



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Add-On

---

J.1.

10/1/2020

---

### **Subject:**

Financial Incentive for Constituent Reporting of Waste Management Missed Pickups, District 2

### **Fiscal Impact:**

The total fiscal impact is unknowable as it relates to the number of valid complaints to be received, in the future, due to missed Waste Management pickups. Funds related to this agenda item will be associated with Fund #4110 and Account #361100.

### **Dept/Office:**

District 2

### **Requested Action:**

Authorize staff to create and implement a program, with formalized procedures, incentivizing reporting of future solid waste collection issues and delays with payments to parties reporting legitimate complaints. Direct staff to verify, claim, and withhold the maximum justifiable liquidated damage value allowable under the County's contract with Waste Management until further direction from the BoCC. Lastly, authorize the Chair to execute all documents necessary to effectuate these directives.

### **Summary Explanation and Background:**

As it has done in the past, Brevard County put out to competitive bid a seven-year garbage collection contract. Bids received were substantially higher than those received the last time the contract went out to bid. The lowest bidder, Waste Management, was negotiated down from their formal bid but the cost, nevertheless and unavoidably, increased substantially, on a percentage basis, from existing rates.

Given that the County had no viable less expensive alternative and trash would otherwise go uncollected, Waste Management was awarded the contract. As bids went through the same competitive process as the last time the contract went out to bid, Waste Management has no obligation to justify their rate increase. Despite the high percentage increase, they were the least expensive option for the County.

While I would like to see the County perform a feasibility study of bringing solid waste collection in-house and I absolutely support allocating funding to accomplish this, we must address immediate and pressing issues.

As if facing admittedly unavoidable increased service fees were not bad enough, over the course of the ongoing pandemic, numerous complaints have been received, and continue to be received, regarding missed

trash pickups on the part of Waste Management.

Staff shall verify, claim, and withhold the maximum justifiable liquidated damage value allowable under the County's contract with Waste Management until further direction from the BoCC.

Monitoring performance by Waste Management can be time consuming and costly. Residents who do not receive service as required by the contract between Brevard County and Waste Management, Inc. dated June 1, 2020, may provide valuable information regarding service failures and save Brevard County time and money by providing details and possible evidence. These details may save travel time and expenses otherwise incurred in the verification of the incident. Accordingly, a program is proposed to incentivize reports of all future service failures by Waste Management through payments to complaining parties with the goal of ensuring all problems are reported and addressed and promised service levels are reached by Waste Management. Individuals filing valid complaints, called legitimate complaints in the contract with Waste Management, would be paid \$20.

Given the ongoing health-related local state of emergency, complaints directed to the County will only be accepted by telephone or through an electronic form on the County's website. Due to validation requirements, phone complaints must be directed to the County's Solid Waste Management Department and will not be accepted by any other County department. Under the contract with Waste Management, complaints may also be made to Waste Management. No incentive payment will be made for those complaints.

If deemed legally permissible by the County Attorney's Office, staff will implement an additional \$5 payment to be paid for each such valid complaint correctly and completely reported using the County's online reporting system which reduces staff burden and substantially frees staff from having to stop what they are doing to field calls regarding missed pickups. To qualify for the additional \$5 payment, complainants must correctly and completely fill all applicable fields on the online reporting system.

Payments will only be made to the owner of the property paying the special assessment. Payments would be capped or limited to the amount of the annual special assessment for solid waste collection charged to the parcel associated with the complaint; regardless of whether a tenant or landowner has made complaints, the total amount paid by Brevard County shall not exceed the amount of the annual special assessment for the impacted parcel. All complaints will go through a verification process and payments will only be made after the complaint has been deemed a legitimate complaint pursuant to the contract terms.

As the foregoing proposal relates only to future complaints filed with the County's Solid Waste Department, in the interest of equity, staff will investigate whether it is permissible to pay service payers, individually or collectively, for reports received between July 31, 2020 and October 1, 2020. If this is permissible, staff is instructed to take all steps necessary and the Chair is authorized to execute all documents necessary to accomplish this direction. If a payment could be provided to either individual complainants or all rate payers, in the interest of fairness, preference shall go toward individual complainants unless the administrative cost(s) of paying individual complainants exceeds the payment amount(s) otherwise to be provided to them. The same limitations and exclusions shall apply to prior complaints as they shall with future complaints.

## **Clerk to the Board Instructions:**

