

AUG 17 2021 PM 4:07

STATEMENT OF NO RESPONSE

Recipients of this solicitation may elect not to respond. The Town is interested in learning the reasons(s) for non-response. If you elect **not** to respond with an offer to this solicitation, the Town requests that the reason(s) be indicated below and this form returned to:

Lisa Morrell, Town Manager
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
or
Email: lmorrell@townofmalabar.org

REASONS

- 1. _____ Do not offer this product/service or equivalent.
- 2. _____ Schedule would not permit.
- 3. _____ Insufficient time to respond to solicitation.
- 4. _____ Unable to meet specifications/scope of work.
- 5. _____ Specifications "too tight" (i.e. geared to specific brand or manufacturer).
- 6. _____ Specifications not clear.
- 7. _____ Unable to meet bond and/or insurance requirements.
- 8. _____ Solicitation addressed incorrectly, delayed in forwarding of mail.
- 9. _____ Other (Explanation provided below or by separate attachment).

Explanation: Please see attached correspondence.

The Town may delete the names of those persons or businesses who fail to respond to three (3) solicitations, who fail to return this Statement, or as requested.

Desire to receive future Town solicitations? Yes ___ No

COMPANY: Waste Management Inc. of Florida
NAME: Michael Lewis TITLE: Senior District Manager
ADDRESS: 7382 Talona Drive, West Melbourne, FL 32904
TELEPHONE: (321) 409-6617 DATE: August 17, 2021



Dina Reider-Hicks, Public Affairs Manager
Waste Management Inc. of Florida
7382 Talona Drive
West Melbourne, FL 32904
(321) 537-4273 – Phone
(321) 984-8170 – Fax
dreider@wm.com

August 17, 2021

Ms. Lisa Morrell
Interim Town Manager
Town of Malabar
2725 Malabar Road
Malabar, FL 32950

RE: RFP #2021-01, Solid Waste, Recycling, Yard Waste, and Bulk Waste Collection Services

Dear Ms. Morrell:

Waste Management Inc. of Florida (“Waste Management”) appreciates the opportunity to participate in the Town of Malabar’s Request for Proposal #2021-01, Solid Waste, Recycling, Yard Waste, and Bulk Waste Collection Services. Waste Management, as the Town’s provider for decades, holds *extensive experience with the Malabar service area and its unique requirements. Our operation as Malabar’s solid waste, recyclables, and yard waste services provider has evolved over the years into one of the most comprehensive and responsive service packages in the area.*

We have greatly valued our partnership with the Town of Malabar over the last 40 years, which is why it is with regret that Waste Management is providing this Letter of No Bid in response to the Town’s current solid waste solicitation, RFP #2021-01.

As I am sure you understand, a business entity must meet certain parameters in order to maintain economic viability. Unfortunately, critical components within the current solicitation, as presented, makes these parameters very difficult, if not impossible, to attain. These components include:

- **Inadequate timeframe to provide a competitive response.** Approximately 70% of the Town’s streets are dead-ends with no turnaround area for large scale vehicles. A service level this complex requires additional time to develop a creative solution to keep pricing as low as possible. Furthermore, the timeframe from issuance of Addendum #1 to the proposal due date is inadequate to formulate a competitive response.
- **Significant safety and liability concerns with service.** As approximately 70% of the Town’s streets are dead-ends with no turnaround, this requires our drivers to back-down these streets, raising significant safety concerns.
- **Contractor administers direct billing to residents.** Our experience has shown that Contractor billing already results in significant bad debt within the Town, which is expected to increase with a higher cost of service.
- **Contractor required to provide pricing for unlimited yard waste collection only.** Proposers are required to provide pricing for an “unlimited yard waste only” service option. “Yard waste only” collection is not a service we typically provide.

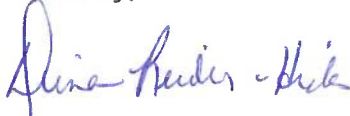
- **Inadequate CPI index for annual pricing adjustments.** Although the RFP's addendum states that this could be negotiated with the selected vendor, there is no firm commitment and the draft franchise agreement specifies CPI-U.
- **Required annual pricing commitment for hurricane/tropical storm collection.** This service is better suited to storm debris mitigation contractors.
- **Draft franchise agreement is for residential service only; makes no mention of commercial service in the Town.** The RFP's addendum states that if the proposer wishes to request modification of this provision, the Proposer must take an exception. Our experience has shown that RFP exceptions are typically viewed unfavorably and limit our ability to be competitive.
- **Liquidated damages in draft franchise agreement out of proportion to overall contract value.** The RFP's addendum states that if the proposer wishes to request modification of this provision, the Proposer must take an exception. Our experience has shown that RFP exceptions are typically viewed unfavorably and limit our ability to be competitive.
- **Draft franchise agreement requires an asset management database that is searchable by the Town.** This is a costly service and raises electronic security concerns. The RFP's addendum states that if the proposer wishes to request modification of this provision, the Proposer must take an exception. Our experience has shown that RFP exceptions are typically viewed unfavorably and limit our ability to be competitive.

No other environmental service provider understands the service intricacies, requirements, and needs of Malabar's residential and business customers better than Waste Management. We have proudly serviced Malabar for decades, which is why our decision to not respond to this RFP is particularly difficult. However, the concerns outlined previously are too great to overcome to provide a competitive proposal.

Should the Town reconsider its current solicitation and re-issue the RFP, we would welcome the opportunity to review any new documents.

We look forward to our continuing to serve Malabar throughout the remainder of the current franchise, and any extension to which we collectively agree. Should you have any questions, please feel free to contact me at (321) 537-4273 or via email at dreider@wm.com.

Sincerely,



Dina Reider-Hicks
Public Affairs Manager
Waste Management Inc. of Florida