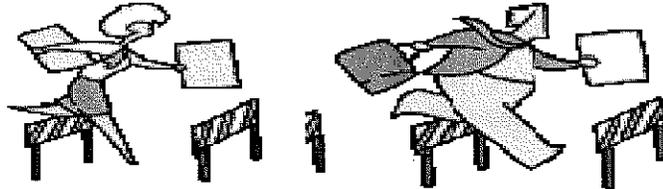




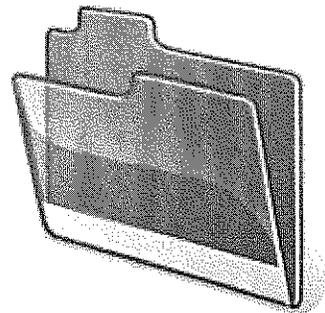
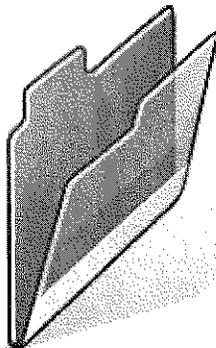
CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, www.ci.milpitas.ca.gov

9/20/2016
Agenda Item No. 12



ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION





1601 Dixon Landing Road, Milpitas, CA 95035
t: 408.267.1700 | f: 408.267.2887 | republicservices.com



September 20, 2016

The Hon. Jose Esteves, Mayor
Members of the City Council and City Manager
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

City Clerk's Office
SEP 20 2016
RECEIVED

Re: Agenda Item 12; Consideration of Franchise Agreement for Solid Waste Collection

Dear Council Members and Staff:

This correspondence is in connection with the pending Request for Proposal (RFP) process for selection of a Solid Waste Collection Services contractor to serve the City. I am writing regarding the City staff's decision to publish an analysis and evaluation of Republic Services' proposal in their staff report for Agenda Item 12, while City staff and the consultant, HF&H, continue to negotiate with Garden City Sanitation.

For reference purposes, this past Wednesday, September 14th we were verbally informed by the City's consultant that Republic was going to be the recommended proposer in the City's collection RFP process. In subsequent discussions that day, we were asked if we would submit a letter requesting additional time to review the final documents so that the decision on the matter could be continued to allow more time for final documents to be assembled and to clarify some outstanding issues. While we felt that we could complete our review in time for the September 20th council meeting, and in fact had already made arrangements with the consultant to do so, we agreed to send the letter in order to demonstrate our willingness to assist staff and the consultant in finalizing the matter on a timeline that met their needs.

As you can imagine, we were quite surprised to review the staff report that was released on the evening of the 14th, which recommended an option of postponing the decision until October 4th to provide time for City staff and the consultant to receive 'final contract language and pricing responses' from our competitor. We were even more concerned that detailed information on our proposed costs and service offerings was included in the report, and to learn that the City was still in the process of negotiating with our competitor, Garden City Sanitation. If the intent was to conduct a fair process, cost information for both companies should have been kept confidential until negotiations were concluded and information could be released simultaneously.

The disclosure of key cost numbers and comparative analyses while the City continues to negotiate with one of the two RFP finalists is counter to every tenet of a secure and fair RFP process. The ability of one of the two RFP finalists to fully understand the City's position on comparative issues and rates provides an undue advantage to Garden City Sanitation in the process. The Council should be concerned that its ability to render a fair decision as a result of this process has been compromised.

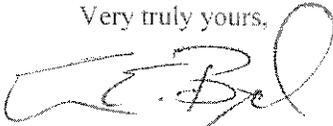
To this end, we are respectfully requesting that the City cease any negotiations with Garden City Sanitation and not receive any further proposals from them relative to this process. We believe the decision to select a collection services provider should be made based off information included in the

Hon. Mayor and Council Members
City of Milpitas
September 19, 2016
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September 14th staff report. This is the only fair and equitable means of determining the service provider given the information that has been made public at this point.

We hope the City Council shares our concern that the RFP process should be conducted in an open and patently fair manner to ensure the best decision is made with full public confidence that the RFP process was conducted without undue advantage to any proposer. We look forward to your consideration of these matters.

Very truly yours,



Evan E. Boyd
General Manager

Cc: Christopher Diaz – City Attorney
Mary Lavelle – City Clerk
Rob Hilton – HF&H Consultants, LLC
Scott Gordon, Esq. – Law Offices of Scott W. Gordon
Michael Caprio – Republic Services