



Request for City Council Committee Action From the Department of Public Works

Date: November 10, 2008

To: Honorable Sandra Colvin Roy, Chair, Transportation & Public Works Committee

Referral: Honorable Paul Ostrow, Chair, Ways and Means Committee

Subject: **Contract for the Collection of Garbage, Recyclables, Problem Materials and Seasonal Yard Waste**

Recommendation:

1. Adopt the revised alternative Findings of Fact relating to the Request for Proposals process.
2. Direct the proper city officials to execute the contract with Minneapolis Refuse Inc. for the collection of garbage, recyclables, problem materials and seasonal yard waste by December 1, 2008.
3. If on or before December 1, 2008 Minneapolis Refuse Inc. claims that a labor organization is placing conditions that are "arbitrary and capricious" to achieve a no-strike pledge, the matter shall be referred to an Administrative Law Judge of the Office of Administrative Hearings for recommended findings by the City Council.

Previous Directives:

- October 24, 2008 – Authorized negotiation and execution of contracts with Aspen Waste Services and Minneapolis Refuse Inc. on the condition that written waivers are executed by each party regarding Minn. Stat. 115A.94 and the City's Labor Peace requirement by November 5, 2008. If written waivers are not submitted, award contract for entire half of city to contractor who does submit waiver and draft alternative findings for adoption by City Council.
- May 16, 2008 - Public Works staff is directed to issue the Request for Proposals (RFP) for solid waste services.
- May 16, 2008 – Contract Extension with MRI through January 31, 2009 at rate of \$10.79 per dwelling unit per month
- December, 2004 and December, 2005 - Approval of Business Plan for Solid Waste and Recycling Services, including competitive awarding of all contracts
- August, 2001 - Contract with Minneapolis Refuse, Inc. authorized for a five year term, January 1, 2002 – December 31, 2006

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Approved by:

Steven A. Kotke, P.E., Director of Public Works, City Engineer

Presenter: Susan Young

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget (If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Business Plan: Action is within the plan. Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's Finance Dept. contact when provided to the Committee Coordinator

Background Information

The City Council authorized negotiation and execution of contracts with Aspen Waste Services and Minneapolis Refuse Inc. on the condition that written waivers and covenants not to sue or pursue legal actions are executed by each party regarding Minn. Stat. 115A.94 and the City's Labor Peace requirement. The Council further stipulated that if either party did not submit the waiver by November 5, 2008 the contractor who did submit the waiver would be awarded the contract for the entire half of city served by contract haulers.

The City Attorney has determined that MRI submitted a waiver by the deadline that complies with both parts of the City Council action and that Aspen Waste Services did not submit a waiver by the deadline that complied with the City Council action regarding the City's Labor Peace requirement. Revised alternative findings of fact that support award of a contract for the entire half of the city to MRI are attached.

Staff also recommends that a deadline of December 1, 2008, be set for execution of the contract.

Attachment: Revised Findings of Fact relating to the Request for Proposals process