

**RESOLUTION NO. 2016 – 039**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A SOLE SOURCE PROVIDER AGREEMENT WITH KESSLER CONSULTING, INC. ("KESSLER") FOR THE PREPARATION OF THE SOLID WASTE RFP CONTRACT SPECIFICATIONS IN AN AMOUNT NOT TO EXCEED FORTY NINE THOUSAND FIVE HUNDRED AND TWENTY DOLLARS (\$49,520.00); WAIVING THE REQUIRMENTS OF THE TOWN'S PROCUREMENT CODE BY FINDING THAT KESSLER IS PROVIDING A SPECIALIZED SERVICE PURSUANT TO SECTION 2-215 THEREOF; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE A WORK ORDER AUTHORIZING THE SCOPE OF WORK ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, On January 18, 2011 in furtherance of the Towns Procurement Code, the Town published Request for Letters of Interest (RLI) procuring qualified consultants for drafting Solid Waste Contract RF Specifications; and

**WHEREAS**, on March 29, 2011, at the conclusion of RLI presentations at a publically advertised meeting, the SNC ranked Kessler Consulting, Inc. ("Kessler") as the highest ranking proposal and;

**WHEREAS**, on May 26, 2011, pursuant to Resolution No. 2011-065, the Town Council determined that the recommendation and ranking of the SNC was in the best interests of the Town, and it approved an agreement with Kessler to draft Solid Waste Contract RFP Specifications; and

**WHEREAS**, on June 1, 2011, the Town entered into an Agreement with Kessler to assist the Town in drafting Solid Waste Contract RFP specifications; and

**WHEREAS**, on March 8, 2012, pursuant to Resolution No. 2012-030, the Town Council approved the First Modification to the Agreement providing for additional expertise and services to the Town; and

**WHEREAS**, the current Solid Waste Contract with Southern Waste Systems (SWS), dba LGL, Recycling Inc., expires on September 30, 2017, and it will not be renewed; and

**WHEREAS**, the Town Council recognizes that previous services provided by Kessler has enabled Kessler to obtain a unique and specialized knowledge of the Town and its waste needs; and

**WHEREAS**, based on Kessler's prior services and its ability to pick back up without delay, the Town Council desires to enter into a Sole Source Provider Agreement with Kessler Consulting, Inc. in an amount not to exceed Forty Nine Thousand Five Hundred and Twenty Dollars (\$49,520.00) to draft a new solid waste RFP and to assist the Town with procuring such services.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southwest Ranches, Florida:

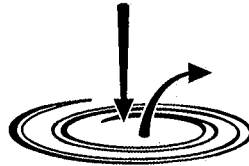
**Section 1:** The above referenced recitals are true and correct and are incorporated herein by reference.

**Section 2:** The Town Council hereby approves a Sole Source Provider Agreement with Kessler Consulting, Inc. for the preparation of the solid waste RFP contract specifications in an amount not to exceed Forty Nine Thousand Five Hundred and Twenty Dollars (\$49,520.00).

**Section 3:** The Town Council hereby waives the requirements of its Town's Procurement Code by finding that Kessler Consulting, Inc. is providing a specialized service pursuant to Section 2-215 thereof.

**Section 3:** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to execute a Work Order authorizing the scope of work substantially delineated in Exhibit "A", attached hereto and incorporated herein by reference, and to make such modifications, additions and/or deletions which they deem necessary to effectuate the intent of this Resolution.

**Section 4:** This Resolution shall become effective immediately upon its adoption.



**kessler consulting inc.**  
innovative waste solutions

June 13, 2016

Andrew Berns, Town Manager  
Town of Southwest Ranches  
13400 Griffin Road  
Southwest Ranches, FL 33330

*Transmitted electronically*

**Re: Proposed Scope of Work for Solid Waste Collection RFP Assistance**  
KCI No.: 99-99.00

Dear Mr. Berns:

As requested, Kessler Consulting, Inc. (KCI) is pleased to provide this proposed scope of work to assist the Town of Southwest Ranches (Town) with procuring waste collection services.

### **Background**

In 2011, KCI assisted the Town with procuring solid waste and recyclables collection services, as well as bulk waste disposal. The resulting franchise agreement with Southern Waste Systems, LLC (SWS) expires September 30, 2017. Although SWS has been acquired by Waste Management, Inc. (WMI), our understanding is that the Town and WMI were unable to reach agreement for assignment of the franchise agreement to WMI, and SWS (now LGL) will therefore continue to provide service until the term expires.

In 2013, KCI assisted the Town with procuring waste disposal and recyclables processing services. The resulting contract with Sun-Bergeron expires July 2, 2018, but could potentially be renewed for two additional five-year terms.

Through this previous work, KCI has knowledge and understanding of the Town and its waste management system. This will enable us to work efficiently in assisting with the upcoming collection procurement process.

### **Scope of Work**

Provided below are the tasks and activities KCI anticipates for successful completion of the competitive service procurement.

#### **Task 1 Project Initiation and Information Analysis**

- Prepare for and participate in a project initiation call with Town staff to discuss and clearly define the Town's primary objectives during the procurement process and in the next franchise agreement, identify desired changes in current franchise agreement provisions, and discuss any changes in service level the Town might want to consider.
- Review all relevant information provided by the Town including, but not limited to, all franchise agreement amendments, tonnage data throughout the term of the agreement, current service

fees, performance reports, and any liquidated damages assessed throughout the term of the agreement.

- If applicable, obtain a copy of the Town's Request for Proposals (RFP) template.

#### Task 2 Collection Service Provider Meetings

- Prepare topics and questions, for discussion with potential collection service providers, that will assist in development of an RFP and draft agreement that best meet the Town's needs and objectives.
- Provide a list of suggested collection service providers to participate in one-on-one meetings with Town and KCI staff.
- Once the Town approves the topics/questions and suggested service providers, coordinate and schedule the meetings, to occur during a one-day period.
- Prepare for and facilitate the meetings with collection service providers.

##### *Task 2 Deliverables:*

- Discussion topics/questions
- List of suggested collection service providers
- Participation in one day of service provider meetings

#### Task 3 Town Council Charrette

- Develop a presentation of potential service changes the Town might want to consider.
- Prepare for and participate in a charrette to obtain input from the public and Town Council regarding potential and desired service changes.

##### *Task 3 Deliverables:*

- PowerPoint presentation
- Participation in charrette

#### Task 4 RFP and Franchise Agreement Development

- Based on the information and input obtained in above tasks, develop draft specifications for the RFP to help ensure the Town's objectives for the procurement process are met.
- Develop a draft franchise agreement for inclusion in the RFP that incorporates the desired services, requires reliable and efficient service, and provides a stable rate structure.
- Work interactively with Town staff to finalize the RFP specifications and draft agreement. This includes revising the RFP specifications and draft agreement based on consolidated comments provided by the Town's single point of contact.
- Prepare a list of vendors to be notified of the RFP release.

##### *Task 4 Deliverables:*

- Draft and final RFP specifications and draft franchise agreement
- List of potential vendors

#### Task 5 Pre-Proposal Meeting and Addenda Preparation

- Facilitate, provide technical support, and assist with responding to vendor questions during a pre-proposal meeting.
- Review any written questions or comments received by the Town regarding the RFP.
- Assist in drafting any necessary addenda in response to questions.

*Task 5 Deliverables:*

- Participation in pre-proposal meeting
- Draft language for RFP addenda

**Task 6 Proposal Review**

- Review proposals for completeness, ability to meet any specified minimum qualifications, technical content, and price.
- Prepare a summary sheet of price proposals.
- Provide a technical opinion regarding the sufficiency of the number of vehicles and personnel each proposer plans to assign to the new agreement and the demonstrated financial ability of each proposer to acquire the identified equipment and provide the required services.
- Provide technical assistance, as requested, during an Evaluation Committee meeting.
- Upon request, provide a written recommendation to the Evaluation Committee regarding the proposals.
- Participate in a Town Council meeting or workshop to discuss the results of the RFP, any service changes under consideration, and Evaluation Committee recommendations.

*Task 6 Deliverables:*

- Summary of price proposals
- Technical opinion regarding proposers' vehicles, staffing, and demonstrated financial ability
- Written recommendation regarding proposals (upon request)
- Participation in Evaluation Committee meeting and Council workshop

**Task 7 Final Agreement and Rate Development**

- Review and provide comments on any changes to the final franchise agreement negotiated between the Town and selected vendor, and drafted by Town staff or legal counsel.
- Participate in the Town Council meeting to approve the final agreement.
- Review and provide comments on any necessary Town Ordinance revisions drafted by Town staff or legal counsel.
- Review and provide comments regarding adequacy of the non-ad valorem assessment calculated by Town staff.

*Task 7 Deliverables:*

- Comments on final franchise agreement
- Participation in Town Council meeting
- Comments on Ordinance revisions
- Comments on non-ad valorem assessment calculation

**Other Potential Tasks**

KCI is able to assist with other tasks related to or resulting from the procurement process. Such tasks include, but are not limited to, those outlined below. These tasks are not included in the project budget provided, but KCI would be happy to assist with any of them on a time-and-materials basis.

- Participation in additional meetings.
- Reference checks of proposers responding to the RFP.
- Assistance negotiating a final contract with the highest-ranked vendor.
- Identification and research regarding processing and disposal options available to the Town.
- Preparation of an article regarding the procurement process for the Town newsletter.

- Development of proposed ordinance changes (in lieu of development by Town staff or legal counsel).
- Coordination and technical assistance during any transition period resulting from the procurement.
- Assistance with public outreach and education following contract award.

### **Compensation and Schedule**

Because of our familiarity and previous procurement experience with the Town, we believe we can conduct this project very efficiently. Therefore, KCI proposes to conduct Tasks 1-7 outlined herein on a time-and-materials basis for an amount not to exceed \$49,520 without the Town's prior approval. Attached is a more detailed budget estimate by task. As requested, the service provider meetings (Task 2) and charrette (Task 3) are provided as distinct tasks so you can make a decision regarding whether or not you wish to include them.

Once approved, budget may need to be shifted between tasks as the project progresses and based on the actual level of effort required. Labor will be invoiced in accordance with the rates included in the budget breakdown and expenses will be invoiced at cost without markup.

As we did in the previous RFP, we anticipate incorporating the consulting fees paid by the Town to conduct the RFP process into the service fees paid by the selected collection franchisee.

A proposed timeline for conducting the procurement process is also attached. This timeline may need to be adjusted as the project progresses to meet the Town's needs and objectives and based on timely receipt of requested information and feedback from Town staff.

We look forward to continuing our working relationship with the Town of Southwest Ranches by assisting with this important procurement. If you have any questions regarding this scope of work, please do not hesitate to contact me or Robin Mitchell, the Project Manager.

Sincerely,

Kessler Consulting, Inc.



Mitch Kessler  
President

Attachments

# ATTACHMENT 1

## Proposed Budget

LABOR	HOURLY RATE	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6	Task 7	TOTAL HOURS	TOTAL DOLLARS
		Project Initiation & Information Analysis	Service Provider Meetings	Town Council Charrette	RFP & Franchise Agreement Development	Pre-Proposal Meeting & Addenda Preparation	Proposal Review	Final Agreement & Rate Development		
Mitch Kessler, Principal	\$195.00	4.0	2.0	2.0	4.0	2.0	4.0	2.0	20.0	\$3,900
Robin Mitchell, Project Manager	\$150.00	12.0	24.0	16.0	24.0	20.0	40.0	20.0	156.0	\$23,400
Don Ross, Senior Consultant II	\$130.00	0.0	2.0	2.0	4.0	2.0	4.0	0.0	14.0	\$1,820
Lisa Lappert, Senior Consultant I	\$110.00	0.0	0.0	0.0	8.0	0.0	0.0	8.0	16.0	\$1,760
Shane Barrett, Consultant II	\$95.00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0
Jeaux Brown, Consultant I	\$85.00	0.0	0.0	0.0	0.0	0.0	8.0	0.0	8.0	\$680
Ryan Graunke, Research Analyst II	\$70.00	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0
Taylor Cremo, Research Analyst I	\$65.00	20.0	16.0	16.0	80.0	20.0	40.0	24.0	216.0	\$14,040
Nikki McNew, Administrative Assistant	\$60.00	2.0	2.0	2.0	6.0	2.0	4.0	4.0	22.0	\$1,320
<b>SUBTOTAL LABOR HOURS</b>		<b>38.0</b>	<b>46.0</b>	<b>38.0</b>	<b>126.0</b>	<b>46.0</b>	<b>100.0</b>	<b>58.0</b>	<b>452.0</b>	<b>\$46,920</b>
<b>SUBTOTAL LABOR DOLLARS</b>		<b>\$4,000</b>	<b>\$5,410</b>	<b>\$4,210</b>	<b>\$11,340</b>	<b>\$5,070</b>	<b>\$10,820</b>	<b>\$6,070</b>		<b>\$46,920</b>
<b>DIRECT COSTS</b>										
TRAVEL		\$0	\$700	\$475	\$0	\$475	\$475	\$475		\$2,600
<b>SUBTOTAL DIRECT COST</b>		<b>\$0</b>	<b>\$700</b>	<b>\$475</b>	<b>\$0</b>	<b>\$475</b>	<b>\$475</b>	<b>\$475</b>		<b>\$2,600</b>
<b>TOTAL PROJECT BUDGET</b>										
<b>LABOR + DIRECT COST</b>		<b>\$4,000</b>	<b>\$6,110</b>	<b>\$4,685</b>	<b>\$11,340</b>	<b>\$5,545</b>	<b>\$11,295</b>	<b>\$6,545</b>		<b>\$49,520</b>

## ATTACHMENT 2

### Proposed Schedule

Task No.	TASK DESCRIPTION	Month													
		Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17 - Sep-17	Oct-17			
1	Project Initiation & Information Analysis														
2	Service Provider Meetings		M												
3	Town Council Charrette			M											
4	RFP & Franchise Agreement Development														
5	Pre-Proposal Meeting & Addenda Preparation					X	M	X							
6	Proposal Review							M		M					
7	Final Agreement & Rate Development										M				
	Transition Period														→
	Service Start Date														X

M = onsite meeting, workshop, or charrette

X = project milestone, such as RFP release, proposal due date, and service commencement date



**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this 23<sup>rd</sup> day of June, 2016, on a motion by

Vice Mayor McKay and seconded by Jim Breitkreuz

Nelson  
McKay  
Breitkreuz  
Fisikelli  
Jablonski

Yes  
Yes  
Yes  
Yes  
Yes

Ayes  
Nays  
Absent  
Abstaining

5  
0  
0  
0

Jeff Nelson  
Jeff Nelson, Mayor

ATTEST:

Russell Muniz  
Russell Muniz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff  
Keith M. Poliakoff, Town Attorney

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