



**DATE:** November 18, 2008  
**TO:** Mayor and City Council  
**FROM:** Director of Public Works  
**SUBJECT:** Authorization to Execute Consultant Agreement for Commercial Recycling Assistance and Appropriation of Measure D Funds

**RECOMMENDATION**

That Council approves the attached resolutions authorizing the City Manager to execute a consultant agreement with Environmental Science Associates (ESA), for an amount not to exceed \$740,000 and appropriate this amount from Measure D Funds.

**BACKGROUND**

Council approved a new Franchise Agreement with Waste Management of Alameda County (WMAC) on January 9, 2007, which included a variety of enhancements to current services and implementation of new services. Among the new services are separate collection of recyclables and organic materials from businesses. These services were added so that the City can continue to meet the state mandate to divert from landfill 50 percent of all waste disposed and to prepare to meet the higher goal of 75 percent diversion. Commercial recycling services are needed because about 78 percent of the City's total disposed waste is generated by businesses, based on a waste characterization survey conducted for StopWaste.Org, as much as 40 percent of the waste generated by the business sector consists of recyclable materials (e.g., paper, yard trimmings, food waste, and wood).

**Program Parameters and Outreach Efforts -**

Collection of recyclables is available to all businesses at no additional charge because the cost is already included in the business rates. This rate structure is similar to that used for residential services in that the recycling service is available to all customers free of charge. Additionally, businesses desiring to subscribe to the organic materials collection service can do so at a reduced monthly rate. The rate for commercial organics service is equivalent to 50 percent of the garbage rate for the same level of service (e.g., the rate for a two cubic yard bin of organics collected once per week is half the rate for a two cubic yard bin of garbage collected weekly.) Other jurisdictions including the cities of Alameda, Dublin, Fremont, and Union City use similar incentives.

These services have been publicized and promoted using brochures inserted in the monthly garbage bills issued by WMAC, informational literature included in mailings by the Chamber of Commerce to its members, and presentations to community groups. WMAC and City staff have identified and contacted some businesses to offer assistance in implementing programs. To further encourage participation in the program, the City offers various sizes of plastic containers, free of charge, for temporary indoor storage of recyclables and organic materials. Also available are posters that illustrate acceptable materials and include brief instructions describing proper preparation procedures. They are printed in Spanish, Mandarin, and English and are used during presentations conducted by WMAC and City staff. To date, about 20 percent (700 of the total 3,400) of all businesses participate in one and sometimes both recycling services.

## **DISCUSSION**

### **Consultant Scope of Work -**

In an effort to expand outreach to businesses, the services of specialized consultants with trained staff and necessary resources are required. To secure that, staff issued a request for proposals for a firm to educate the business community on the available resources, and to assist businesses in implementing waste reduction, recycling, and organics collection services; and, as a side effort, to identify and refer candidates to the Green Business Program. The types of businesses targeted for offers of assistance will include medium to large waste generators, though requests for assistance from smaller businesses will also be accommodated. Periodic surveys of roll-offs at the Davis Street Transfer Station are required to identify and redirect qualifying loads to the recycling facility for sorting, instead of disposal. The survey results will also be used to identify business customers to contact to offer assistance in implementing recycling programs. In addition, staff will identify and contact property owners of multi-family complexes to offer assistance to implement or improve their recycling programs. Assistance will be provided by the consultant and requires coordination with Tri-CED.

The request for proposal was sent to eight firms. The only proposal received was from Environmental Science Associates (ESA). ESA is a multi-disciplinary environmental consulting firm with a staff of 250. Some local clients listed in its proposal include StopWaste.Org, the City of San Francisco, and the South Bayside Waste Management Authority, which is an organization that works for many of the jurisdictions in San Mateo County. Staff confirmed with each of the references that ESA's work performance was excellent, and each recommended ESA for this contract, which is similar in many respects to the work performed by ESA for the clients listed. The consultant agreement would be based on time and materials with a specific set of deliverables and a total not-to-exceed amount of \$740,000. Staff finds that the labor rates and anticipated hours are reasonable and consistent with other similar contracts. Staff contacted the other eight consultants who had received the RFP. Though each had confirmed general interest in the contract, none submitted proposals due to the current workload of numerous other projects.

In order to ensure that the City funds are spent in an efficient and cost effective manner, staff worked with ESA to structure the agreement in three phases, with each phase to include approximately 600 businesses and a proportional share of the other tasks, such as survey of roll-offs

at Davis Street Transfer Station. Authorization for the consultant to start work on successive phases will be predicated on ESA's successful completion of the preceding phase.

**Assistance to Schools and Colleges; Coordination with StopWaste.Org -**

Staff will discuss the consultant's scope of services with representatives from Hayward Unified School District, California State University, and Chabot College in order to identify the types of assistance needed by each and the oversight that would be provided by each agency. Assistance offered by the City could include, for example, waste assessments and providing the plastic containers and posters described previously for each educational facility location, and the district offices.

Stopwaste.Org has also retained ESA to expand recycling services to schools and to initiate organics collection services for approximately 20 businesses in each jurisdiction. City staff will coordinate those efforts to ensure City funded services, as needed, will supplement, and not duplicate, Stopwaste.Org's efforts. ESA's assistance to schools under Stopwaste.Org's contract could include, for example, conducting some waste assessments for use as models by school district staff. Staff has facilitated ESA's assistance to work with several businesses to implement organics collection services and will continue to do so until about 20 businesses have initiated service. At that time, additional assistance could be accomplished under the City's agreement.

**FISCAL AND ECONOMIC IMPACT**

Staff recommends approval of consultant services agreement with ESA using Measure D Funds. Sufficient monies are available in this fund. In addition, the Authority has noted that the City must reduce its Measure D Fund balance, and this substantial expenditure will help achieve that objective. A copy of the agreement is on file in the City Clerk's Office.

**PUBLIC CONTACT**

City staff and ESA will coordinate outreach efforts to the Chamber of Commerce, the Downtown BIA, the Latino Business Roundtable, the East Bay Economic Development Alliance, and the Green Business Program, among others, and will periodically schedule presentations describing the services available. ESA will directly contact several types of businesses, including densely occupied business districts, such as those in the downtown and at the Southland Shopping Center. Tenants in buildings located in industrial areas will be contacted door-to-door. In addition, ESA will contact by phone local "stand-alone" manufacturers and property managers for multi-tenant offices.

**SCHEDULE**

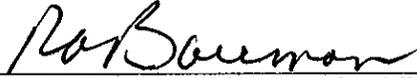
Execute contract	Nov. 19, 2008
Begin Phase I	Nov. 20, 2008
Complete Phase I	June 30, 2009
Complete Phase II	Dec. 31, 2009
Complete Phase III	June 30, 2010

Prepared by:



Alex Ameri, Deputy Director of Public Works/Utilities

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:



Gregory T. Jones, City Manager

Attachment: Draft Resolutions

**DRAFT**

*12/4*  
*11/3/08*

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO  
NEGOTIATE AND EXECUTE A CONSULTANT  
AGREEMENT WITH ENVIRONMENTAL SCIENCE  
ASSOCIATES (ESA) FOR COMMERCIAL RECYCLING  
ASSISTANCE

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute an agreement with Environmental Science Associates (ESA) for commercial recycling assistance, in an amount not to exceed \$740,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2008

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**DRAFT**

*NK*  
*11/3/08*

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AMENDING RESOLUTION 08-097, THE BUDGET RESOLUTION FOR FISCAL YEAR 2008-09, RELATING TO AN APPROPRIATION OF FUNDS FROM MEASURE D FUNDS (FUND 215) FOR THE COMMERCIAL RECYCLING ASSISTANCE PROGRAM

BE IT RESOLVED by the City Council of the City of Hayward that Resolution No. 08-097, the Budget Resolution for Fiscal Year 2008-09 is hereby amended by approving an additional appropriation of \$740,000 from Measure D funds (Fund 215) for implementation of the City's Commercial Recycling Assistance Program

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2008

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward