

**ELECTRIC UTILITY COMMISSION
RESOLUTION NO. _____**

WHEREAS, the 11/14/16 EUC agenda Item #8 seeks a recommendation from the EUC to authorize negotiation and execution of a contract with Republic Services to ostensibly provide “citywide refuse, recycling, organics and special waste collections for City facilities”; and

WHEREAS, a comparison of the scope of work for the existing contract for “Refuse and Recycling Collection Services for City Departments” with the Request For Proposal Scope of Work under consideration for the proposed contract for “Citywide Dumpster Collection Services” and “Non-Residential Collection Services For Refuse, Recycling, Brush, Compostable Materials, Special Events, Class 2 Special Non-Hazardous Waste, and Emergency Collection Assistance” and reveals a significant expansion of services involving Austin Energy’s Class 2 Non-Hazardous Special Waste; the Austin Airport waste and recyclables; the Convention Center waste and recyclables; container sizes for the Central Business District contract waste and recyclables, as well as for other commercial accounts waste, compostables and recyclables; Emergency Storm Clean Up; City Co-Sponsored Events; City Special Events and Festivals; and Non-Residential Refuse, Recycling, Brush and Compostable Materials; and

WHEREAS, the RFP reveals, and City staff has stated that the proposed Citywide Dumpster Collection Services contract can be used to compete with licensed private service providers for special events, festivals and commercial properties; and

WHEREAS, in December 2014 City Council adopted revisions to City Code clarifying that commercial solid waste, recycling and organics collection services are reserved for competition among licensed private service providers and prohibiting the City from competing for commercial business; and

WHEREAS, in December 2015 City Council unanimously rejected City staff’s request to extend a contract with Republic Services for management of Austin Energy’s Class 2 Non-Hazardous Special Waste due to Republic Services’ planned utilization of the Waste Management Austin Community Landfill (WMI-ACL) and the lack of landfill diversion requirements or goals; and

WHEREAS, City Council has disqualified the WMI-ACL from consideration for disposal contracts due to potential environmental liability concerning extensive amounts of hazardous material contained in the landfill; and

WHEREAS, City staff is now requesting the approval to negotiate and execute a contract for the same Austin Energy waste materials with the same contractor likely utilizing the WMI-ACL; and

WHEREAS, City staff has chosen not to disclose any relevant specific details concerning the Republic Services RFP response related to questions from Council-appointed Commissioners and stakeholders and regarding the proposed contract with the recommended contractor, Republic Services; and

WHEREAS, the significant expansion of the current contract for Refuse and Recycling Collection Services for City Departments would result in an increase of approved City expenditures from \$6,045,540 to \$16,995,000 over the same time period; and

WHEREAS, City Council has given staff no direction to expand the existing contract for City departments to include competitive dumpster services with private haulers and processors; **NOW THEREFORE**,

BE IT RESOLVED BY THE ELECTIC UTILITY COMMISSION OF THE CITY OF AUSTIN:

That the City Council is urged to oppose staff's recommendation to negotiate and execute this contract with Republic Services and to direct City staff to terminate the RFP for Citywide Dumpster Collection Services, and to expediently issue one solicitation without an Anti-Lobbying Ordinance restriction that is limited to collection of solid waste, recycling and organics generated by the City at City-owned facilities; and

BE IT FURTHER RESOLVED, that the City Council is urged to direct City staff to only issue such a solicitation which is consistent with policies established by City Council; and

BE IT FURTHER RESOLVED, that the City Council is urged to direct City staff to make the full proposed contract available for public review, with sufficient time to respond, prior to making requests for a recommendation for approval from Commissions and Council.

RESOLUTION ADOPTED DATE: _____

RECORD OF COMMISSION VOTE: _____

ATTEST: _____