

# MANATEE COUNTY GOVERNMENT

## Public Works Department

April 9, 1993

Mary Jean Yon, Section Administrator  
Division of Waste Management  
Florida Department of  
Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Re: Yard Waste Disposal - Intent to Grant Variance  
Recent Performance Records

Dear Ms. Yon:

As you are aware, Manatee County has experienced some unexpected delays in the ongoing procurement process to select a vendor for the County's proposed waste reduction program.

Since our last meeting of June, 1992, Manatee County has continued with its efforts to increase the recycling and waste reduction program. County staff has been authorized to begin the negotiating process for a new comprehensive recycling facility to be built by Americycle at the County Landfill (Tab 1) and is presently determining the terms of financial assurances necessary for a project of this type (Tab 2).

Virtually all of the delay is due to protests filed in regard to the ranking of proposals for the recycling facility and the procedural due process requirements associated with reviewing and evaluating these challenges. Additionally, some delay was as a result of educating new county commissioners whom had been elected to office in the middle of the bid protest, regarding the background of this issue. Copies of materials relating to the bid protest are included for your information (Tab 3). I have also enclosed my letters to John Ruddell of February 26, 1993, and March 18, 1993, for additional detail and easy reference (Tab 4). Due to these events, it is anticipated that the start-up and testing time for the new recycling facility has been delayed approximately nine months.

Mary Jean Yon, FDER  
April 9, 1993  
Page Two

However, Manatee County is continuing to work towards improving its current yard waste recycling program in the interim. The yard/wood mulching operation continues to process increasing amounts of yard/wood waste debris monthly. Last month alone nearly 5,000,000 pounds of yard and wood waste was accepted for processing into mulch (Tab 5). In addition, Department of Environmental Regulation calculations show that the County's adjusted percentage of recycled materials contributing toward the 30% recycling goal has increased from 21.17% to 24.5% during the past year (Tab 6).

Manatee County is committed to making further improvements in its County-wide waste reduction program through improved facilities and better education. In a variety of ways, the County has attempted to further this goal, but must ensure that all interested parties are fairly addressed and that all complaints are properly considered. This has been done in all cases, but necessarily has taken substantial time beyond that of the normal request for proposal and construction process.

Your assistance and cooperation regarding this matter is most appreciated. Please contact this office if you require further information at this time.

Sincerely,



Charles Hunsicker  
Assistant Director

RAW/jec

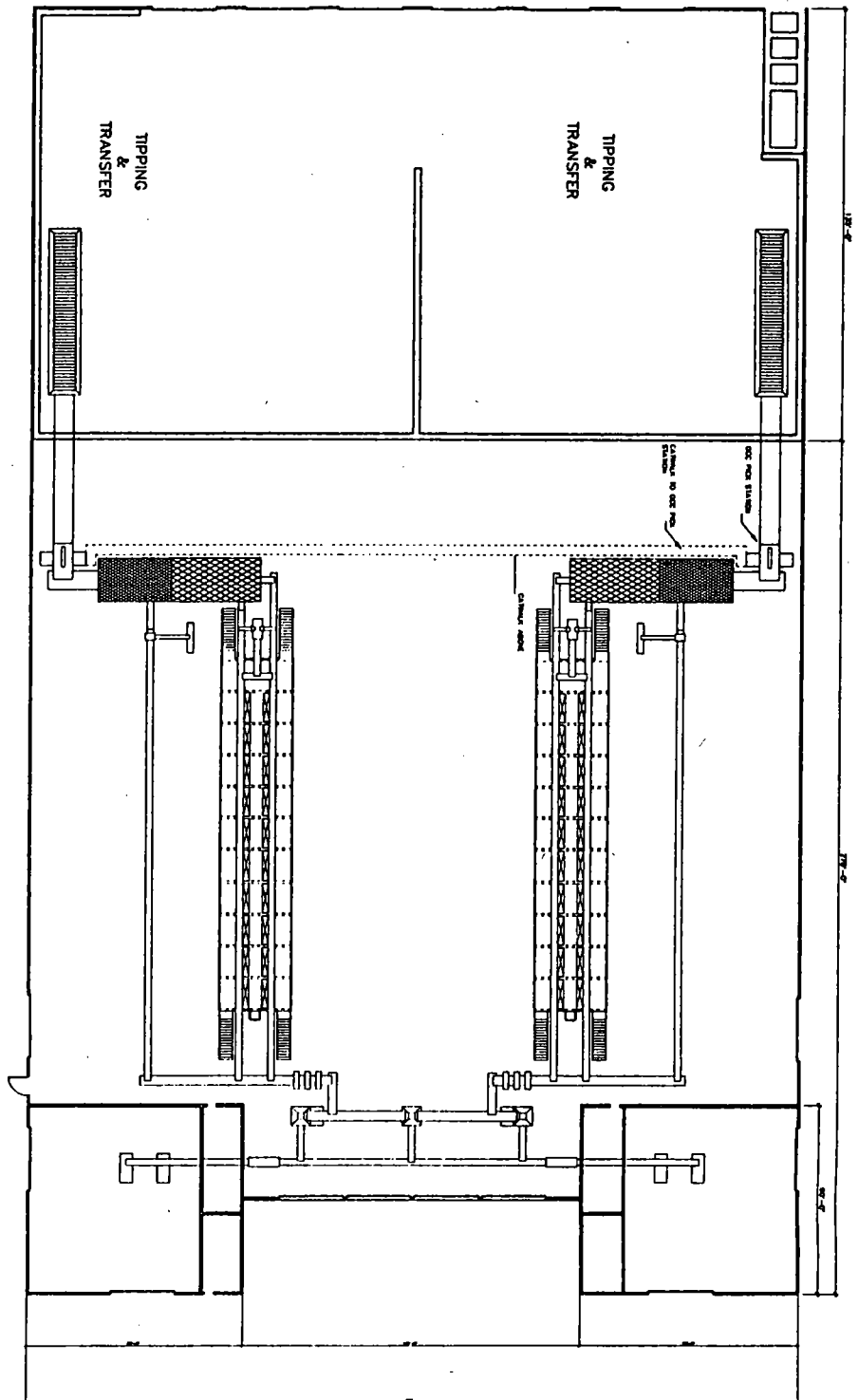
Enclosures - 6

cc: William J. Estabrook, County Administrator  
H. Hamilton Rice, Jr., County Attorney  
Richard A. Wilford, Director  
Daniel T. Gray, Deputy Director of Operations  
Gus A. DiFonzo, Solid Waste Division Manager

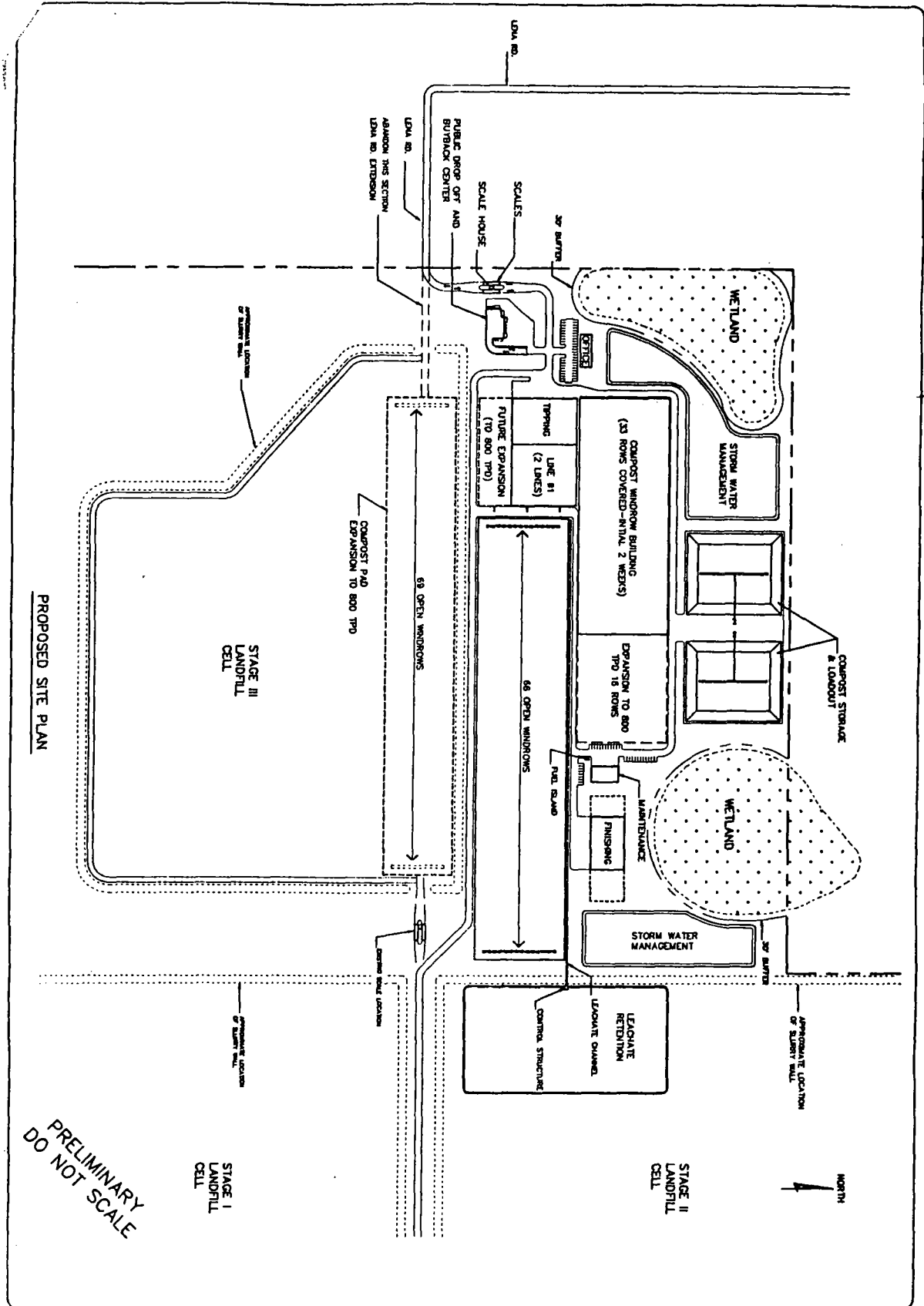


PROPOSED FLOOR PLAN

PRELIMINARY  
DO NOT SCALE



A2	DRAWING TITLE <b>PROPOSED FLOOR PLAN</b>	PROJECT NAME <b>PROPOSED LENA ROAD COMPOST FACILITY FOR MANATEE COUNTY, FLORIDA.</b>	<table border="1"> <thead> <tr> <th>REV. NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td></tr> </tbody> </table>	REV. NO.	DESCRIPTION	DATE	1			2			3			4			<p><b>THE AMERICAN RECYCLING COMPANY, INC.</b> P.O. Box 228 Pineville, Florida 33406 (407) 885-1000</p>
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PROPOSED SITE PLAN

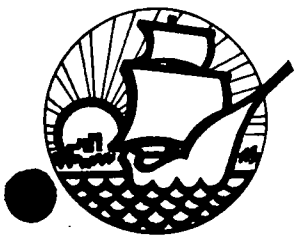
PRELIMINARY  
DO NOT SCALE

DRAWING TITLE		PROJECT NAME		REV. NO.		DESCRIPTION		DATE	
PROPOSED SITE PLAN		PROPOSED LENA ROAD COMPOST FACILITY FOR MANATEE COUNTY, FLORIDA.		1					
A1									



THE AMERICAN RECYCLING COMPANY, INC.  
P.O. Box 338 Palmdale, Florida 33568  
334-944-4444





# MANATEE COUNTY GOVERNMENT

OFFICE OF FINANCIAL MANAGEMENT

## MEMORANDUM

DATE: April 9, 1993

TO: Mark Barnbey, Office of County Attorney

THRU: H. Hamilton Rice, Jr, County Attorney

FROM: Jim Seuffert, <sup>JS</sup>Director, Office of Financial Management

SUBJECT: DETERMINATION OF FINANCIAL CAPABILITY-RECYCLING PROPOSAL

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The initial step in the development of a partnership with Americycle for the construction and operation of a recycling facility will be the determination of and agreement upon certain standards of financial capability that must be met. This process will require assistance from our contracted engineers and financial advisor.

We have determined the conceptual framework that will be used to determine financial capability. Work is progressing toward establishing the minimum threshold of financial capability that will be acceptable to the county. We expect that this process will take four to eight weeks, and will include discussions with Americycle representatives.

You will note these timeframes are extended from the original estimate based upon concerns of the Commissioners about the financial stability of Americycle raised in the Bid protest.

If you have any additional questions, please do not hesitate to call.

JS/bga  
OFM-93-066

cc: Richard Wilford, Director, Public Works  
William Estabrook, County Administrator  
Rob Cuthbert, Purchasing, Central Services





# MANATEE COUNTY GOVERNMENT

## AGENDA MEMORANDUM

<b>SUBJECT:</b> RFP 919022 Recycling/Waste Reduction Program <b>DATE REQUESTED:</b> March 16, 1993 <b>DEPARTMENT/OFFICE:</b> Central Services <b>DIVISION:</b> Purchasing <b>AUTHORIZED BY:</b> Samuel L. Love, Director <i>SLV</i> <b>CONTACT PERSON:</b> Thomas Cook / Marge Perenich <b>TEL #/EXT:</b> 3151 / 3352 <b>DATE SUBMITTED:</b> March 2, 1993 <b>ADMINISTRATIVE APPROVAL:</b> _____	<b>COUNTY ATTORNEY APPROVAL REQUEST</b> Requested? If "no," please explain: N/A If "yes," attach memo. Have comments/suggestions in memo have been addressed or incorporated? If not, please explain: N/A
--	---

**TYPE AGENDA ITEM:** Regular  
**HAVE COMMISSIONERS BEEN BRIEFED? IF SO, WHO?** Yes, all Commissioners  
**CONSEQUENCES IF DEFERRED:** N/A

<b>FORM OF MOTION, OR OTHER ACTION REQUIRED:</b> Reaffirm authorization to enter into contract negotiations with the top ranked firm  The American Recycling Company, Inc., Sunterville, FL  in accordance with RFP 919022 for the Recycling/Waste Reduction Program subject to financial review by County's financial advisors.
<b>COMPREHENSIVE PLAN/POLICY DETERMINATION:</b> Goal 11.2, Objective 11.2.4 of the Solid Waste Sub-Element Ordinance 84-02, Section 3-101 through 3-106 and Section 5-401
<b>BACKGROUND/DISCUSSION:</b> <ul style="list-style-type: none"> <li>The Solid Waste Management Act mandates the waste reduction of several items to reduce the amount of solid waste landfilled by 30% by the end of 1994. In response, the County created a Recycling Office in May of 1989 and initiated pilot programs for the collection of recyclables both curbside and at drop-off collection centers beginning October 1989.</li> <li>07/23/91 through 10/24/91 appropriate Request for Proposal procedures were followed.</li> <li>11/14/91 various work sessions with the Solid Waste Advisory Board, Board of County Commissioners and Selection Committee to determine the ranking of the firms. Two of the original short listed firms withdrew.</li> <li>10/05/92 Selection Committee met to rank the remaining four firms.</li> <li>10/13/92 The Board authorized staff to enter into negotiations with the top ranked firm, The American Recycling Company, Inc.</li> <li>10/19/92 Patricia A. Petruff, Esq., on behalf of Bodminister Bioconversion Corporation, filed a protest of the Board's action.</li> <li>11/16/92 The County denied Bodminister's protest.</li> <li>11/19/92 Bodminister requested a hearing before the Board of County Commissioners on the County Administrator's decision.</li> <li>01/19/93 Board of County Commissioners found Bodminister Bioconversion's protest <u>to be without merit</u> and requested a work session be held to address the recycling/waste reduction plan.</li> <li>02/15/93 Worksession held to further address the recycling/waste reduction plan to the Board of County Commissioners and residents of Manatee County. Additional community meetings were scheduled prior to Commissioners decision to renew negotiations.</li> <li>Chairman of the Board of County Commissioners granted approval for Public Works to bring forward to the Board a request for reaffirmation to negotiate with top ranked firm.</li> </ul>

*Tom M. R*

**AGENDA MEMORANDUM**

March 2, 1993  
RFP 919022  
Recycling/Waste Reduction Program

ATTACHMENTS:

INSTRUCTIONS TO BOARD RECORDS:

COST:

SOURCE: Increased tipping fees and solid waste collection rights

COMMENTS:

FISCAL IMPACT STATEMENT:

RECURRING COSTS:

Selection Committee consisted of:

Gus DiFonzo and	
Dan Gray	Public Works Department
Paul Panik	Environmental Action Commission
Leon Kotecki	Planning, Permitting & Inspections
Tom Cook	Purchasing

Oral presentations were heard October 23-24, 1991 and by the Board of County Commissioners June 4, 1992. October 5, 1992 the Selection Committee met and ranked the four firms as follows:

1. The American Recycling Company, Inc.
2. Bedminster Bioconversion Corporation
3. XL Disposal Corporation
4. Waste Management Inc. of Florida and Cedar Hammock Refuse Disposal Corporation

The overall evaluation of the four short listed firms:

The American Recycling Company, Inc., Sumterville, FL

Ranked number one: this firm made an excellent presentation, addressing the issues of the proposal. The company has a balanced and solid approach to the reduction of solid waste through recycling and composting. American Recycling Company, Inc., (Americycle) has the capability of curbside separation or landfill separation addressing the entire waste stream. Americycle discussed the issue of odor control, which was of great concern to committee members due to their open air concept of composting and assured the County odor would not exceed what is not at the Landfill. Americycle has stated they will initiate a neighborhood committee to review odor levels. Americycle's program allows for recycling of waste and composting, allowing for adjustments to fit the County's needs.

Bedminster Bioconversion Corporation, Cherry Hill, NJ

Ranked number two: Bedminster also gave an excellent presentation. Bedminster is a soil enhancement composting company and presented a program to compost all of the County's solid waste without separation at the curb or at the landfill. All waste would be deposited in drums to be mixed with sludge from the County's water treatment plants. The County would have to import additional sludge to meet the needs of Bedminster's approach to composting. marketability of the compost was a concern as well as the County being liable for the quality of the compost to be sold. This approach was determined to be not as overall effective as the number one ranked proposal.

XL Disposal Corporation, Crestwood, IL

Ranked number three: This firm offers a mixed waste processing system but, their proposal did not offer sufficient evidence that they could meet the 30% waste stream reduction by the 1994 deadline. Part of their waste reduction system includes the production of fuel cubes. This portion of their waste reduction cannot be counted toward the 30% goal because the pellets will be burned and burning/incineration processes cannot be credited to waste reduction targets.

# AGENDA MEMORANDUM

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March 2, 1993

RFP 919022

Recycling/Waste Reduction Program

Waste Management Inc. of Florida and Cedar Hammock Refuse Disposal Corporation, Ft. Lauderdale, FL

Ranked number four: One of the County's current franchise waste haulers for curbside collection responded to the intent of the proposal but did not offer a plan that would meet the 30% landfill reduction by 1994.

*C/ Tom C  
Marge*

## MANATEE COUNTY GOVERNMENT

RECEIVED  
MANATEE COUNTY  
ADMINISTRATIVEMEMORANDUM

93MAR-2 AM 10:24

DATE: March 1, 1993  
TO: R. C. "Rob" Cuthbert, Director, Purchasing  
FROM: Richard A. Wilford, Director *RA Wilford*  
SUBJECT: (RFP) 919022 Recycling/Waste Reduction Program

Public Works made inquiry to Commissioner Harris on bringing forward the agenda package for the authorization to negotiate with the #1 ranked firm, the American Recycling Company, for the March 16, 1993, Public Works (BCC) Agenda Day.

This targeted agenda date is very important to Public Works, as many important mandated solid waste issues are dependent upon this decision.

Commissioner Harris has granted approval of this request and supports this recommendation. In addition, Commissioner Harris asked that Public Works try to schedule all the requested workshops prior to March 16, 1993.

Additionally, Commissioner McClash has made two informal requests. These requests pertain to waste composition and cost comparisons. Public Works will respond to these requests prior to the March 16 agenda.

Your cooperation in this matter will be greatly appreciated. If you need any further information, please contact Extension 5428.

RAW/sks

cc: William J. Estabrook, County Administrator  
Charles Hunsicker, Assistant Director  
Daniel Gray, Deputy Director of Operations  
Gus DiFonzo, Solid Waste Division Manager  
Maria Betts, Agenda Coordinator  
Marge Rothfuss, Administrative Coordinator

SOLID WASTE DIVISION

Information/Enforcement: Extensions 5421 - 5423

**WORK SESSION****THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS****MANATEE COUNTY ADMINISTRATIVE COMPLEX****COMMISSIONERS' CHAMBERS****FEBRUARY 15, 1993****5:30 P.M.**

**SUBJECT: RECYCLING/WASTE REDUCTION PROGRAM (RFP)919022**  
**COUNTY-WIDE RECYCLING/WASTE REDUCTION PROGRAM**

- I. WELCOME:** LARI ANN HARRIS, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS
- II. BACKGROUND PRESENTATION:** GUS DiFONZO, MANAGER  
SOLID WASTE DIVISION
- ° Explanation of Solid Waste Management Act
  - ° Review of County's Pilot Programs
  - ° Report on Current Recycling Status
  - ° Explanation of (RFP)919022
  - ° Presentation of County's Proposed Recycling/Waste Reduction Plan
- III. VIDEO:** AMERECYCLE: THE ARC-1  
PROCESS - MUNICIPAL SOLID  
WASTE AND COMPOSTING
- IV. PRESENTATION:** PATRICK A. KENNEDY, DIRECTOR  
° Through the Amerecycle System R.W. BECK & ASSOCIATES, INC.
- V. PRESENTATION SUMMARY:** GUS A. DiFONZO, MANAGER  
SOLID WASTE DIVISION
- VI. BOARD OF COUNTY COMMISSIONERS DISCUSSION:**  
° Questions and Answers
- VII. PUBLIC COMMENTS:**  
° Questions and Answers
- VIII. CLOSING COMMENTS/DIRECTIVES:** BOARD OF COUNTY COMMISSIONERS
- IX. ADJOURNMENT:** LARI ANN HARRIS, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

## MANATEE COUNTY GOVERNMENT

RECEIVED

JAN 12 1993

COUNTY ATTORNEY

## M E M O R A N D U M

DATE: January 11, 1993

TO: Board of County Commissioners

FROM: William J. Estabrook, County Administrator *WJE*

RE: Recycling/Waste Reduction Program  
Protest to RFP 919022 CAO file No. 1026-099

*1/13/93 PM PLS [unclear] [unclear]*

During the stay of procurement as specified by the Article 9, 9-101-7 of the Manatee County Procurement Code, the following activities can be undertaken:

Staff will prepare alternative plans to meet the State Law mandates of a 30% recycling goal and separate collection and disposal of yard wastes by 1994.

Also in preparation of negotiations and drafting of an agreement to provide a Recycling/Waste Reduction Program, staff will prepare goals and objectives for the negotiations. This will take a more considerable amount of time than a summary of alternatives to meet the mandates.

By taking both steps, staff will be prepared to proceed in either direction to achieve the mandated Recycling/Waste Reduction Program goals by 1994 and not be subject to the substantial penalties that may be imposed under the State Laws for failure to implement such programs by the prescribed deadlines.

The alternative means of achieving the mandated goals can be brought to the Board in a Work Session prior to or following the hearing of Bedminster Bioconversion Corporation's appeal of the denial of their protest of the Board's action authorizing contract negotiations with The American Recycling Company, Inc. which is scheduled for January 19, 1993. I do not contemplate that staff can develop a complete scope of contract negotiation goals prior to this hearing.

RCC

cc: H. Hamilton Rice, Jr., County Attorney  
Richard A. Wilford, Director, Public Works Department  
Samuel L. Love, Director, Office of Central Services  
R. C. "Rob" Cuthbert, Purchasing Director

[protests\bedminster.pt]

§8-110 Posted Prices.

Surplus supplies may be sold at posted prices as determined by the Purchasing Director when such prices are based on fair market value and the sale is conducted pursuant to written procedures established by the Purchasing Director.

§8-111 Trade-In.

Surplus supplies may be traded in only when the Purchasing Director determines the trade-in value is expected to exceed the value estimated to be obtained through the sale or other disposition of such supplies.

ARTICLE 9 - APPEALS AND REMEDIES

§9-101 Bid Protests.

(1) Right to Protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Board of County Commissioners of Manatee County. Prior to filing a written protest, any aggrieved party shall first communicate such grievance to the Purchasing Director in a good faith effort to resolve any such grievance. Any communication with the Purchasing Director in an attempt to resolve a grievance will not extend the six (6) day period for filing a protest, as provided in Paragraph (2) of this Section.

(2) Filing of Protest.

(a) How and When to File. Protests shall be made in writing to the Board of County Commissioners, in duplicate, and shall be filed within six (6) calendar days after the Protestor knows or should have known of the facts giving rise thereto. The Protest is considered filed when received by the Board of County Commissioners. Protests received after the six (6) day period shall not be considered.

(b) Subject of Protest. Protestors may file a protest on any phase of solicitation or award.

(c) Form. To expedite handling of protests, the envelope should be labeled "Protest." The written protest shall include as a minimum the following:

- (i) The name and address of the protestor;
- (ii) Appropriate identification of the procurement matter including, but not limited to, any number assigned to the Invitation for Bid, Request for Proposal or contract;
- (iii) A statement of reasons for the protest; and

PROCUREMENT CODE, MANATEE COUNTY, FLORIDA

(iv) Supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.

(3) Requested Information. The Protestor shall supply any additional information requested by the County Administrator or his designee within the time period set forth in the request. Failure of any party to comply expeditiously with a request for information may result in resolution of the protest without consideration of any information which is untimely filed pursuant to such request.

(4) Decision. The County Administrator or his designee shall consider and investigate all written protests in a timely manner and submit a decision to the Board of County Commissioners of Manatee County.

(5) Notice of Decision.

(a) A copy of the decision under Subsection (4) of this Section shall be served upon the protestor and any other party intervening by hand delivery or certified mail, return receipt requested, to the protestor at the address listed on the protest.

(b) The notice of decision shall state the reasons for the action taken, and inform the protestant of its right to request a hearing pursuant to Subsection (6) of this Section.

(6) Right to Request a Hearing.

(a) Requests for a hearing emanating from bid or proposal and award protests which are rejected or disallowed by the County Administrator or his designee, shall be addressed in writing to the Board of County Commissioners of Manatee County within three (3) business days from the date of receipt of the decision. The Board of County Commissioners shall then schedule a hearing date as soon thereafter as reasonably practical.

(b) Notwithstanding the provisions of this Subsection, no protestor may present for consideration, testimony or other evidentiary materials that were requested of the protestor in writing by the County Administrator or his designee, and were denied to the County Administrator.

(7) Stay of Procurements During Protests. In the event of a timely protest under Subsection (2) of this Section, the Purchasing Director shall not proceed further with the solicitation or award of the contract until all administrative and judicial remedies have been exhausted or until the County Administrator makes a written determination that the award of a contract without delay is necessary to protect substantial interests of the County.

PROCUREMENT CODE, MANATEE COUNTY, FLORIDA

(8) Entitlement to Costs. In addition to any other relief, when a protest is sustained and the protesting bidder or offeror should have been awarded the contract under the solicitation but is not, then the protesting bidder or offeror shall be entitled to the reasonable costs incurred in connection with the solicitation, including bid preparation costs but excluding attorney's fees.

§9-102 Remedies for Solicitations or Awards in Violation of Law.

(1) Prior to Bid Opening or Closing Date for Receipt of Proposals. If, prior to the bid opening or the closing date for receipt of proposals, the Purchasing Director determines that a solicitation is in violation of federal, state or municipal law or ordinance, then the solicitation shall be cancelled or revised to comply with applicable law.

(2) Prior to Award. If after bid opening or the closing date for receipt of proposals, but prior to the award of contract, the Purchasing Director determines that a solicitation or a proposed award of a contract is in violation of federal, state or municipal law or ordinance, then the solicitation or proposed award shall be cancelled.

(3) After Award. If, after an award, the Board of County Commissioners determines that a solicitation or award of a contract was in violation of applicable law or ordinance, then:

(a) if the person awarded the contract has not acted fraudulently or in bad faith:

(i) If the violation of federal, state or municipal law or ordinance can be cured, then the contract may be amended or ratified and affirmed, provided it is determined that doing so is in the best interest of the County; or

(ii) If the violation of federal, state or municipal law or ordinance cannot be cured, then the contract may be terminated and the person awarded the contract shall be compensated for the actual costs reasonably incurred under the contract, plus a reasonable profit, but excluding attorney's fees, prior to the termination; or

(b) If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void or voidable, if such action is in the best interests of the County.

§9-103 Contract Claims.

(1) Notice of Contract Claims. All claims by a contractor against the County relating to a contract, except bid protests, shall be submitted in writing to the Purchasing Director for a decision. The contractor may request a conference with the Purchasing Director on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.

(2) Authority of the Purchasing Director to Resolve Contract Claims. The Purchasing Director is authorized to resolve any claim arising out of the performance of a County contract, prior to the filing of a request for a hearing with the Board of County Commissioners or the commencement of an action in a court of competent jurisdiction, but may not settle any such protest or claim for consideration of Ten Thousand (\$10,000.00) Dollars or exceeding Ten Thousand (\$10,000.00) Dollars in value without the prior approval of the Board of County Commissioners. This authority shall be exercised in accordance with regulations promulgated by the Board of County Commissioners.

(3) Notice to the Contractor of the Purchasing Director's Decision. The decision of the Purchasing Director shall be promptly issued in writing, and shall be served upon the contractor by hand delivery or certified mail, return receipt requested, to the contractor at the address listed on the contract.

If an adverse decision has been rendered, the notice of decision shall inform the contractor of his right to request a hearing under Subsection (5) of this Section.

(4) Failure to Render Timely Decision. If the Purchasing Director does not issue a written decision regarding any contract controversy within fourteen (14) days after receipt of a written request for a final decision, or within such longer period as may be agreed upon between the parties, then the aggrieved party may proceed as if an adverse decision had been issued.

(5) Finality of Purchasing Director's Decision; Contractor's Right to Request a Hearing. The Purchasing Director's decision shall be final and conclusive unless, within ten (10) calendar days from the date of receipt of the decision, the contractor files a written request for hearing with the Board of County Commissioners.

§9-104 Handling Disputes on Projects Financed by the State Revolving Fund.

Bid Protests as described in §9-101, Remedies for Solicitations of Awards in Violation of Law as described in §9-102 or Contract Claims as described in §9-103 which result from projects financed by loans from the State Revolving Fund, pursuant to Section 403.1835, Florida Statutes, shall be handled through the procedures outlined in Ordinance 92-25 in lieu of Sections 9-101, 9-102 and 9-103.

DYE & SCOTT, P.A.

ATTORNEYS AT LAW

1111 THIRD AVENUE WEST

P.O. DRAWER 9480

BRADENTON, FLORIDA 34206

PHONE (813) 748-4411

TELECOPIER (813) 748-1573

DEWEY A. DYE, JR.  
ROBERT L. SCOTT  
PHILIP E. PERREY  
PATRICIA A. PETRUFF  
STEPHEN R. DYE  
NANCY C. HARRISON  
D. ROBERT HOYLE  
PATRICK R. SCOTT

DEWEY A. DYE (1898-1968)

CC: Chron  
Legal  
TPE/MP

November 19, 1992

VIA HAND DELIVERY

Lari Ann Harris, Chairman  
Manatee County Board of  
County Commissioners  
P.O. Box 1000  
Bradenton, FL 34206

Re: Appeal of Protest to RFP 919022  
Recycling/Waste Reduction Program

Dear Chairman Harris:

On November 18, 1992, this office received the decision of the County Administrator with regard to the bid protest filed by Bedminster Bioconversion Corporation on RFP 919022. It was the determination of the County Administrator that the protest filed by Bedminster be denied. Pursuant to Article 9, Section 9-101(6) of the Manatee County Procurement Code, Bedminster Bioconversion Corporation hereby exercises its right to request a hearing of the County Administrator's determination of denial. That section requires the Board to schedule a hearing date as soon thereafter as reasonably practicable. Please advise me of the date and time of said hearing. Thank you for your cooperation in this regard.

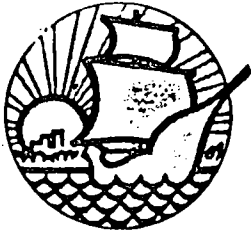
Sincerely,

*Patricia A. Petruff*  
Patricia A. Petruff

PAP/jloc

cc: All Commissioners  
H. Hamilton Rice, III, Esq.  
William J. Estabrook, County Administrator  
Richard A. Wilford, Public Works Director  
R. C. Cuthbert, Purchasing Director  
Bedminster Bioconversion Corporation

RECEIVED  
MANATEE COUNTY  
PROCUREMENT  
NOV 20 1992 11:51



# MANATEE COUNTY GOVERNMENT

OFFICE OF THE COUNTY ADMINISTRATOR

November 16, 1992

CERTIFIED # P 431 964 092

Patricia A. Petruff, Esq.  
Dye & Scott, P.A.  
P. O. Drawer 9480  
Bradenton, Florida 34206

Re: Protest to RFP 919022-Recycling/Waste Reduction Program

Dear Ms. Petruff:

This is to acknowledge receipt of your letter of October 19, 1992 on behalf of your client, Bedminster Bioconversion Corporation, regarding their protest of the action taken by the Board of County Commissioners on October 13, 1992 regarding the above Request For Proposals, authorizing negotiations with the top ranked firm, The American Recycling Company, Inc. This letter is provided as the decision of the County Administrator, required pursuant to Article 9, 9-101(4) of the Manatee County Procurement Code.

While your letter and the attached letter from your client presents twenty-four statements, the following appear to be the issues you have raised:

1. Proposers were not evaluated fairly in accordance with the Request For Proposals.
2. Staff presented an incorrect assessment of your client's proposal.
3. Staff did not provide sufficient details in the analysis presented to the Board in the Agenda package.
4. The Board acted improperly in taking the action of authorizing negotiations.

In response I have determined that:

1. All proposers were evaluated fairly and in accordance with the criteria outlined in the Request for

Patricia A. Petruff, Esq.  
Dye & Scott, P.A.  
November 16, 1992  
Page Two

Proposals. Each short-listed proposer was given an opportunity to present their offering to the Selection Committee and the Board of County Commissioners as well as to answer specific questions the County formulated during the evaluation process.

2. The statements you indicate were erroneous have been verified as an accurate reporting of your client's response.

3. Staff was directed to provide a concise presentation to the Board in the Agenda packages. The Board had participated in the oral presentations of the short-listed proposers and proposers had provided the Board members with extensive details. All of the criteria specified in the Request for Proposals was used in evaluation of the proposals by the Selection Committee. The summary provided in the Agenda was not intended to be an exact listing of all criteria nor the full content of the material contained in each proposal.

4. The Motion of the Board was proper and reasonable.

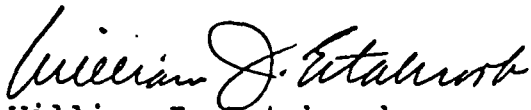
Based on the review of protest and the County's proceedings, it is my opinion that the recommendations and reports in the Agenda are accurate, the evaluation was conducted in a fair, impartial manner, and the Board of County Commissioners was not prohibited from making the Motion. It is my determination that your protest be denied.

Your client has a right to seek a hearing before the Board of County Commissioners. A copy of Article 9 of the Manatee County Procurement Code has been attached for your convenience. Should you wish to obtain a copy of any other documents or records, you

Patricia A. Petruff, Esq.  
Dye & Scott, P.A.  
November 16, 1992  
Page Three

should contact the Manatee County Purchasing Department at 2908  
12th Street Court East, Bradenton, Fl 34208, telephone 748-4501,  
extension 3241.

Sincerely,



William J. Estabrook  
County Administrator

RCC/hs

cc: Board of County Commissioners  
H. Hamilton Rice Jr., County Attorney  
Richard A. Wilford, Director, Public Works Department  
Samuel L. Love, Director, Office of Central Services  
R. C. "Rob" Cuthbert, Purchasing Director

[protests\bedminster.pts]

RECEIVED  
OCT 20 1992 KAS

DYE & SCOTT, P.A.

ATTORNEYS AT LAW

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Board of County Commissioners  
Manatee County

DEWEY A. DYE (1898-1969)

DEWEY A. DYE, JR.  
ROBERT L. SCOTT  
PHILIP E. PERREY  
PATRICIA A. PETRUFF  
STEPHEN R. DYE  
NANCY C. HARRISON  
D. ROBERT HOYLE  
PATRICK R. SCOTT

October 19, 1992

Kathy A. Snell, Chairman  
Manatee County Board of  
County Commissioners  
P.O. Box 1000  
Bradenton, FL 34206

Re: Protest to RFP 919022-Recycling/Waste Reduction Program

Dear Chairman Snell:

Pursuant to Article 9 of Ordinance 84-02, the Procurement Code of Manatee County, Bedminster Bioconversion Corporation (BBC) hereby files its protest of the action taken by the Board of County Commissioners on October 13, 1992. As required by Section 9-101(1), BBC communicated its grievance to Mr. Cuthbert, the Purchasing Director, in a meeting held the afternoon of October 13, 1992. To date, the Purchasing Director has not responded any of the matters discussed at that meeting.

As required by Section 9-101(2)(c)(i), the name and address of the protestor is as follows: Bedminster Bioconversion Corporation, 52 Haddonfield-Berlin Road, Suite 4000, Cherry Hill, New Jersey 08034. The identification of the procurement matter is RFP 919022-Recycling/Waste Reduction Program.

A detailed statement of the reasons for the protest is set forth in a letter dated October 16, 1992, addressed to the Board of County Commissioners from Chuck Carter, the CEO of BBC. This letter along with supporting documentation is attached hereto.

In reviewing the staff presentation made on October 13, 1992, it appears that one of the primary reasons that staff recommended Amerecycle was due to Amerecycle's front end separation capability. Staff specifically stated that the RFP requested front end separation capability with tail end technology for solid waste reuse. The implication was that only a facility which had a front end recycling capability could meet the requirements of the RFP. I disagree with this interpretation.

Kathy A. Snell, Chairman  
October 19, 1992  
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The highlighted portion of the RFP stated that the County was soliciting written proposals which were "open and unlimited in content". Further, the RFP requested the programs to include various options including "Materials/Waste Reduction Facilities". While front end separation capability is mentioned, it is clear from reading the RFP in its entirety that the County was interested in a proposal which would meet the mandates of the Solid Waste Management Act (the Act). No specific proposal or type of program was necessary to meet the mandates of the Act and none should be artificially imposed by staff to meet the RFP.

To limit acceptable proposals to those meeting performance or process limitation not required by the Act had the effect of unfairly limiting to County's acceptable choices. This is what resulted. BBC was ranked second because of not responding to a staff imposed limitation that had nothing to do with meeting the Act's mandates.

The Bedminster process addresses the total waste stream based upon Bedminster's ability to separate the biodegradable material from the non-biodegradable material (recyclables) thru its Eweson digester process. The non-biodegradable material can then be separated and screened out for resale. Bedminster also has the flexibility to handle yard waste within its process and to accept a mixed waste stream if the County chooses to implement some type of curbside system such as a Blue Bag System.

Staff also stated that Amerecycle was rated number 1 in the state by DER. This statement is misleading. The graphic provided by staff indicated only that Sumter County had the highest adjusted county recycling rate. The graphic does not attribute the success of Sumter's program to any specific entity and it is inappropriate for staff to attribute it solely to Amerecycle's efforts. To keep things further in perspective, it must also be noted that Sumter County is rural in nature and the total handled waste stream is only 50 tons per day. The total annual sale of end product compost in Sumter County was reported by Amerecycle to be 667 tons, less than one day's solid waste stream in Manatee County.

Concerning facility financing the RFP requires, "The County will not be willing to enter into a joint venture arrangement, to provide up-front capital for equipment or facility costs, to provide guarantees for financing, or to raise money through bond issues or tax revenues".

On Page 4 of Amerecycle's response to request for additional information Amerecycle's response to this requirement was, "As proposed, Amerecycle desires Manatee County to act as a "conduit" for industrial revenue bonds (not a "guarantor") and to assist with the responsibilities listed on pages 5-9 of the Cost and Price Proposal".

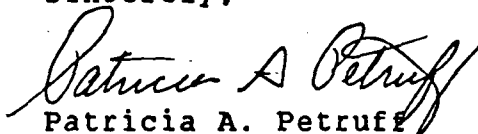
Kathy A. Snell, Chairman  
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What is a "conduit" for industrial revenue bonds? It would be seriously questioned that Amerecycle's financial proposal even addressed the RFP, much less complied with it.

Finally, a legally significant issue must be addressed. Neither the staff report nor the published agenda addressed the action taken by Commission. The only issue properly addressed was the ranking of proposers. It is clear that staff contemplated that after ranking approval that the next step in the process would be financial review with a report back to the Board on this issue before further action. Only then would authority be requested to commence negotiations. The Commission jumped ahead to the final stage and voted to "allow the negotiation process to proceed".

Since this action was not covered by the staff report nor the agenda, it was at best inappropriate and unfair and at worst, illegal.

Sincerely,

  
Patricia A. Petruff

PAP/jloc



CHARLES M. CARTER  
President and Chief Executive Officer

October 16, 1992

Manatee County Board of County Commissioners  
Manatee County Government  
1112 Manatee Avenue West  
Bradenton, FL 34205

RE: PROTEST REGARDING RFP 919022 - RECYCLING/WASTE  
REDUCTION PROGRAM

Dear Commissioners:

Pursuant to Article 9 of the Procurement Code of Manatee County, (Ordinance 84-02) Bedminster Bioconversion Corporation ("BBC") hereby protests the Board of County Commissioners action taken on October 13, 1992 pursuant to the request by the Purchasing Division for "Authorization for ranking" of bidders to the subject RFP wherein the Board authorized the Purchasing Division to begin negotiations with the first ranked bidder, the American Recycling Company, Inc. ("Amerecycle"). BBC has been aggrieved because the Agenda Memorandum and supporting documentation submitted by the Purchasing Division, as well as oral statements made during the Commission meeting, contained erroneous and misleading statements concerning BBC, its proposal and its process and further left out pertinent and material information for a fair and informed judgement by the Commissioners. In the proceedings, Commissioner McClash stated that he did not feel that a fair comparison had been presented by the County staff. Moreover, the request related only to "Authorization to rank," subject to financial review by the County's financial advisors, and action authorizing negotiations with Amerecycle prior to such financial review was premature.

Indeed, authorize to commence negotiation of a contract was neither on the published agenda or on the official Agenda Memorandum. In fact, the Agenda Memorandum concludes with the statement that authorization to enter into contract negotiations would be sought by the Purchasing Director in the future, only after the financial review had been completed and a report made back to the Board of County Commissioners.

Pursuant to Article 9, we communicated such grievance to the Purchasing Director in a good faith effort to resolve such grievance. In the afternoon on October 13, we met with Messrs. Cuthbert and DiFonzo to discuss the situation and to outline the basis of our grievance. Mr. Cuthbert indicated that every effort would be made to review the situation in a timely fashion and to communicate back to us. We reminded Mr. Cuthbert that we would have to file our formal protest by October 19 to preserve our rights under Article 9.

We do not like to have to file this Protest. However, because of the material nature of the errors and omissions which we believe were necessary for a proper, informed decision by the Board and in the interest of protecting the rights of the citizens of Manatee County, we saw no alternative in the absence of a satisfactory resolution with the Purchasing Director, but to file this Protest.

This Protest follows-up on our letter of October 12, 1992, a copy of which is attached hereto and incorporated herein, which was delivered to the Commission office late in the day after we had received a copy of the Purchasing Division Request and Agenda Memorandum earlier in the day. I personally travelled to Bradenton the evening of October 12 and attended the Commissioner meeting on October 13. Unfortunately, no opportunity was presented for oral statements by interested parties or perhaps this Protest proceeding could have been avoided.

With the foregoing in mind, let me now specifically address the matters which we believe should have been presented to the Board so that all pertinent facts were "on the table" and so that the Board was properly advised as to BBC, its proposal and its process. As the Board can appreciate, since this process has been pending for more than one year, the proposal currently pending from BBC has evolved to some extent to satisfy input, suggestions and the like from the County staff, its consultant and the Board. The matters of interest can be summarized as follows:

- (1) Cost Comparison. The Agenda Memorandum and the statements by staff in the October 13 proceedings do not accurately reflect the true cost comparison between BBC and Amerecycle. On an "apples to apples" basis, BBC will save the County in excess of \$1 million per year over the life of the proposed

20 year contract or in excess of \$20 million in total. Since such increased cost for the Amerecycle facility must be borne by the citizens of Manatee County, we feel this was an extremely important fact that should have been presented to the Board for consideration as part of its decision making process.

Bedminster's base tip fee was \$42.50 per ton of MSW, whereas Amerecycle's base tip was \$49.00.

BBC proposed an 800 TPD MSW facility which would meet all current recycling and waste diversion mandates, as well as any future mandates that will most assuredly be adopted to meet U.S. EPA guidelines. Amerecycle proposed a 525 TPD MSW facility in their base proposal which did not address yard waste and as such did not meet the State's mandates ... yard waste was addressed in Options 2 & B of Amerecycle's proposal which required additional costs. Subsequently, Amerecycle agreed to accept residential yard waste at \$49.00 per ton commingled with regular trash and agreed to address commercial yard waste on a separate basis. Moreover, the County's consultant recommended that Amerecycle enclose part of its composting operation for odor control at an added cost per ton of \$1.25 ... this would increase their tip fee to \$50.25 per ton.

When it became apparent that the County's focus was to meet the current recycling and waste diversion goals of the State rather than anticipated long term goals, BBC proposed to downsize its facility to approximately 680 TPD to accommodate all residential waste including yard waste and commercial yard waste. We indicated that the tip fee would be less than \$45.00 per ton and indicated we would attempt to hold the tip fee at \$42.50 per ton for this downsized facility.

Such downsized BBC facility would be comparable in size to the Amerecycle facility when yard waste was considered and would save the County in excess of \$1 million per year as compared to the Amerecycle facility. Moreover, BBC proposed

to handle the County's sewage sludge at no cost which would result in further savings to the County ... while such savings may not be perceived by the staff to be significant at this time, they will become significant over time as new federal regulations become effective. In our presentation to the County Commissioners, Mr. Wilford acknowledged that we would save the County money in handling sewage sludge and further acknowledged it would enhance the compost quality and value.

The consultant's report distorts such cost comparison since it does not reflect our proposed downsized facility and does not make it adequately clear that Amerecycle's base case does not meet the State's requirements and that one must look to Option 2 or B for a complying proposal. We were advised that, despite the fact that we had submitted information on our down-sized facility months ago, there had not been adequate time to analyze such information ... it would appear prudent to have delayed the process to incorporate this pertinent information.

The Amerecycle price is not comparable to BBC's price as alleged in the October 13 proceedings!! An added cost of at least \$1 million per year is clearly not comparable.

- (2) Cost to Citizens. In the October 13 proceedings, it was alleged that the proposals of all bidders would increase the cost per household. While this may be true vis-a-vis the Amerecycle proposal, it is not true vis-a-vis BBC when you consider the cost of waste disposal at the landfill plus the cost of separate yard waste collection and processing and plus the cost of separate recyclable collection. Details on this were supplied to the Board of Commissioners in our presentation on June 4 wherein we showed a savings per household of approximately \$1.25 per month. In their presentation, it was pointed out that Amerecycle's proposal would increase the cost per household per month by several dollars on a comparable basis.

- (3) Odors/Odor Control. The Bedminster process does not create offensive odors. Additionally, our facility is totally enclosed and we have incorporated an air control system to insure that no odors, not even pleasant odors, exit the facility ... it should be noted that properly processed compost has an "earthy" smell. Moreover, our air control system will control volatile organics or VOC's.

While VOC's are not currently regulated in Florida, it is anticipated that they will be regulated in the future.

The nature of the Amerecycle process is such that they will generate offensive odors because of rotting garbage in their windrows coupled with the inherent anaerobic or anoxic conditions that exist. Moreover, since their proposed composting operation is outside, the control of such offensive odors, as well as the normal composting odors, is difficult to accomplish. To date, similar operations have not been able to control odors and have experienced major odor problems. The County's consultant has recommended enclosing the first 15 days of Amerecycle's composting operation at a cost of \$1.25 per ton ... this will increase Amerecycle's tip fee to \$50.25 per ton and will make their proposal even more expensive than BBC's proposed facility. While enclosing the first 15 days of composting will improve Amerecycle's odor control, it will not insure the lack of odor problems since the balance of their composting operation is outside. Amerecycle has acknowledged unknowns concerning odor control and has proposed to correct odor problems in the future at the County's cost ... odor control with Amerecycle represents a hidden cost. Conversely, BBC will have no odor problems and guarantees that the County will not be required to bear any future hidden costs.

The comparative facts on odor control and odor generation should have been highlighted in the

staff's presentation since odor problems have plagued all composting companies except BBC.

- (4) Compost Quality/Marketability. The staff Agenda Memorandum erroneously raises issues concerning the quality and marketability of BBC's compost. BBC's compost has been proven to be the highest quality compost in the industry and all compost produced at BBC's facilities has been beneficially used. BBC has customers in place for all compost to be produced at Manatee and guarantees the beneficial marketing thereof. BBC has an established track record that has been available for evaluation by the County staff ... BBC's track record is actual not speculate. BBC has proposed to share compost revenues beginning on day one and projects at least \$500,000 of annual revenue flow to the County. Moreover, BBC compost is substantially 100% biodegraded organic matter. Over the five year compost development period proposed by Amerecycle, BBC would have generated at least \$2.5 million of revenues for the County which would represent a further cost savings to the County and its citizens. We believe the \$500,000 annual revenue figure is conservative and are hopeful we can substantially increase this revenue stream to the County.

Amerecycle does not have a comparable track record vis-a-vis its compost and does not have committed markets for the compost proposed to be produced at Manatee. Quite to the contrary, Amerecycle has proposed a compost marketing development program wherein they will not share revenues for 5 years. It should be noted that their compost, per their mass balance, includes almost 50% inorganic matter.

- (5) Recyclables Revenues. The Agenda Memorandum incorrectly indicates that BBC would not share recyclables revenues whereas it is silent vis-a-vis Amerecycle. This is incorrect since BBC has proposed to share recyclables revenues just as it proposed to share compost revenues.

- (6) Big 4 Recycling Mandates. The Agenda Memorandum incorrectly indicates that BBC cannot meet the State's Big 4 recycling mandates.

The County's consultant acknowledges that BBC meets the State mandates on paper and glass by converting these into the compost end product. An issue has been raised as to meeting the State's mandates as to aluminum cans and plastic bottles.

Bedminster has proposed to recycle aluminum cans and plastic bottles through the Blue Bag program or through separation after processing of waste in our digesters. In either case, we guarantee that the State's mandate will be met and we must bear any added cost required to meet such mandates. Contra to the County's consultant's statement, we can meet the State's mandates on aluminum cans and plastic bottles by post digester separation and marketing.

We originally proposed post digester recycling of aluminum cans and plastic bottles. Because of a desire to involve citizens in such recycling and the concerns of environmental groups, we brought in the Blue Bag program in conjunction with First Brands. As we have indicated, either program will be implemented by us at no cost to the County, i.e. the cost is included in our proposed tip fee, and we guarantee the success there of.

We also propose to recycle ferrous cans either post digester or through the Blue Bag program. It should be noted that ferrous cans are currently being recycled post digester at our Sevierville facility and we are gearing up to similarly recycle aluminum cans.

In our process, the non-biodegradable materials exit our digesters intact so that aluminum cans, plastic bottles and ferrous cans exit intact and can be recycled. We supplied evidence of this to the County's consultant and staff and this can be readily observed at our Pinetop and Sevierville facility.

The Bedminster proposal offers pre-processing separation of the selected recyclables through the Blue Bag program (which we have proposed to be voluntary) as well as post-processing separation of recyclables, with the added advantage that such post digester separation does not pose health hazards to workers since the residuals are sanitized and pasteurized in the digester and the offensive materials in the waste stream, such as soiled diapers, have been composted. Accordingly, the Bedminster proposal offers as much flexibility as Amerecycle's proposal in this regard with Bedminster eliminating the health hazard of manual sorting through raw garbage by workers as required by Amerecycle ... this was stressed as a major deciding factor by the County staff and they should have pointed out such comparable flexibility. The Bedminster process is also compatible with all current programs in the County since we can accept source separated materials, separate yard waste and the like so that we can accommodate any desired approach of the County.

With regard to the Blue Bag program, the County's consultant has asserted that a majority of plastic bottles and aluminum cans would not be recycled as required by the Solid Waste Management Act. Such conclusion was arrived at based upon the current setout rates and yields of the County's curbside recycling program. The consultant's conclusion is incorrect and does not take into consideration the success of the Blue Bag program in other municipalities. First, BBC guarantees that the State's recycling mandates will be met and must therefore find an alternative solution at BBC's cost if the Blue Bag program should prove unsuccessful. As pointed out above, such recycling mandates can also be met through post-digester separation and recycling.

First Brands was the originator of the Blue Bag program. Based upon implementation of this program in other communities on a volunteer basis, they have generally experienced 60-70% participation of homeowners with participation being as high as 90%. They are the experts in this area and they are comfortable that Manatee County will attain at least 60-70% participation. The Blue Bag program is more successful than curbside recycling because of the ease and convenience with which homeowners can participate. The County's staff and consultant have failed to properly explore this option with BBC and First Brands. Interestingly, they have proposed to adopt the Blue Bag program with Amerecycle and Amerecycle has indicated that this will result in additional cost.

- (7) Waste Diversion. The Agenda Memorandum erroneously indicates that BBC will only attain 60% waste diversion from the landfill. We project attaining approximately a 70% waste diversion. Because of possible variations in the waste stream, we conservatively indicated we were prepared to guarantee a 60% waste diversion.

Dirty MRF's as proposed by Amerecycle coupled with outdoor windrow composting have not historically attained the waste diversion rates attributed to Amerecycle. Such information is readily available to the County's staff and consultant.

- (8) Separate Collections. BBC's proposal eliminates the need for separate collection and processing of yard waste and separate collection of recyclables with the inherent savings thereof to the County and its citizens. However, as indicated above, such elimination is not a requirement but rather a cost saving alternative.
- (9) Sewage Sludge. The Agenda Memorandum erroneously indicates that BBC proposes to or needs to import sewage sludge from outside the County. We have proposed to accept and process, at no charge,

all of the County's sewage sludge. While our digesters can accept more sewage than available in the County, we have not proposed to bring in sewage sludge from outside the County. Rather there are other sludges available within the County such as septage which we would propose to process in our digesters and for which we have proposed to share revenues with the County. There is no contingency in our proposal regarding the availability of other sludges and we guarantee the performance of the process. If necessary, in lieu of sludges, we can add required nitrogen such as through urea which is readily available to our process and any cost thereof would be borne by BBC.

In processing the County's sewage sludge at no cost, we believe the County will benefit significantly. We will eliminate any current and future costs of disposal of such sludge by the County ... under the new 503 regulations of the U.S. EPA such costs are expected to increase significantly. Moreover, we will eliminate ongoing monitoring and tracking of such sludge (as well as the trailing liability associated therewith) as required for land application thereof which is the County's current method of disposal.

- (10) Leachate Pond. The Amerecycle facility requires a leachate pond (proposed to be 5 acres) because they process outdoors whereas BBC does not require a leachate pond. Amerecycle further proposes to pump excess effluent from such leachate pond to the County's wastewater treatment plant at a fixed price. Wastewater treatment plants generally do not want leachate from a solid waste facility and there are inherent liabilities associated with leachate ponds. This should be of concern in the wetlands area proposed by Amerecycle.
- (11) Plant Footprint. BBC only requires 9 acres for its plant whereas Amerecycle requires 57 acres ... we're not sure if the 57 acres addresses yard waste or relates to their base bid which fails

to address yard waste. There is clearly an additional cost to the County in giving up 57 acres for a facility rather than only 9 acres.

- (12) Compost Turning. The consultant's report erroneously states that BBC has substituted front-end loader turning for an automatic turning, channel system. BBC has proposed a new, more efficient automated compost turning device coupled with an air floor. Front end loaders provide a back-up for the automated system. This situation was discussed in detail with the County's consultant and was confirmed in writing.

- (13) Current Landfill Operations/C&D Debris and Tires. We have indicated our willingness to takeover these programs at the landfill on a direct cost basis. The staff previously advised us that these programs were working well. The added tip fee for C&D proposed by Amerecycle would appear to increase the cost of handling to the County.

- (14) Waste Diversion Potential. The consultant's report erroneously indicates that the waste diversion potential for BBC is only 60%. We have projected diversion in the range of 70%. Dirty MRF's as proposed by Amerecycle have historically not attained diversion rates as projected for Amerecycle and have generally had to landfill their compost. We were previously advised by the County's consultant that Amerecycle could not attain the projected diversion rate.

Approximately 60% of the waste stream is biodegradable organics. BBC projected converting approximately 2/3 of the waste stream into compost (biodegradables plus glass). Amerecycle's mass balance only reflected approximately 20% of the waste stream (including glass) being converted to compost.

- (15) Local Participation. BBC has proposed to involve local firms, supplies and employees in the

development of this facility and in its subsequent operation. BBC would expect to develop a major presence in Manatee County.

- (16) Financing. Chase Manhattan Bank has committed to finance the proposed BBC facility in Manatee County. Other than entering into contracts with the County, there are no contingencies with such financing. Attached is a copy of Chase's recent letter dated, September 16, 1992, confirming such commitment.

Amerecycle does not have committed financing and has proposed to float tax exempt County bonds, with the inherent risks to the County associated therewith.

- (17) Guarantees. BBC and Day & Zimmermann have proposed to guarantee the following:

- . Performance of the process.
- . Quality of the compost and beneficial use thereof so as to meet recycling mandates.
- . Meeting the State's Big 4 Recycling mandates.
- . Sharing of compost and recyclables revenues on day one of operation.
- . There will be no odor problems.

There are no hidden costs with our proposal and Day & Zimmermann/Seacor Services provide deep-pocket support. Day & Zimmermann's financials were previously supplied to the Purchasing Division. Attached is a copy of the letter dated, September 17, 1992, wherein the commitment of Day & Zimmermann/Seacor Services was confirmed.

- (18) Health Hazards. Our letter of October 12 clearly addressed this issue with regard to the health hazards associated with Dirty MRF's as proposed by Amerecycle because of the substantial hand sorting through raw garbage. At the October 13 meeting, the County's consultant indicated that this subject matter should be thoroughly evaluated.

BBC has no corresponding health hazards.

- (19) Experience. BBC possesses over 20 years experience with its process and currently has 3 operating plants. While Amerecycle has operated the Sumter County facility for several years, it has never developed a composting facility and the proposed ARC-1 system has never been built.

The County staff has visited our reference facility in Pinetop, Arizona. However, despite repeated efforts, we have been unable to get the County's staff or its consultant to our newest facility in Sevierville, Tennessee which began operating on September 23. This is the finest composting plant in the world.

Larry Finn, our Vice President of Engineering, has attempted at no avail to meet with the County's consultant to answer any concerns or questions concerning our technology and process.

While the County's staff has also visited the Sumter County facility operated by Amerecycle, we have suggested that they and the consultant visit the Pembroke Pines facility of Reuters which is comparable technologically and size-wise to the facility proposed by Amerecycle for Manatee County. That facility has been plagued with odor problems (Broward County officials have been quoted as saying it smells like rotting pigs) and has produced poor quality compost which has had to be landfilled on many occasions. Moreover, the untenable and hazardous working conditions of workers hand sorting through raw garbage has been reported in the press.

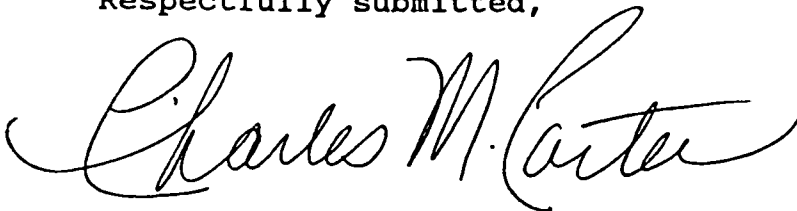
We encourage the Commissioners and staff to visit our facility in Sevierville and the Pembroke Pines facility before a decision on this most important subject is made. You will clearly see the distinguishing beauty of our process to meet the County's waste disposal problems in an ecologically and environmentally, and yet economical, manner.

Manatee County Board of County Commissioners  
October 16, 1992  
Page Fourteen

- (20) Contaminated Compost. At the October 13 meeting an issue was raised about our compost being contaminated by hazardous materials in the waste stream since we generally don't open trash bags. As your consultant pointed out, we do pull out obviously oversized and hazardous materials, on the tip floor. Moreover, normal household toxic materials are biodegraded in our process. Your consultant further correctly stated that we continuously monitor our process and compost so that we could segregate any contaminated compost. In 20 years of operation, we have never experienced any contaminated compost. Moreover, contra to your consultant's statement, we guarantee that no compost will be landfilled.

We trust that this has clarified the situation. We will be glad to supply you with any additional information.

Respectfully submitted,

A handwritten signature in cursive script, reading "Charles M. Carter". The signature is written in dark ink and is positioned below the "Respectfully submitted," line.

/djf

Attachments



CHARLES M. CARTER  
President and Chief Executive Officer

October 12, 1992

Manatee County Board of County Commissioners  
Manatee County Government  
1112 Manatee Avenue West  
Bradenton, FL 34205

**RE: RFP 919022 RECYCLING/WASTE REDUCTION PROGRAM**

Dear Commissioners:

This letter is prompted by the proposed Authorization for Ranking submitted by the Purchasing Department which is dated 10/07/92. We are concerned with the conclusions arrived at in such document since they are based upon erroneous information, statements and conclusions concerning the proposals. The purpose of this letter is to set the record straight with regard to Bedminster and its proposal as compared to that submitted by Amerecycle.

The two major problems facing the composting industry are odors and the ability to produce a quality, marketable compost product. Bedminster is the only company in the industry that has proven it can solve these two problems. The Bedminster process does not generate offensive odors and further Bedminster has proposed a totally enclosed facility with a positive air treatment system so that no odors, even pleasant, are generated outside the facility. Bedminster's ability to address the odor issue has been acknowledged by the County's consultant, R.W. Beck. The Bedminster process produces the highest quality compost in the industry ... all compost produced at Bedminster facilities has been sold and beneficially used and we have committed customers for all of the output at our newest plant in Sevierville, Tennessee, as well as for the Manatee project. Moreover, Bedminster and its deep-pocket joint venture partner, Day & Zimmermann/Seacor Services, have guaranteed the quality of the compost and the beneficial marketing thereof once the facility becomes operational. R.W. Beck concluded that compost marketing was well covered by Bedminster.

Manatee County Board of County Commissioners.  
October 12, 1992  
Page Two

We take issue with the statement in the Purchasing Department submittal that marketability of our compost is of concern as well as the County's liability for the quality of the compost. The County is not liable because of the guarantees of Bedminster and Day & Zimmermann/Seacor Services and we have customers committed for 100% of the compost output of the proposed facility. The statement by the Purchasing Department represents a misstatement of the facts. We find it puzzling that any question has been raised regarding the marketability of our compost when our proposal is compared with Amerecycle's .... Bedminster has customers identified whereas Amerecycle has asked for 5 years to develop a market for its end product which is of much poorer quality than Bedminster compost. Amerecycle does not have a track record as to selling its compost ... Bedminster does. R.W. Beck and the County staff have acknowledged that scale-up and odors are of concern regarding Amerecycle.

Our ability to process without odors and to produce a quality, marketable compost product is proved by our facilities in Pinetop, Arizona and Sevierville, Tennessee. While County representatives have visited Pinetop, no one has as yet visited Sevierville which started up in late September without odors. Sevierville represents the worlds finest composting plant.

The ARC-1 system proposed by Amerecycle has never been built and has only recently been designed by their engineering consultant. Moreover, they have never developed a composting facility ... they merely operate a small previously developed facility in Sumpter County. The proposed system will employ a "dirty MRF" and outdoor windrowing. A similar system is employed at Pembroke Pines, Florida which has major odor problems ... that facility corresponds in size to that proposed for Manatee County by Amerecycle. Moreover, such facilities face worker health hazards because employees must manually sort through raw garbage which we find offensive ... Denmark has banned hand sorting through raw garbage because of employee health hazards. There are incidences of employees being pricked with needles in such hand sorting and one employee in California is alleged to have contracted AIDS from such an incident. As to future odor control that may be required, Amerecycle has indicated it will be added at a cost to be borne by the County. In other words, the County must "roll the dice" on Amerecycle's ability to control odors ... offensive odors will be produced in their process. Moreover, because Amerecycle will process outside it cannot control volatile

organics (VOC's) which are becoming of greater concern from an environmental standpoint. Our air control system, coupled with our totally enclosed facility, controls VOC's.

Amerecycle's mass balance shows that their compost includes 50% inorganic matter whereas our compost will be substantially 100% biodegraded organic matter. Moreover, their residuals include over 50% organic matter whereas ours is substantially 100% non-biodegradable material. The high inorganic content detracts from the quality and value of the Amerecycle compost. Additionally, with outdoor windrowing, they cannot control the quality and consistency of the compost. Further, we're not aware of any substantive guarantees by Amerecycle regarding the compost, its quality and its beneficial marketability.

We also submit that the R.W. Beck and staff report fails to properly compare costs between Bedminster and Amerecycle. Bedminster's proposed tip fee is \$42.50 per ton. On a scaled down facility to process only residential waste (including yard waste) along with commercial yard waste, we indicated the tip fee would remain below \$45.00 per ton. Such scaled down facility would handle approximately 680 tons per day of MSW which is comparable in size to the facility proposed by Amerecycle when you take into consideration yard waste. With the odor control option proposed by R.W. Beck, Amerecycle's tip fee is \$50.25 per ton. Moreover, they have a higher yearly labor and operating cost which will increase based upon labor rate increases so that the spread between Bedminster and Amerecycle will increase more over the coming years. We submit that Bedminster represents at least a \$20 million savings to the County over the life of the contract. Keep in mind that the Amerecycle base bid does not address yard waste and you must therefore look at their options for the handling of yard waste which is required to meet the State's mandates.

Additionally, we submit that the financial capability and financing capability of the parties must be an integral part of your decision process. With Day & Zimmermann as our deep-pocket partner we have substantially greater financial capability than Amerecycle ... we have the financial strength to provide comfort as to our guarantees. Chase Manhattan Bank is prepared to finance the proposed facility ... there is no contingency but the requisite contracts with the County. We will privately finance the facility and are not looking to float County revenue bonds as proposed by Amerecycle with the inherent risks thereof to the County. Chase will finance the project with Bank funds, whereas

Amerecycle's bank has merely proposed to raise funds with the uncertainties associated therewith. It should be kept in mind that we and Day & Zimmermann/Seacor Services have proposed to guarantee the following:

- . Performance of the process.
- . Quality of the compost and beneficial use thereof in agricultural and horticultural applications.
- . Meeting all of the State's recycling mandates.
- . Sharing compost and recyclable revenues beginning on day one of operation.

The following are further points in the R.W. Beck/staff report which require clarification:

- . We have guaranteed that the County will meet the Big 4 recycling mandates. This will be accomplished as to glass and paper through beneficial use of the compost (paper becomes compost and glass becomes sand or silica, a good separation medium, in our process). Aluminum cans, plastic bottles and ferrous cans will be recycled through the Blue Bag program or through separation and recycling after our process. We take strong issue with R.W. Beck's statements questioning our ability to meet such mandates.
  - . Blue Bag Program. First Brands experience shows that where curbside recycling fails the Blue Bag program still can succeed. If it doesn't work, we must address the issue separately at no cost to the County. We originally proposed to recycle after our process but brought in the Blue Bag program to satisfy concerns of the staff, R.W. Beck and environmentalists. The Amerecycle approach is of concern to environmentalists because impurities such as batteries are ground up into the compost.

- . Post Digester Recycling. Aluminum cans, ferrous cans and plastic bottles can be separated and recycled after processing of the waste in our digesters. Sevierville has already sold ferrous cans from our process and will be selling aluminum cans. We have submitted information to R.W. Beck on the cleanness of materials after going through our process. It should be noted that aluminum cans and plastic bottles make up less than 2% of the waste stream in Manatee County. Most likely at least aluminum cans are being diverted by users for direct sale to recyclers because of the high revenues available therefore.
- . The Bedminster approach eliminates the need for separate curbside collection with the inherent savings to the homeowner associated therewith.
- . Bedminster does not need to import additional sludge as asserted by the staff. There is ample septage available in the County to meet our process needs. Moreover, we can substitute animal waste or urea to provide the nitrogen desired in our process. Our process needs can be fully met within the County and there is no added cost. Rather, we will save the County the future cost of its sewage sludge disposal and will share revenues on any in County septage received. Our processing of the County's sewage sludge will release the County from any future liability for sewage sludge clean-up ... there is the potential trailing liability related to the current land application of sludge.
- . The Bedminster process is capable of processing waste currently in the County's landfill so that the current landfill could be reclaimed to remove the ingredients that cause leachate and methane gas and attract rodents, flies and the like.
- . With the Bedminster facility, no leachate pond is required. Amerecycle requires a 5 acre leachate pond because of open-air composting with the inherent costs and liabilities associated therewith.

- . Amerecycle requires 57 acres at the landfill whereas Bedminster will require only 9 acres.
- . The R.W. Beck report erroneously states that we have replaced the automated aerated channels for curing with an aerated floor using front-end loaders. We clearly advised R.W. Beck that we have replaced the automated aerated channels with an aerated floor and a newly developed automated turning device that enhances the process and reliability. The front-end loaders represent a back-up system for the automated turning devices, i.e. they create redundancy. The entire Bedminster process is computer controlled.
- . An issue has been raised concerning our not opening trash bags before they are entered into the digester and the possible impact on the compost product. The concern apparently relates to household hazardous materials in the waste stream. Normal household hazardous materials found in the waste stream are biodegradable and biodegrade in our process. Additionally, we guarantee the quality of the compost product and the beneficial use thereof so it's our problem not the County's. We have further indicated that we will work with the County in putting in place a hazardous waste collection program as part of a comprehensive waste disposal program.
- . We have indicated our willingness to takeover the current programs at the landfill for handling C&D debris and tires. We were advised by the staff that these programs were working well and there is no need to "reinvent the wheel."
- . We submit that R.W. Beck erroneously states that our diversion potential is only 60% whereas Amerecycle's is 75%. We project a diversion percentage of approximately 70% based upon the waste stream analysis. Dirty MRF's have historically not attained the diversion rate attributed to Amerecycle and they have generally had to landfill most of their compost.

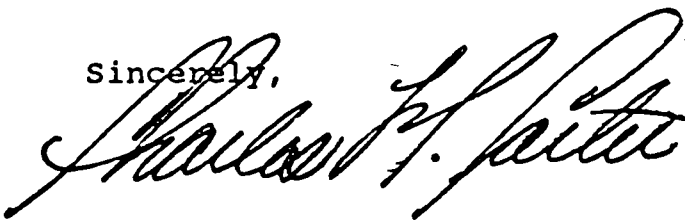
- Bedminster has proposed to involve local firms and employees in the development of this facility and in its subsequent operation.

Attached are copies of prior letters to R.W. Beck and the County staff more specifically addressing some of the issues discussed above.

If the County wants (i) the lowest cost for the proposed facility with substantial long-term savings to its citizens, (ii) financing already committed, (iii) full guarantees from a "deep pocket" guarantor, (iv) no odor problems, (v) a high quality compost that will be beneficially used, (vi) two waste disposal problems solved with one facility in an environmentally and ecologically sound manner, (vii) revenue sharing on compost and recyclables beginning on day one and (viii) a proven track record based upon existing facilities, it should select Bedminster. The "proof is in the pudding" and, before you decide, we encourage you to visit our Sevierville plant and the Pembroke Pines facility to get a direct view of the competing technologies (Bedminster's digester process vs. a dirty MRF with outdoor windrowing). The difference is dramatic and you will appreciate the merit of our technology to a community like Manatee County. Attached are copies of several recent news articles on the Sevierville facility as well as a report from the Izaak Walton League.

We would enjoy working with the County and providing its citizens with "the best there is."

Sincerely,

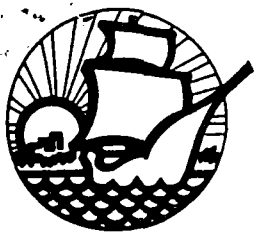


/djf

Attachments

cc: Mr. Gus DiFonzo, Solid Waste Director, Manatee County  
Mr. Patrick A. Kennedy, Director Solid Waste Management  
R.W. Beck and Associates





# MANATEE COUNTY GOVERNMENT

## Public Works Department

March 18, 1993

John M. Ruddell, Director  
Division of Waste Management  
Florida Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Re: Additional Information - Yard Waste Disposal  
Intent To Grant Variance - March 1, 1993  
Status Report

Dear Mr. Ruddell:

As was required by the above noted intent and to again reinforce our commitment to meet the conditions of the Intent To Grant Variance in a good faith manner, the following additional information is presented for your review.

As previously stated February 26, 1993, in Manatee County's Status Report, on October 13, 1992, the Board of County Commissioners approved the ranking of firms to conduct Manatee County's Recycling/Waste Reduction Program. The firm chosen was The American Recycling Company, Inc. (Amerecycle). The Board of County Commissioners' decision was then protested by the second ranked firm; ultimately, the protest was denied.

It was also noted that the time frame allowed for filing of a protest and subsequent review hearings caused a stay in the on-going procurement process and delayed Manatee County a minimum of six months in our proposed development calendar.

Also noted, in order to respond to constituents' request for public education on the matter, the Board of County Commissioners scheduled an educational forum for the public on February 15, 1993. Through this letter, Manatee County confirms that this event did take place as scheduled.

In addition, it was noted that there would be two additional forums and both events were to be conducted prior to March 16, 1993. Through this letter, Manatee County confirms that these two events did take place as scheduled.



Mr. John Ruddell  
Additional Information-Manatee County  
March 18, 1993  
Page 2

Per the February 26, 1993, status report, Manatee County reported that on March 16, 1993, Public Works would request the Board of County Commissioners' re-affirmation and support for the chosen program. Through this letter, Manatee County confirms that on March 16, 1993, the Board of County Commission authorized staff to enter into contract negotiations with the top-ranked firm, The American Recycling Co., Inc., subject to financial review by County financial advisors. Staff is expediently preparing and readying to move forward with financial review and contract negotiations.

As previously reported, Manatee County continues its present mulching operation addressing 1,557 tons per month of commercial yard/wood debris.

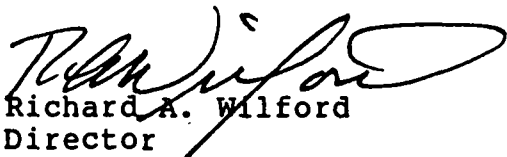
With this additional information, Manatee County again sincerely and respectfully asks that you continue to extend the yard waste variance based on our original request, this additional information, and the good faith efforts thus far expended.

Should the Variance from the Rule not be extended, Manatee County will still experience the same hardships that DER recognized in our original information response.

Manatee County again requests DER's understanding of our obligation to properly respond to a vendor's protest and to our citizens' request for educational forums, albeit these responses are time consuming. As you can determine from our status reports, this County has not changed the direction of its course in achieving a highly effective, cost-efficient solid waste management/waste reduction program in the best interest of our County and citizens with the intent to meet and/or exceed all of DER requirements.

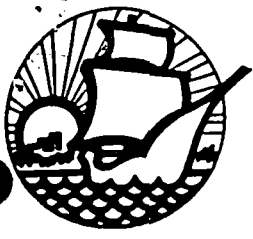
Your cooperation and assistance in this matter would be greatly appreciated. If you require further information at this time, please contact this office.

Sincerely,

  
Richard A. Wilford  
Director

RAW/sks

cc: William J. Estabrook, County Administrator  
H. Hamilton Rice, Jr., County Attorney  
Charles Hunsicker, Assistant Director  
Daniel Gray, Deputy Director of Operations  
File - G. Di Fonzo



# MANATEE COUNTY GOVERNMENT

## Public Works Department

February 26, 1993

John M. Ruddell, Director  
Division of Waste Management  
Florida Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Re: Yard Waste Disposal - Intent to Grant Variance  
March 1, 1993, Status Report

Dear Mr. Ruddell:

As is required by the above noted Intent and to reinforce our commitment to meet the conditions of the Intent to Grant Variance in a good faith manner, the following information is presented for your review.

On October 13, 1992, the Board of County Commissioners (BCC) approved the ranking of firms to conduct the recycling/waste reduction program. Pending financial background investigation, the number one ranked firm chosen for negotiations was The American Recycling Company, Inc.

The BCC's decision was protested by the second ranked firm, however, the protest was denied by the County Administrator's Office on November 16, 1992. Exercising their rights under the Manatee County Procurement Code, the vendor did not accept this denial and requested an Administrative Hearing by the BCC. This Hearing was conducted by the BCC on January 19, 1993, and the denial was upheld by the Board.

The time frame allowed for filing of a protest and subsequent review hearings caused a stay in the on-going procurement process and delayed Manatee County a minimum of six months in our proposed calendar for negotiation, permitting, construction, and initial operation of our recycling/mixed waste processing facility.

In addition, to respond to constituents' request for public education on the matter, the BCC scheduled an educational forum

ADMINISTRATION • 4501 • 66th Street West, Bradenton, Florida 34210 • (813) 792-8811 • FAX (813) 795-3490



Yard Waste Disposal - Intent to Grant Variance  
February 26, 1993  
Page Two

for the public on February 15, 1993. There will be two additional educational forums held for the public, and both events are anticipated to be conducted prior to March 16, 1993.

On March 16, 1993, for the BCC's re-affirmation and show of support for the chosen program, this Department will request authorization to negotiate a contract with the originally chosen vendor for the waste reduction program. Upon that approval, we will expediently go into negotiations with the vendor and will continue to move swiftly with anticipated objectives and schedules. R. W. Beck & Associates, Inc., our contracted consultants who have assisted during vendor evaluation, will continue to work with us throughout the negotiations.

As discussed during our meeting of June 29, 1992, Manatee County continues its present mulching operation at its Lena Road landfill facility addressing commercial yard/wood debris on an average of 1,557 tons per month. We have aggressively worked for, and obtained approval, for the sale of mulch currently produced at the landfill (see enclosed).

We sincerely and respectfully ask that you continue to extend our yard waste variance based on our original request and the good faith efforts thus far expended as shown in the enclosures. We will, of course, continue to keep you updated on the status of this issue.

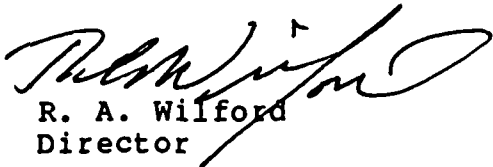
Should the Variance from the Rule not be extended, Manatee County will still experience the same hardships that DER recognized in our additional information response.

Manatee County requests DER's understanding of our obligation to properly respond to a vendor's protest and to our citizen's request for educational forums albeit these responses are time consuming. Please be aware that this County has not changed the direction of its course in achieving a highly effective, cost-efficient solid waste management/waste reduction program, however, we have experienced unforeseen delays in the actual implementation of the various phases of our program. We anticipate negotiations to begin March, 1993, with an expeditious contract execution and construction implementation. Preliminary drawings received from our proposed vendor are attached for your review.

Yard Waste Disposal - Intent to Grant Variance  
February 26, 1993  
Page Three

Your cooperation and assistance in this matter would be greatly appreciated. If you require further information at this time, please contact this office.

Sincerely,



R. A. Wilford  
Director

RAW/gbp

Enclosures

cc: William J. Estabrook, County Administrator  
H. Hamilton Rice, Jr., County Attorney  
Charles Hunsicker, Assistant Director  
Daniel T. Gray, Deputy Director of Operations  
Gus A. DiFonzo, Solid Waste Division Manager

WORK SESSION

THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS

MANATEE COUNTY ADMINISTRATIVE COMPLEX  
COMMISSIONERS' CHAMBERS

FEBRUARY 15, 1993

5:30 P.M.

**DRAFT**

SUBJECT: RECYCLING/WASTE REDUCTION PROGRAM (RFP)919022  
COUNTY-WIDE RECYCLING/WASTE REDUCTION PROGRAM

- I. WELCOME: LARI ANN HARRIS, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS
- II. BACKGROUND PRESENTATION: GUS DiFONZO, MANAGER  
SOLID WASTE DIVISION
- ° Explanation of Solid Waste Management Act
  - ° Review of County's Pilot Programs
  - ° Report on Current Recycling Status
  - ° Explanation of (RFP)919022
  - ° Presentation of County's Proposed Recycling/Waste Reduction Plan
- III. VIDEO: AMERECYCLE: THE ARC-1  
PROCESS - MUNICIPAL SOLID  
WASTE AND COMPOSTING
- IV. PRESENTATION: PATRICK A. KENNEDY, DIRECTOR  
° Through the Amerecycle System R.W. BECK & ASSOCIATES, INC.
- V. PRESENTATION SUMMARY: GUS A. DiFONZO, MANAGER  
SOLID WASTE DIVISION
- VI. BOARD OF COUNTY COMMISSIONERS DISCUSSION:  
° Questions and Answers
- VII. PUBLIC COMMENTS:  
° Questions and Answers
- VIII. CLOSING COMMENTS/DIRECTIVES: BOARD OF COUNTY COMMISSIONERS
- IX. ADJOURNMENT: LARI ANN HARRIS, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS



Gwen P.

From Tom  
Cook.

2-25-93 1P9

MANATEE COUNTY  
GOVERNMENT

AGENDA MEMORANDUM

<b>SUBJECT:</b>	RFP 919022 Recycling/Waste Reduction Program	<b>COUNTY ATTORNEY APPROVAL:</b>
<b>DATE REQUESTED:</b>	10/13/92	Requested: N/A
<b>DEPARTMENT/OFFICE:</b>	Central Services	If "no," please explain:
<b>DIVISION:</b>	Purchasing	If "yes," memo must be attached. State whether or not comments/suggestions in memo have been addressed or incorporated. If not, please explain:
<b>AUTHORIZED BY:</b>	Samuel L. Love, Director <i>SL</i>	
<b>CONTACT PERSON:</b>	Thomas Cook/Marge Perenich	
<b>TEL #/EXT:</b>	3151/3352	
<b>DATE SUBMITTED:</b>	10/07/92	

**TYPE AGENDA ITEM:** PROCLAMATION \_\_\_\_\_ CONSENT \_\_\_\_\_ REGULAR X PUBLIC HEARING \_\_\_\_\_ OTHER \_\_\_\_\_  
IF LATE SUBMISSION, IS THIS TIME SENSITIVE \_\_\_\_\_ OR REQUESTED FOR THIS DATE BY THE BOARD \_\_\_\_\_

**CONSEQUENCES IF DEFERRED:** N/A

**BOARD ACTION(S) REQUIRED:** Authorization for ranking

**FORM OF MOTION, OR OTHER ACTION REQUIRED:**  
Authorization to rank firms for the Recycling/Waste Reduction Program, RFP 919022, subject to financial review by County's financial advisors as follows:

**Recommended ranking:**

1. The American Recycling Company, Inc., Sumterville, FL
2. Bedminster Bioconversion Corporation, Cherry Hill, NJ
3. XL Disposal Corporation, Crestwood, IL
4. Waste Management Inc. of Florida and Cedar Hammock Refuse Disposal Corporation, Ft. Lauderdale, FL

**COMPREHENSIVE PLAN/POLICY DETERMINATION:**  
Goal 11.2, Objective 11.2.4 of the Solid Waste Sub-Element.  
Ordinance 84-02, Section 3-101 through 3-106 and Section 5-401.

**BACKGROUND/DISCUSSION:**

- The Solid Waste Management Act mandates the waste reduction of several items to reduce the amount of solid waste landfilled by 30% by the end of 1994. In response, the County created a Recycling Office in May of 1989 and initiated pilot programs for the collection of recyclables both curbside and at drop-off collection centers beginning October 1989.
- 07/23/91 proposal advertised, mailed, and ten responses were received.
- 09/03/91 through 10/24/91 six firms short listed and oral presentations offered to Selection Committee.
- 11/14/91 various work sessions with the Solid Waste Advisory Board, Board of County Commissioners and Selection Committee to determine the ranking of the firms. Two of the original short listed firms have withdrawn.
- 10/05/92 Selection Committee met to rank the four firms.

<b>ATTACHMENTS:</b>	<b>INSTRUCTIONS TO BOARD RECORDS:</b>
---------------------	---------------------------------------

<b>COST:</b>	<b>SOURCE:</b> Increased tipping fees and solid waste collection rights
<b>BUDGET OFFICE APPROVAL:</b>	<b>FISCAL IMPACT STATEMENT:</b>
<b>COMMENTS:</b>	<b>RECURRING COSTS:</b>

AGREEMENT

SALE OF MULCH - IFB #310061TM

In accordance with the terms and conditions of IFB #310061TM, Kenetech Resource Recovery, Inc., agrees to purchase the mulch generated at the Lena Road Landfill at the prices submitted in Bid #310061TM on October 30, 1992.

Kenetech Resource Recovery, Inc.

By: [Signature]  
Title: President

Date: 24 November 1992

STATE OF FLORIDA  
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 24 day of November, 1992, by (Loran R. Balvanz of KENETECH Resource) corporation, on behalf of the corporation. Recovery, Inc.

Amy K Martin

Notary Public, State of Florida  
My Commission expires: June 5, 1993  
Notary Public, State of Florida  
My Commission Expires June 5, 1993  
Bonded thru Tary Insurance Co. Inc.

RECOMMENDED BY MANATEE COUNTY PUBLIC WORKS DEPARTMENT

BY: [Signature]  
Richard A. Wilford, Director

APPROVED AS TO FORMAT AND CORRECTNESS: MANATEE COUNTY PURCHASING

BY: [Signature]  
R.C. "Rob" Cuthbert, C.P.M. Director

APPROVED, with a quorum present and voting this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

ATTEST: R. B. Shore  
Clerk of the Circuit Court

COUNTY OF MANATEE, FLORIDA  
by its Board of County Commissioners

BY: \_\_\_\_\_  
Chairperson

# MANATEE COUNTY GOVERNMENT

## AGENDA MEMORANDUM

<b>SUBJECT:</b> <u>Yard Waste Mulch Program</u>		<b>COUNTY ATTORNEY APPROVAL</b> _____ <b>CONTENT</b> _____ <b>FORM</b> _____ <b>EXECUTION</b> _____ <b>NOT REQUIRED</b> <b>NOT SUBMITTED</b> <u>X gbo</u> <b>COMMENTS:</b> <u>Legal Review Not</u> <u>Required</u>
<b>AGENDA DATE REQUESTED:</b> <u>July 14, 1992</u>		
<b>DEPARTMENT/OFFICE:</b> <u>Public Works Department</u>		
<b>DIVISION:</b> <u>Solid Waste Division</u>		
<b>AUTHORIZED BY:</b> <u>Richard A. Wilford, Director</u> <small>(Department/Office Director)</small>		
<b>CONTACT PERSON:</b> <u>Daniel T. Gray</u> <u>Ext 5323</u>		
<b>DATE SUBMITTED:</b> <u>July 2, 1992</u>		
<b>TYPE:</b> <u>REGULAR</u> <input checked="" type="checkbox"/> <u>CONSENT</u> <input type="checkbox"/>		

### FORM OF MOTION, OR OTHER ACTION REQUIRED:

Approval for the County to donate mulch to non-profit organizations and County Departments.

<b>ESTIMATED TIME OF PRESENTATION:</b> <u>10 minutes</u>		<b>BY:</b> <u>R. A. Wilford/Staff</u>	
<b>BOARD</b>	<u>Execution</u>	<u>XX</u> <b>Approval</b>	<u>Report</u>
<b>ACTION(S)</b>	<u>Acceptance</u>	<u>Authorization</u>	<u>Discussion</u>
<b>REQUIRED</b>	<u>Appointment</u>	<u>Adoption</u>	<u>Other</u>

**COST:** No Cost to County

**SOURCE:**

**BUDGET OFFICE APPROVAL:**

**COMMENTS:**

**CONSEQUENCES IF DEFERRED:** N/A

**ATTACHMENTS:**

**INSTRUCTIONS TO BOARD RECORDS:**

1) Memorandum to Board of County Commissioners

2) \_\_\_\_\_

3) \_\_\_\_\_

### AGENDA DISPOSITION

**ACTION TAKEN BY THE BOARD:**

**DATE ACTION WAS TAKEN:** \_\_\_\_\_

☐ **APPROVED**

☐ **DEFERRED UNTIL** \_\_\_\_\_

☐ **DENIED**

☐ **REFERRED TO STAFF** \_\_\_\_\_

☐ **ACCEPTED INTO RECORD**

☐ **OTHER** \_\_\_\_\_

**SPECIAL INSTRUCTIONS:** \_\_\_\_\_

**AGENDA CODE:** \_\_\_\_\_



Number : 10002384 - Invoice

Date: 03/31/93

Account: CLE-002

Page: 1

Slm # : HOUSE

## Bill To:

CLERK OF CIRCUIT COURT  
MANATEE CNTY FINANCE DEPT  
P.O. BOX 1000  
BRADENTON, FL 34206

## Ship To:

CLERK OF CIRCUIT COURT  
MANATEE CNTY FINANCE DEPT  
P.O. BOX 1000  
BRADENTON, FL 34206

Description	Order Date	Cust PO #	Sales Ord	Shipping Instructions
Invoice	03/31/93	97345		

Code	Quantity	UM	Description	Price	Amount
G02FL	2,464.20	Tons	Processing of Wood/Yard Waste 3/1/93 - 3/31/93	\$24.60 ✓	\$60,619.32 ✓

RECEIVED  
APR 1 1993

PUBLIC WORKS  
RECYCLING

## Terms:

NET 15

Remit Payment to:

KENETECH Resource Recovery, Inc.  
4728 33rd Street East

Sarasota, FL 34243

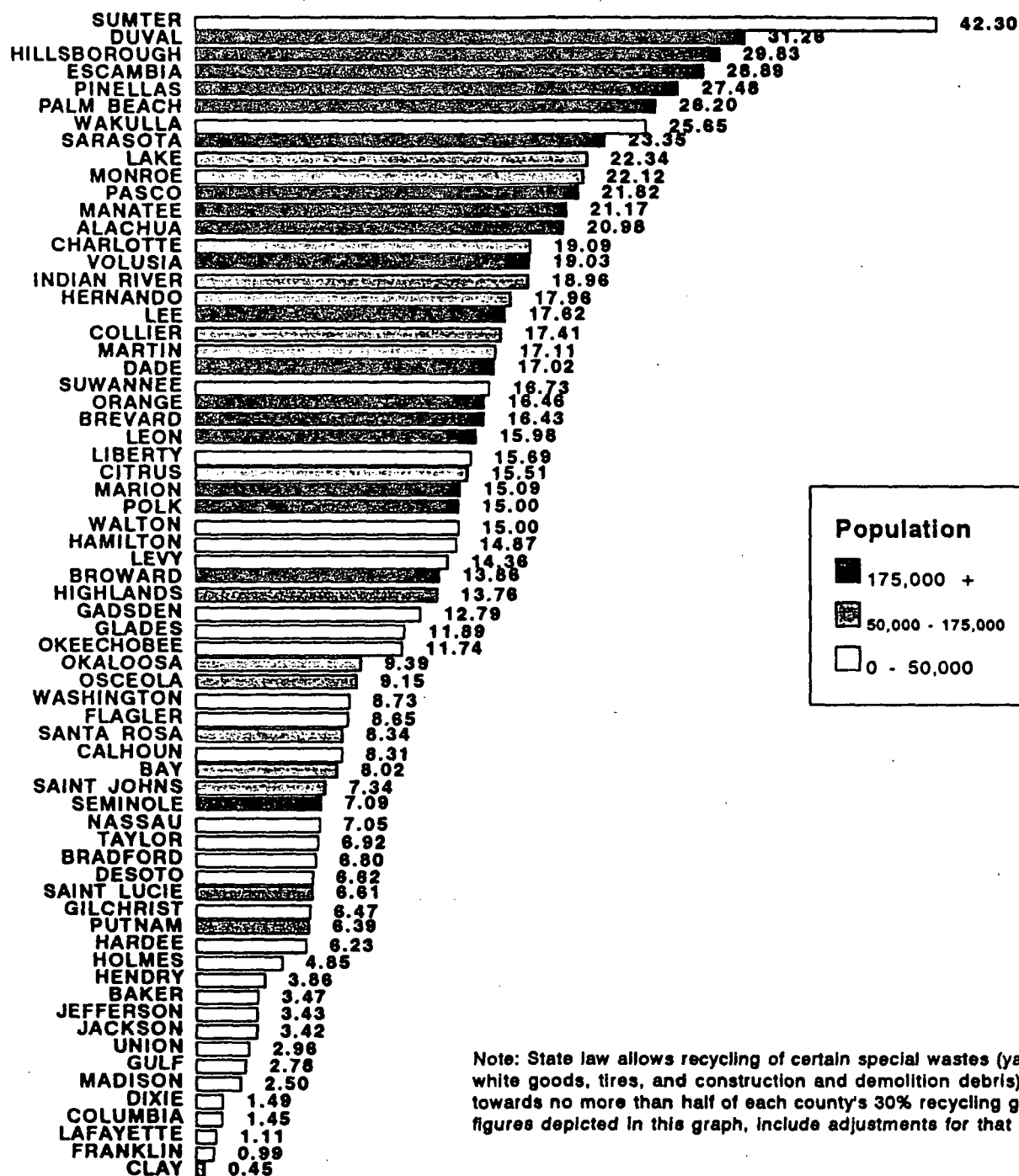
Disc. ( 0.000):	\$0.00
Subtotal :	\$60,619.32
Tax (State Ta):	\$0.00
Freight :	\$0.00
Less Deposit :	\$0.00
Amount Due :	\$60,619.32



# County Adjusted Recycling Rates

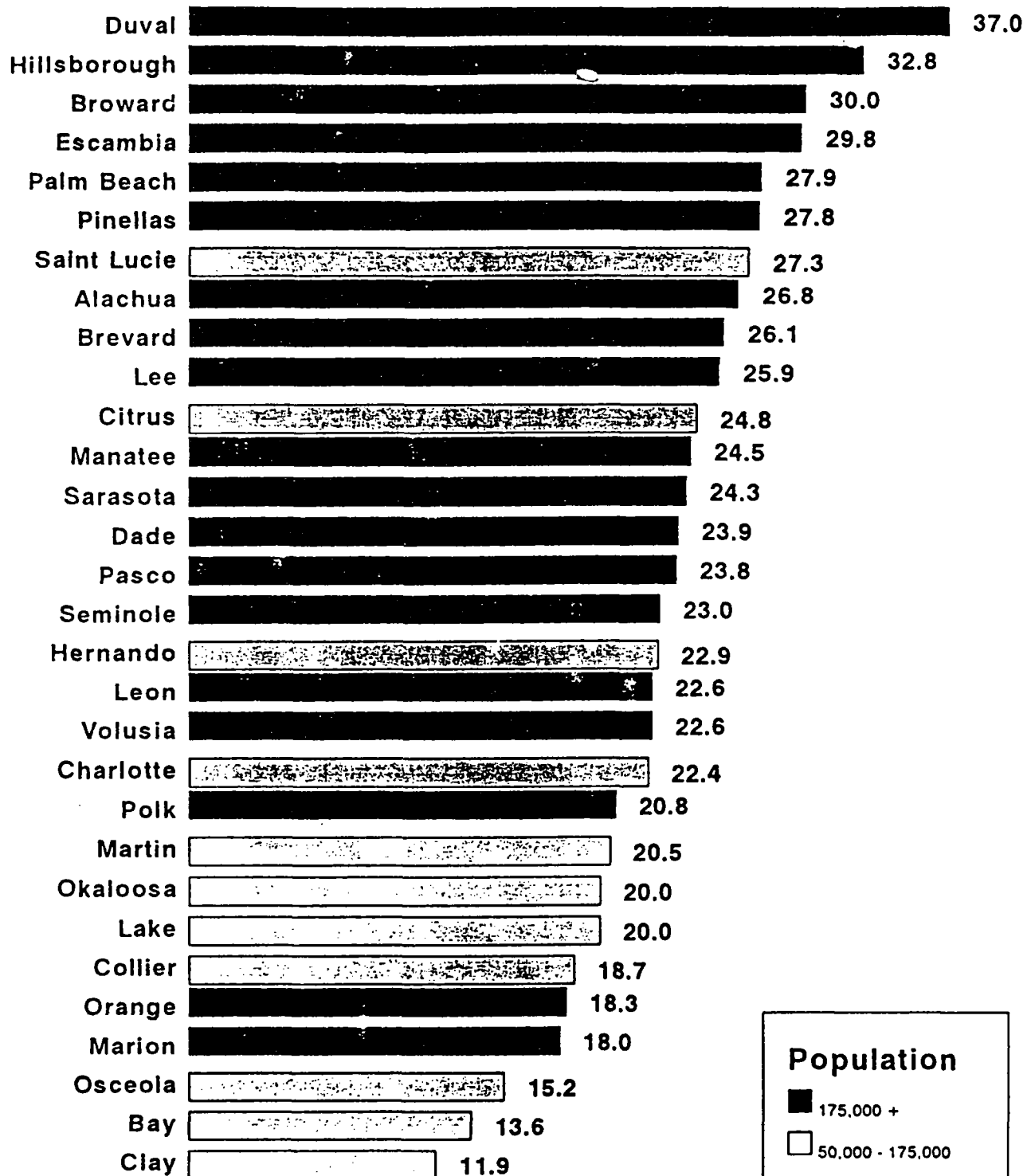
## By Decreasing Adjusted Recycling Rates (Percent)

(July 1, 1990 - June 30, 1991)



Note: State law allows recycling of certain special wastes (yard trash, white goods, tires, and construction and demolition debris) to count towards no more than half of each county's 30% recycling goal. The figures depicted in this graph, include adjustments for that requirement.

**Florida's 30 Most Populous Counties' Adjusted Recycling Rates\* (Preliminary Data)**  
**By Decreasing Adjusted Recycling Rates (Percent)**  
 (July 1, 1991 - June 30, 1992)



\* State law allows recycling of certain special wastes (yard trash, white goods, tires, C and D) to count towards no more than 1/2 of each county's recycling goal. These rates reflect the adjustments.