

**RESOLUTION NO. 2018-03
OF THE
HUMBOLDT WASTE MANAGEMENT AUTHORITY FINDING THAT
THE PUBLIC HEALTH, SAFETY AND WELL-BEING REQUIRE THE HWMA TO
ENTER INTO A SOLID WASTE TRANSPORTATION AND DISPOSAL CONTRACT
WITH DRY CREEK LANDFILL, INC. WITHOUT COMPETITIVE BIDDING**

WHEREAS, the Humboldt Waste Management Authority (“HWMA”) is responsible for receiving and disposing of approximately 63,000 tons of municipal solid waste annually;

WHEREAS, beginning in 1998, HWMA contracted with Bettendorf Enterprises, Inc. (“Bettendorf”) to transport HWMA solid waste for landfill disposal;

WHEREAS, beginning in 2003, Bettendorf transported approximately 60% of the HWMA annual solid waste tonnage to the Anderson Landfill (“Anderson”), located 162 miles away in Anderson, CA, under a contract between HWMA and Anderson that expired June 1, 2014;

WHEREAS, Bettendorf transported the remaining 40% of HWMA’s solid waste tonnage to the Dry Creek Landfill (“DCL”), located 198 miles away in Eagle Point, Oregon, under a contract between HWMA and DCL that expired on October 31, 2016;

WHEREAS, between November 2013 – April 2014, HWMA completed an extensive request for proposal (“RFP”) solicitation seeking solid waste transportation and/or disposal services and received five proposals total: two for transportation only services from Bettendorf and Eel River Disposal; one for disposal services only from Anderson Landfill; and two combined transportation and disposal services from DCL and Bettendorf, and from Solid Wastes of Willits (“SWOW”);

WHEREAS, on June 2, 2014, HWMA awarded a 10-year service agreement to SWOW (“SWOW Agreement”) for the transportation of HWMA’s municipal solid waste for disposal at the Potrero Hills Landfill (“PHL”), located approximately 280 miles away in Potrero, CA;

WHEREAS, due to financial duress and inability to provide full transportation services as required by the SWOW Agreement, SWOW requested early termination of the SWOW Agreement, which was agreed to by the HWMA Board of Directors effective June 24, 2017;

WHEREAS, after receiving SWOW’s request for early termination, HWMA investigated alternative solid waste transportation and disposal options and determined the following:

1. After contacting three other experienced and qualified transportation entities that service the Humboldt County area and have the capacity to transport HWMA solid waste, only Bettendorf indicated a possible willingness to transport to PHL, but at a cost of at least twice the base transportation rate under the SWOW Agreement;
2. The only disposal facilities located closer to HWMA than PHL and available to accept HWMA solid waste are DCL and Anderson;

3. Transportation to DCL would allow the transporter to back haul other commodities at a significant comparable cost savings to the HWMA; and
4. There have been no substantive changes in available transportation and disposal companies from when the HWMA's RFP was circulated and awarded in 2014;

WHEREAS, issuance of a request for proposals for transportation and disposal services would require a minimum of six months and may not result in the submittal of more than one proposal from Bettendorf and DCL;

WHEREAS, HWMA has an urgent need to secure qualified and experienced solid waste transportation and disposal services;

WHEREAS, DCL and Bettendorf have the qualifications, skills and expertise necessary to provide solid waste transportation and landfill disposal services for HWMA on the terms and conditions set forth herein; and

WHEREAS, pursuant to California Government Code §40059, a public agency may enter into a partially or wholly exclusive transportation and disposal services contract without competitive bidding if the public health, safety, and well-being so require.

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Humboldt Waste Management Authority hereby incorporates the above recitals and finds that the public health, safety and well-being require the HWMA to enter into an exclusive agreement with Dry Creek Landfill, Inc. for transportation and disposal services without competitive bidding.

Adopted this 13th day of July, 2017

ATTEST:

Sofia Pereira, HWMA Chair

Jill K. Duffy, Clerk

Date: _____

Date: _____