San Antonio...

**Joshua Blaine:** Friendly. Yeah, absolutely

**Kiaba White:** ... I think there are multiple problems with that, one of which is the carbon footprint. I'd like to make sure that stays in there.

**Michael Sullivan:** I think if we're going to take action on this, the first motion has to be to rescind the previous motion.

**Gerry Acuna:** Correct. Correct. But let me, Josh...

**Michael Sullivan:** Before we get into...

**Gerry Acuna:** Read back your...

**Kiaba White:** I, if I may, I really, I don't understand, I've never, in any of the other things that I serve on, that is not how it's done, and I object to that, because then my name ends up on something, because I vote to reject or recommend against...

**Michael Sullivan:** Well you...

**Kiaba White:** But then I may not agree with the items, and that's what happened last time. I don't agree with your reading of how that happens.

**Michael Sullivan:** Well I think what happened last time was the rationale within the recommendation, but what I'm talking about right now is from consult with the clerk, if you want to take action on this, you already did. So you need to reverse that action. So somebody has to make a motion to rescind, there has to be a second and a vote, and then we can do a new one.

**Gerry Acuna:** Correct. That's what I was told by Legal, so...

**Kiaba White:** Okay. So you're not saying that we have to do like we did the last time?

**Gerry Acuna:** We're basically...

**Michael Sullivan:** Well, there has to be some consensus on the substance of the recommendation. If you don't take a vote or a straw poll within that, how do you communicate that? I mean, I think it's open to interpretation, and we can certainly discuss it. You did have a point that you raised, so if you really want to go into that, there's nothing wrong with it.

**Kiaba White:** Okay.

**Gerry Acuna:** So let me, let me understand. You're moving that this be rejected – the RFP be rejected – and we go back...

**Joshua Blaine:** Well as Michael said, we already did that, so I guess I'm a little unclear as to what the action is other than to update some of the rationale behind the standing.

**Michael Sullivan:** Correct.

**Gerry Acuna:** Well, if we're gonna do anything, in other words, we can make this real simple and just say, "hey let's just keep it as is", we already said "no, we don't like it." And, maybe some questions were answered this evening, but not enough, so we want to keep it as is. 10-0, or 9-0 in this case, or 10-0 actually, 10-0 vote, because nothing changes, it goes back to Council on the 16<sup>th</sup>, and it's still a "No. We don't feel comfortable with this." Austin Energy, I guess, kind of took the same tack. They didn't vote, but nonetheless it was not approved at that level and, anyway your, if we want to talk about, do we want to keep it the way it was? Unanimously, reject it?

**Joshua Blaine:** What I'm hearing from you is you would prefer to update the rationale.

**Kiaba White:** I would. I would like this to be 9-0, or whatever we are up here right now, but I don't think that all of our rationale from the last go around has – I can't support all of them.

**Amanda Masino:** And I think some of it's no longer applicable. I think it'll reflect the fact that we have been responsive, we've been part of the discussion, and we still are finding shortcomings. I think it's important to show that we have considered.

**Gerry Acuna:** So we have additional consideration, or "we have considered additional information that's been supplied, but we're still not comfortable".

**Amanda Masino:** Absolutely.

**Joshua Blaine:** So, point of inquiry on that. If that's our intention, Michael, do you still stand by the process you described? Do we actually have to move to rescind our previous rejection? Get a vote on that and then move to vote on another rejection?

**Gerry Acuna:** Right. Can we amend...?

**Michael Sullivan:** You made a recommendation to – to not approve, or not recommend, so what you have to do now is, since you're gonna change that, rescind that action. Everybody votes to agree to that, and then you do a motion for a new action, and we start the process over. And it actually does kind of work for what Commissioner White said. If she had some disagreement with the content of it, you can straighten it out now.

**Gerry Acuna:** Okay, so... we can't amend this? Now Robert's Rules is we can't move to amend this item by adding the additional concerns or clause?

**Michael Sullivan:** The direction that I got from the clerk was you want to rescind the former action. And then the way that I saw it playing out here was that we would do that in the beginning and then there would be discussion and then there would be action. But we did discussion first, so now you have to decide if you even want to take action. If you don't, you do nothing, nothing happens. The last vote recommendation stands. If you want to progress with the new recommendation to not recommend, you erase the old action and then you take the new one tonight.

**Joshua Blaine:** Why is it that we have to erase the old action? Why can't we just...

**Michael Sullivan:** Because you're changing it.

**Joshua Blaine:** But maybe it's a new recommendation. New reasons, new rationale, new...

**Michael Sullivan:** It's the same item.

**Joshua Blaine:** Same Item, okay.

**Gerry Acuna:** All right Guys, let's...

**Amanda Masino:** Just do it.

**Joshua Blaine:** I move to rescind the previous action on this issue.

**Amanda Masino:** Second.

**Commissioner:** Man, you beat me to it!

**Gerry Acuna:** All right, we have a second Commissioner, Masino. All right, so hearing no more discussion on this recension, whatever. All those in favor, raise your hand. Anybody opposed? Unanimous. Thank you. All right.

**Joshua Blaine:** Okay now I move to make a recommendation to reject the RFP and to deny permission to negotiate this contract.

**Gerry Acuna:** I'll second that.

**Joshua Blaine:** And I would like that we have a consensus on the, on what the reasons are for that  
**Commissioner:** recommendation to reject. And, shall I explain those now?

**Gerry Acuna:** Please.

**Michael Sullivan:** I have a digital copy of the previous recommendation. I have a digital copy, so we can work directly from that, and I can edit it.

**Gerry Acuna:** I think that's what we're looking at here. All right, so let's begin the process here.

**Joshua Blaine:** I was gonna use this one here, that breaks it down into different categories; City facilities, emergency, special events, Class 2.

**Gerry Acuna:** There you go. And that's not cheating by the way.

**Joshua Blaine:** I think for City facilities, rationale is opposition to any of the City waste going to the community landfill.

**Commissioner:** Or San Antonio.

**Joshua Blaine:** Or San Antonio. And you can just add that as rationale to every item, because that applies to the whole RFP, or the whole contract. For emergencies, the rationale is wanting explicit diversion and reuse provisions. Was there something else with the emergencies, or was that it?

**Amanda Masino:** That was it. That was it.

**Joshua Blaine:** For special events, I think that the rationale was general opposition from the community. Was not properly vetted for public input in a way that had support. And in Class 2 non-hazardous waste, some of the concerns – and maybe Mr. Dobbs can help me with those, because you went over some of the opposition we had originally – but essentially that little or none of our concerns that we posed a year ago – or whenever that was – have been addressed. One of which being: encouraging highest and best use of the utility poles.

**Kiaba White:** And the other materials as well.

**Joshua Blaine:** And other materials.

**Amanda Masino:** And I think one that came up specific to the Austin Energy, but I think this is an overall environmental and community impact. And then the carbon footprint, I think that applies to all four areas.

**Joshua Blaine:** So, yeah. That sounds good.

**Kiaba White:** Can we go back to the special events? I'm just not really comfortable with, the reasoning on that one seems pretty vague and...

**Joshua Blaine:** Fair enough. What would you prefer it to say?

**Kiaba White:** I mean, I think we could just stick with the issues with the location. I would be happy enough with that.

**Gerry Acuna:** I would like to add something to the extent that the possible negative effect to the smaller hauler. I mean it's one thing for a contract to be let to a multi-billion dollar company who can afford to do any and everything. It's another one when you take it away from a smaller guy and, literally that means a lot to him. And I...

**Kiaba White:** But isn't this only an option if that event coordinator wants to utilize it?

**Gerry Acuna:** Not the way...

**Kiaba White:** He can't be forced to, right?

**Gerry Acuna:** Not the way the original RFP was read. The original RFP included almost 20 plus named events. Probably more than that if I'm not mistaken.

**Kiaba White:** That they have to use this contract, or that they can use this contract?

**Gerry Acuna:** That were included in this contract. Now I'd just as soon not have any of this in there if it's going to adversely affect the smaller haulers or providers. I'd rather just make sure that that's separate and literally, kept the way it used to be handled.

**Kiaba White:** Can we get clarification on that, whether or not those events have to use the contract or it's just an option for them?

**Jessica King:** It is a choice of theirs. All event organizers – so first of all, I'm Jessica Frazier, went through the presentation – only eligible events, meaning their City co-sponsored, department organized, or events where there is a written partnership, like the Trail of Lights, with the City, are eligible to use the contract, not required. So they can choose to use the contract. If there is still a concern as to whether or not the City should be even offering that, one of your recommendations could be that the City not provide service to City co-sponsored events and only restrict use of the contract towards department organized events. That would be something like Austin Energy's Resource Fair, where they provide... it's a huge event where they normally need dumpster service because it's so big and a lot of people come and it lasts the whole day. So it could be restricted to department-organized events. Normally that's a City staff member handling all the organization of that event. And then what the impact would be is that all event organizers would, if they, even if they are City co-sponsored, would not be able to utilize the contract and would therefore go out for bid on their own, which they generally do anyways, most of them try to go out for a bid on their own. And then if the City... if they just don't want to do it, then they can come to us, the City co-sponsored events that are identified by Resolution.

**Kiaba White:** Thank you.

**Amanda Masino:** Michael, is there any way we could see what you've drafted, as a, just to...

**Michael Sullivan:** Yeah, I think you can put this up on the screen, right?

**Commissioner:** And may I add a provision?

**Michael Sullivan:** I'm sorry, it's the document that I'm working on here. You want me to put it on a thumb drive and bring it to you and we can... okay.

**Gerry Acuna:** You may. Go ahead, I'm sorry.

**Commissioner:** I want to make sure that it's captured that...

**Gerry Acuna:** Michael, I think there's another... Michael, I think we want to add something

**Commissioner:** I'll just wait til you move over.

**Gerry Acuna:** Okay.

**Commissioner:** Basically my main point of protecting the already-signed contracts for small business.

**Gerry Acuna:** Is that coming up Michael? Oh my goodness... wow!

**Amanda Masino:** It's an eye exam.

**Joshua Blaine:** So that one should also read "opposition of any going to ACL or San Antonio".

**Kiaba White:** I wonder if we should be more broad?

**Joshua Blaine:** Outside of a certain radius or...

**Gerry Acuna:** I guess you're concerned with the carbon footprint in transporting it, which is...

**Amanda Masino:** Let's not send it to Dallas instead of San Antonio or something, right?

**Kiaba White:** Yeah, exactly. I don't know what the other options are, but...

**Gerry Acuna:** I mean, CAPCOG region, perhaps.

**Amanda Masino:** San Antonio's not in the CAPCOG.

**Gerry Acuna:** No. Alamo.

**Amanda Masino:** Oh that's right.

**Gerry Acuna:** Within the CAPCOG region...

**Kiaba White:** Yeah. All right.

**Gerry Acuna:** Outside, I'm sorry.

**Joshua Blaine:** Did you get that Michael?

**Michael Sullivan:** No.

**Commissioner:** Other facilities outside the CAPCOG region. We'll go ahead and capture "excluding already signed contracts with the City."

**Kiaba White:** Should that be in a recommendation? We could...

**Joshua Blaine:** Yeah, I don't know if that's part of our rationale for rejecting it, because at least from what we heard from staff that wasn't part of the RFP here.

**Commissioner:** As long as it's captured somewhere.

**Kiaba White:** Yeah, I would suggest that there might be several things that we want to add as specific recommendations up above once we're done with rationale.

**Commissioner:** Okay. That's fine with me.

**Kiaba White:** Would you be amenable to adding – I think the other thing you had under City facilities, or maybe this was more of a general concern was the lumping together of these services, concerned that proper evaluation wasn't done to determine if that's cost-effective.



**Joshua Blaine:** Yeah, I think that's appropriate for City facilities. Or it could be a general recommendation as well.

**Gerry Acuna:** Say that again?

**Joshua Blaine:** So, the comment that I had made regarding some skepticism around whether a citywide contract is to our benefit, whether it is, in fact, saving us money, and wanting that to be clarified more clearly.

**Gerry Acuna:** I mean would this fall under a rationale, I mean, literally back to my broken-record point, would a rationale be that if we were to perhaps revisit this as independent items, would we achieve a better product?

**Kiaba White:** Yeah, I think that's what the...

**Joshua Blaine:** It's in the same...

**Gerry Acuna:** Is that clear enough?

**Joshua Blaine:** It's in the same spirit.

**Amanda Masino:** I think this might be a case of the capital 'C' Citywide, right?

**Joshua Blaine:** Yeah, that's a capital C.

**Gerry Acuna:** Okay.

**Joshua Blaine:** Okay.

**Commissioner:** An extra E in Benefit.

**Joshua Blaine:** Wanting explicit diversions and reuse provisions in emergencies. I think that covers that. Special events. Okay, so Commissioner White where do we stand after kind of getting clarification from Jessica regarding that? Are you still uncomfortable with that second line? Or actually that whole provision?

**Kiaba White:** Yeah, I just – I'm not sure that we've actually gotten any information that would indicate that there is going to be any negative impact because the City is already providing this service even though I guess it's maybe not specified in the contract, they're already doing this, so I'm not sure why we would assume that there would be any change on the part of those event coordinators. You know, to them it's gonna be the same; the City's gonna be offering them this as a fall back option. I kind of think having a fall back option for events, is not a bad idea, when the City is sponsoring them or co-sponsoring them.

**Joshua Blaine:** I guess I have the same concerns around the City dollars going towards one particular company and I...

**Amanda Masino:** I feel like we don't have info either way, is part of the issue. Right? We don't... so it's been existing, true, this is an expansion, but we don't know what the impact of the existing has been, so we can't really predict the impact of the expansion, to a large extent.

**Kiaba White:** Is it an expansion, though? That's...

**Amanda Masino:** I think it – the number of events is gonna be broader, essentially, so, functionally...

**Gerry Acuna:** It's definitely gonna grow.

**Amanda Masino:** Yeah.

**Kiaba White:** So which category is not being offered this optional service now? We got, I think, three categories.

**Amanda Masino:** Well, so before – even if it's not expanding, and it is the same number of city events, I don't know that we have good info about impact.

**Kiaba White:** So you're saying that perhaps the status quo is problematic?

**Amanda Masino:** It could be – it could be great. It could be problematic. We don't have, I feel, we didn't get good information either way. That's my hesitation.

**Kiaba White:** Then could we just say lack of information as opposed to putting "negative impact."

**Gerry Acuna:** You know the word negative actually has a – the word negative to me is a more decisive term, I mean, more alarming...

**Kiaba White:** That's my problem with it. I'm not convinced that there's a name for...

**Joshua Blaine:** Could we just say uncertain impacts or unknown impacts?

**Gerry Acuna:** Yeah. That's fine. That's neutral.

**Joshua Blaine:** So "unknown impacts to the small business community."

**Gerry Acuna:** Yeah.

**Joshua Blaine:** I also have a point of clarification that staff might need to answer for me. Is it my – is my understanding correct that if you're gonna waive the fees for a given City sponsored event, this contractor, this vendor who has this contract would get paid through the contract and the City would foot the bill? Basically they'd swallow those fees?

**Jessica King:** That's correct.

**Joshua Blaine:** That's another concern that I have, is that this singular vendor is basically getting subsidies, whereas without this provision, potentially, any number of small vendors could get the City subsidy. And maybe that's the second question, which is – is that true? Because I feel like I've heard you say that without this central contract you can't offer fee – you can't waive the fees. I don't totally understand that. Why couldn't the City just foot the bill for whichever vendor picks up the event? Is that question clear? Does that make sense?

**Jessica King:** It is. I'm trying to think of an example to make it resonate.

**Commissioner:** You don't have oversight on how they chose the contractors, so it could be their brother charging three times the amount. That seems like a...

**Jessica King:** There's a variety of reasons. That's one of them, but I think when it comes to... so the City Council, first and foremost, is the only entity that can waive fees. So we'll start there. Council has the authority to waive fees that is under its purview; and what is under its purview are the contracts. And so if it is outside of that purview, it cannot waive fees, because we can only – we're managing public dollars. So the dollars that are being spent by those special events, oftentimes – and many events are, you know, they're not non-profit events, they're professionally run, they are making fees, they are making money, so, but in terms of the co-sponsored events, they're normally still run by a private entity that has some special role in the – in the contractor owned – they do their own thing. And so it is a third-party agreement that is done privately between those two particular entities. For the same reason that we wouldn't foot the bill for a small business, you know, a restaurant, we wouldn't cover their costs if they started composting. We can't do that. It's not appropriate for us to do that. So in the same regard, we wouldn't do that at a special event. Is – does that – and what we can do, and what we do do right now, is we have an event rebate. And so we have the ability to rebate dollars, but there is an in-kind, there's

some quid pro quo that goes into that. So any type of rebate program, we don't just give money away as a City. It's public dollars, so we have to be respectful of those dollars. And when we rebate that money, we give them some type of rebate, the City has to get something back in return. And so in that rebate you get information, you get details, you get a survey, you get best practices, you get something that we can learn from to develop an Ordinance or develop outreach material. So that's, that's the way we can help fund the cost of events and their diversion efforts.

**Kiaba White:** So you're saying if the master contract is not utilized, you in essence can still pay the bill through these rebates, or some portion of it?

**Jessica King:** I'm sorry, could you say that... if the master contract is not available...

**Kiaba White:** If this contract is not utilized and an event uses some other hauler, they can get those costs reimbursed up to a point with these rebates?

**Jessica King:** Correct, yes. Any event and even one that's not City co-sponsored at this time, you are eligible. So non-City co-sponsored events, because they don't receive our services... basically any event that doesn't receive our services at this point as a result of being co-sponsored, is eligible for the rebate. Right now. And we have staff who goes to the Austin Center for Events and during their discussion with all of these event organizers, explains how the event rebate works and what they have to do. Normally it's giving us the diversion rate, talking us through their waste management plan, all those details, so that we really have an understanding of how they are trying to make their event zero waste, as best as they can. So that's any event right now. Any event. All you guys out there. Any event is eligible for that rebate. City co-sponsored events would also be eligible for that rebate if they do not get access to our services. So that is an alternative.

**Kiaba White:** Thank you.

**Gerry Acuna:** Any other inclusions? All right Guys.

**Kiaba White:** How did you feel about the concern that I raised about this maybe just not – some of these services being more cost-effectively served by the department. Maybe put it in such a way that it's just lack of analysis.

**Joshua Blaine:** I mean, they presented some numbers, that was kind of the premise for this at the beginning of the presentation, that it's beyond their scope. Maybe we could ask for more justification around that conclusion. It's not a strong opinion of mine, but I'm open to, if other people want to include that. But it was mentioned that that's why, part of why, we are where we are. Because they already deemed that it's outside of the scope of the City's capabilities.

**Kiaba White:** Right, that they currently do not, I agree that they don't currently have the capability, I'm just kind of wanting there to be an, at least an analysis of whether or not the capabilities that they do have would lend themselves to expanding to at least serve our own City needs. Not talking about getting into commercial service, but these are City buildings that we're talking about.

**Gerry Acuna:** But this is considered commercial service, and yes, they are City buildings, you're right, but from the perspective of the private haulers, that would be a commercial service and you know I can tell you now the downtown contract is, you can imagine how much volume is down there, how much of an impact that would be. Because that contract is managed by the City.

**Kiaba White:** I understand that, and I think that it would be very likely that most of the services would be most cost-effectively provided by private haulers. I'm particularly curious about the organic side of things since we don't already have haulers providing those services at all those facilities. We have some spotty coverage that we heard about which is great, I'm glad that that's happening, but... that's my interest. It's mostly the organics.

**Joshua Blaine:** Commissioner White are you wondering if the investments that we're making for the household organics collection program might also, we might be able to use some of those investments towards these services and make better use of that?

**Kiaba White:** Yeah, I am because I suspect that the volume of organics at any of these buildings is not gonna be very great compared to, you know, say, recycling. That maybe curb service would be enough, you know. A few carts, even at City Hall would, I think, probably do the job for organics collection.

**Gerry Acuna:** So how would you like that to read, then? Or would you like to add something in addition to this?

**Joshua Blaine:** I'm wondering if the statement "lack of clarification regarding the benefit of citywide scope with the agreement" is general enough to include that as part of a future conversation.

**Kiaba White:** We could maybe just add into that "including a lack of analysis into department ability to, or cost-effectiveness of providing some services in house." Would that work?

**Joshua Blaine:** Yeah, I'm open to that.

**Gerry Acuna:** So read that back again, "lack of an analysis".

**Kiaba White:** And I want to say if we could put 'some' before 'services,' because I don't think that all of these services that is a...

**Gerry Acuna:** All right, so any more inclusions to this?

**Amanda Masino:** On the very last one there's a typo for impact, and then could we make that "environmental and community impact"? I know they overlap, but...

**Gerry Acuna:** Yeah, good point.

**Kiaba White:** That's a good addition.

**Gerry Acuna:** That's a good idea. Thank you.

**Joshua Blaine:** I would also prefer that first sentence in there, instead of just start with "no concerns," I would prefer that it say, "all concerns from previous discussions have remained unaddressed." And then, I'm not sure if everybody is okay with the statement "general opposition from the community was not properly vetted with the public" on special events. I wonder if we should just leave it at "lack of information regarding impact to small business community."

**Kiaba White:** I would prefer that.

**Joshua Blaine:** So let's just leave that special events rationale to the second line and have it read either "unknown impact to small business community" or "lack of information regarding impact."

**Kiaba White:** I think what we had said was the unknown, right?

**Joshua Blaine:** Yeah. So let's just start with "unknown impact to small business community." Thanks.

**Gerry Acuna:** All right Guys. Is that it? Does that conclude the additions? All right, there...

**Kiaba White:** Stacy had something to add to the recommendation portion.

**Stacy Savage:** Right. Yeah, I wanted to capture the already signed contracts with the City.

**Gerry Acuna:** So previously executed contracts?

**Stacy Savage:** Making sure that those are excluded.

**Kiaba White:** Maybe just "ensure that previously signed contracts are honored?"

**Joshua Blaine:** Can that go under the rationale somewhere? Maybe City facilities, probably.

**Amanda Masino:** Yeah, it's gonna need to be City facilities.

**Joshua Blaine:** So, I guess just add another...

**Kiaba White:** Do you not think that's just part of our recommendation?

**Joshua Blaine:** Putting it there makes it seem like that's more important than all these other things, which I don't think is accurate. I think it's one among the list. You could say something like, "ensuring existing contracts" or "not..."

**Stacy Savage:** Well I like Kiaba's wording as far as contracts being honored.

**Amanda Masino:** Existing contracts...

**Kiaba White:** You need to ensure existing contracts...

**Stacy Savage:** Are honored... fully...

**Kiaba White:** Are honored fully.

**Gerry Acuna:** As far as recommendations go, is it possible to suggest that the Commission and ARR staff work together to address these issues and better... I mean, how elaborate do you guys want to get on the recommendation? Simple? Let's fix what's, what we believe is broken?

**Kiaba White:** Well we put a lot into our rationale, so I wonder if we need, how much we need to add to the recommendation at this point, other than, maybe we should specify that we're recommending that the process be started over.

**Gerry Acuna:** There you go.

**Joshua Blaine:** Yeah I think we could include, potentially in the recommendation to...

**Gerry Acuna:** Separate...

**Joshua Blaine:** To not recommend the request for proposal specifically 0514 and to address the specific concerns delineated below in a new process, or new RFP...

**Gerry Acuna:** Through a new RFP.

**Joshua Blaine:** Through a new RFP process, or a new collaborative RFP process.

**Amanda Masino:** Yeah, then maybe RFP parenthesis s, right? So that we know it's one or multiple RFPs... could be, substituting in here.

**Gerry Acuna:** That's a pretty broad, bold recommendation. And a pretty...

**Kiaba White:** Could we maybe, instead of "through a new RFP process," just say "prior to releasing new RFPs for these services," so that it is clear that we want these addressed ahead of time.

**Gerry Acuna:** Oh, absolutely, but I, in this case, the way it reads is specifically dealing with this RFP. And I'd like to add, "in the future" also, somehow, some way, make that a point. I mean, we're addressing this specific RFP right now, that we are saying "no" to. How does that read?

**Kiaba White:** Yeah, I guess I'm wanting to say something that is broad enough to account for my concern about lack of analysis for in-house services. And if that wouldn't be an RFP. So, maybe just announces and a new RFP process.

**Joshua Blaine:** I mean, I would recommend keeping it, maybe not even mentioning RFP, because there are other options at our disposal.

**Kiaba White:** That's kind of what I mean.

**Joshua Blaine:** Maybe an RFP isn't the answer to this to begin with, so... And to address concerns via...

**Gerry Acuna:** Future... procurements...

**Joshua Blaine:** Future collaborative...

**Gerry Acuna:** Future procurements within the department. I just, I... there's RFPs, RFBs... IRB... All right Guys. As it is now, we're gonna have to ask for permission to cover the next item, so...

**Joshua Blaine:** Via future public procurement discussions, maybe.

**Amanda Masino:** Does this sound like we are saying we don't want a new RFP though?

**Gerry Acuna:** We're not comfortable with this RFP.

**Amanda Masino:** Yeah, it's not that we're, like, opposed to RFPs in general...

**Gerry Acuna:** No, no. Absolutely not. We want to be a more collaborative...

**Amanda Masino:** Including...

**Gerry Acuna:** A more inclusive role in future...

**Amanda Masino:** Yeah, so is this okay?

**Kiaba White:** Can we say, "Including RFPs and..."

**Gerry Acuna:** How many more acronyms can you come up with on that?

**Amanda Masino:** Yeah, what's the other...?

**Kiaba White:** ...and other options.

**Gerry Acuna:** RFP, RFB, IB...

**Joshua Blaine:** IBF.

**Stacy Savage:** Other solicitation approaches?

**Kiaba White:** No, I'd rather not say that, because that's kind of the same thing.

**Commissioner:** Approaches it very broad.

**Kiaba White:** Right.

**Gerry Acuna:** All right, Guys. Are we ready to call the question?

**Amanda Masino:** I think that's Josh's...

**Joshua Blaine:** I move that we vote to approve this Recommendation, which I will not read in full unless I'm required to.

**Gerry Acuna:** So Josh moves approval of this Resolution.

**Kiaba White:** I'll second that.

**Gerry Acuna:** Commissioner White seconds. All right, hearing no further discussion. All those in favor raise your hand.

**Gerry Acuna:** Unanimous. Thank you.