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December 23, 2015

Via Hand Delivery and E-mail [lhaase@joplinmo.org]

City of Joplin
602 South Main
Joplin, MO 64801
Attention: Leslie Haase, Director of Finance

Re: Bid Protest: Solid Waste Collection Services RFP #101-2016

Dear Ms. Haase:

I am writing on behalf of Allied Services, LLC. d/b/a Republic Services of Galena ("Republic"). Republic regrettably and respectfully submits this bid protest to the Director of Finance of the City of Joplin in regards to the RFP identified above. Republic has requested a meeting with the City Manager to discuss the bid evaluation process, but has been told a meeting is premature. Thus, Republic, to protect its rights, believes it is necessary to file this formal protest to preserve its protest and allow for a proper review of all circumstances applicable to the City's opening and evaluation of proposals.

Because the City has not yet provided the evaluation scoring documents and the various bid proposals, Republic is unable to provide a comprehensive set of its concerns about the bidding process. Below are some of the concerns Republic has at this time, without waiving others that might become apparent after reviewing the evaluation scoring documents:

- The bids were not read aloud and made public as provided in 5.A of the City's "standard instructions to proposers and conditions of request for proposal."
- It appears that the selection of WCA was based on pricing that includes recycling when, in fact, recycling services are not guaranteed because recycling is a new program and is subscription-based rather than mandatory. About two years ago the City had a public vote in which the citizens voted not to include mandatory recycling at \$3.03. The fact that recycling is subscription-based rather than mandatory and costs \$4.00/month in the WCA proposal means participation will be extremely low, yet the recycling pricing is the driving factor in awarding WCA the pricing portion of the evaluation. When only the services that are guaranteed (i.e., trash and City facility waste and recycling) are considered, Republic is the low bidder.

- Although it is included in the “cost of all services,” City services apparently were not considered in the evaluation. Republic was the low bidder on those services.
- Republic has received no information, despite requesting it, on the remaining 40% evaluation criteria that go beyond pricing. Given, among other things, the high quality service Republic has provided for the past ten years under its existing contract, we believe that 40% evaluation criteria would tilt heavily in Republic’s favor and would outweigh the de minimis price difference (even using the City’s flawed price evaluation methodology).
- The City’s evaluation process seems rushed and incomplete. For example, when Republic requested the evaluation file and the proposal from WCA, it was told that the City would “put something together” and check with legal about releasing the proposals. Further, Republic was told that the City was still checking references, which is something that should have been completed before scores were assigned.

We respectfully request that you distribute this letter to the City Attorney and the members of the City Council in advance of any approval of the contract that is the subject of the proposal. We also request the opportunity to appear for any hearing and share the above comments concerning the proposal. In advance of that, we would appreciate the opportunity to meet with you and discuss this further and respond to any questions or concerns you may have. We appreciate your consideration.

We have very much enjoyed our long relationship with the City of Joplin and believe it has been mutually satisfactory. We are proud that our services to the City over the past ten years have been performed without complaint from residents. We want to continue meeting Joplin’s solid waste needs, and we look forward to meeting with you at your earliest opportunity to discuss our proposal.

Sincerely yours,



W. T. Eggleston, Jr.
Vice President and Deputy General
Counsel

Cc: Nick Heatherly, Director of Public Works (via e-mail nheather@joplinmo.org)