

# Agenda Report

October 16, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Public Works Department

**SUBJECT:** **AUTHORIZATION TO ENTER INTO A CONTRACT WITH MSW CONSULTANTS FOR A RECYCLING COMPLIANCE TRACKING AND RECORDKEEPING SOFTWARE FOR CALRECYCLE SB 1383 COMPLIANCE FOR AN AMOUNT NOT-TO-EXCEED \$183,150, FOR UP TO FIVE YEARS**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061 (b)(3) (common sense exemption); and
2. Authorize the City Manager to enter into a contract, as a result of competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with MSW Consultants for recycling compliance tracking and recordkeeping software for a three-year contract not-to-exceed \$100,650 (which includes a \$9,150 contingency), with the option of two additional one-year extensions, in the amount of \$41,250 annually (which includes a \$3,750 contingency), subject to the approval of the City Manager, for a maximum total contract length of five years and total contract amount of \$183,150. Competitive Bidding is not required pursuant to the City Charter Section 1002(F) for contracts for professional services.

**BACKGROUND:**

In September 2016, Governor Brown signed into law Senate Bill (SB) 1383, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy. SB 1383 establishes targets to achieve a 50 percent reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025.

The regulations associated with this bill require that jurisdictions maintain extensive records related to the following:

- Compliance of residential and commercial customers with organic waste collection services
- Container contamination minimization
- Waivers and exemptions
- Education and outreach
- Franchise hauler program records
- Edible food recovery program
- Procurement of Recovered Organic Waste Products
- Complaints
- Enforcement

All documents supporting compliance with the requirements above must be maintained in an Implementation Record stored in one central location that must be available to the California Department of Resources, Recovery, and Recycling (CalRecycle) within 10 business days of request.

Additionally, the City is required to submit an Electronic Annual Report (EAR) to CalRecycle. The EAR requires data related to the above programs and detailed counts of waste generators for each of the different types of collection container systems used by the City and its franchise haulers. For example, some haulers provide one bin where all waste is intermingled and sorted at a separate facility. Others provide multiple bins and all waste streams are separated by the generator. With seven franchise haulers providing organics collection services in the City, a great level of effort is required to track these different collection container systems and generator compliance.

On June 19, 2023, the City issued a Request for Proposals (RFP) to obtain a recycling compliance tracking and recordkeeping software. The desired features of the software include but are not limited to: recordkeeping sections to fulfill the requirements set by CalRecycle; compliance tracking via scheduled data imports of franchise hauler customer lists; updates to the system to align with changes in legislative mandates; and reports/dashboards for reliable and streamlined EAR submissions.

The RFP was advertised for one month on OpenGov. Notification was sent to 4,658 vendors, with 24 vendors downloading the RFP. On July 19, 2023, the City received a total of five proposals in response to the RFP. A panel comprised of Public Works staff reviewed and scored each proposal based on the evaluation criteria stated in the RFP and a follow-up interview.

As a result, staff recommends authorization to enter into a contract with MSW Consultants for the purchase of the Minerva Software-as-a-Service. Department of Information Technology staff has reviewed and approved the Technical Questionnaire submitted by the vendor.

The costs listed below include all implementation services, including configuration, support and training. A summary of the contract costs is as follows:

	Initial 3 Year Term	Year 4 - Optional 1 <sup>st</sup> Extension	Year 5 - Optional 2 <sup>nd</sup> Extension	TOTAL
Base Bid	\$91,500	\$37,500	\$37,500	\$166,500
Contingency Allowance	<u>\$ 9,150</u>	<u>\$ 3,750</u>	<u>\$ 3,750</u>	<u>\$ 16,650</u>
	\$100,650	\$41,250	\$41,250	\$183,150

A 10% contingency is provided to allow for additional data tracking or unexpected expansion of services, as needed. It is anticipated that it will take 8 weeks to complete the installation under the proposed contract. The Department of Public Works currently has an open contract with MSW Consultants to complete a Solid Waste Rates Study.

**COUNCIL POLICY CONSIDERATION:**

The proposed contract supports the City Council's goal of increasing conservation and sustainability. It supports the United Nations Urban Environmental Accords of 2005 Action 4 of achieving zero waste to landfills and incinerators by 2040 as well as the Zero Waste Strategic Plan adopted by Council in October 2014. It also supports the City's General Plan Goal Number 10, which is to establish Pasadena as a leader on environmental stewardship efforts.

**ENVIRONMENTAL ANALYSIS:**

These actions have been determined to be categorically exempt under the CEQA Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15061 (b)(3), the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

**FISCAL IMPACT:**

The total cost of this action will be \$183,150 over a period of five years. Funding will be addressed by utilizing existing and future budgeted appropriations in the Refuse Fund operating budget account for Waste Reduction and Recycling (40622086-811400).

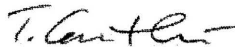
Respectfully submitted,



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TONY OLMOS P.E.  
Director of Public Works

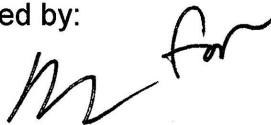
Prepared by:



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THANOS GAUTHIER  
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Approved by:



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MIGUEL MÁRQUEZ  
City Manager