

# MINUTES

**SELECTION COMMITTEE MEETING  
LAND ACQUISITION FOR FUTURE  
SOLID WASTE AUTHORITY SANITARY LANDFILL  
AND SUPPORT FACILITIES  
RFP NO. 08-231/SLB**

**MAY 14, 2008  
2:00 PM**

**COMMITTEE MEMBERS**

**PRESENT:**

Commissioner Jeff Koons, Committee Chair  
Arnie Halperin (CAC)  
Dan Pellowitz, Assistant to Executive Director  
Mark Eyeington, Chief Operations Officer  
Marc Bruner, Chief Administrative Officer  
Ed Tedtmann (Sierra Club Loxahatchee)

**ABSENT:**

Ken Todd (Water Resources)

**OTHERS:**

Maureen Cullen, General Counsel  
Saundra Brady, Contract Manager of Purchasing Services

**PURPOSE OF MEETING:** To develop a short-list of firms based on technical analysis.

Ms. Brady opened the meeting at 2:00 PM. She stated that staff and its consultant (Camp, Dresser & McKee "CDM") performed an initial analysis or "Tier 1" of the responses received to the RFP. The purpose of today's meeting was to develop a short-list of firms based on the technical analysis provided by CDM, focusing primarily on the criteria as follows:

- 1) Location of property outside of the restricted areas
- 2) Whether it is of sufficient size and configuration to achieve the Authority's objectives
- 3) Compliance with RFP, 62-70.1.300 of the FAC and other prohibitions

The Committee will short-list proposals deemed worthy of further evaluation. The short-list will be presented to the Authority's Governing Board at the June 4, 2008, meeting. The Board has the right to approve at its sole discretion the short-list as presented, approve a modified short-list, or to discontinue the process at that time.

Upon Board approval, staff and CDM will perform a second analysis ("Tier 2") of the short-listed proposals. This analysis may include, but not limited to the following:

- 1) Title search
- 2) Site inspection
- 3) Muck probes
- 4) Development of a conceptual site layout for each property
- 5) Development of a preliminary cost estimate for each of the short-listed proposals: land acquisition, site development, and operations. This will be done on a comparative basis.
- 6) Proximity to environmentally sensitive lands including CERP projects
- 7) Proximity to people in terms of residential homes within 1, 5 and 10 miles

8) Scheduled impacts in terms of number of years

Upon completion of the second Tier 2 analysis, a report of the findings will be presented to the Committee which will reconvene to rank the short-listed proposals in accordance with the procedures and criteria as set forth in the RFP. The proposal the Committee deems to be in the best interest of the Authority shall be ranked #1 and the second best will be ranked #2. The Committee ranking shall be presented to the Authority's Governing Board at a next scheduled and properly advertised Board meeting. At that time the Board has the right to approve the ranking as presented, modify and approve a modified ranking, or to discontinue the process at any time. At the direction of the Board, staff will perform a fatal flaw analysis on the property ranked #1. The fatal flaw analysis will include the following:

- 1) Preliminary hydrogeological and geotechnical assessment
- 2) Evaluation of the property with respect to location restrictions and requirements

Pending a successful outcome of the analysis, the Authority intends to enter into negotiations with the #1 ranked proposal in an effort to negotiate an agreement for the purchase and sale and any associated lease-back or other agreements. In the event the fatal flaw analysis uncovers evidence that the Authority believes renders the site undesirable for its intended use, the Authority will perform a fatal flaw analysis on the #2 ranked proposal with the goal of entering into negotiations with the second ranked proposal.

The Authority will be the sole judge of its own best interest and will reserve the right to negotiate a best and final price to deviate and/or modify the above process or to waive any minor deficiencies or irregularities, to request any additional information and to reject any or all proposals.

Ms. Brady informed the visitors that they were there as observers only and did not an opportunity to ask any questions or make any comments in this process. She cautioned the Committee that in view of the fact that, upon Board approval, if there is a second meeting of the Selection Committee, there should not be any discussions between members of the Selection Committee.

Ms. Brady announced that Mr. Todd from PBC Water Resources performed his initial evaluation sheet for Tier 1 and it was entered into the record in his absence.

Chairman Koons informed that the process is subject to the State Sunshine Law. The Authority does not have a Cone of Silence.

Mr. Pellowitz outlined the Tier 1 analysis as follows:

- Tier 1. This is a pass/fail of the basic threshold needing to be achieved without rankings. Twelve (12) responses were received as a result of the RFEI. Three (3) proposals which met the criteria were received: Okeelanta Corporation, Ellen Smith (representing 3 property owners) and Hundley Farms. CDM performed their analysis and all three were determined to have met the criteria under Tier 1.

Mr. Pellowitz recommended the Committee review each of the three proposals, determine which have met or not met the criteria, and make a recommendation for a short-list.

Input was provided by each Committee member as follows:

- Mr. Bruner:** Each proposer met the screening criteria for the first technical level. Comparability between the sites may come out during the Tier 2 analysis.
- Mr. Tedtmann:** One property is 25 miles from 20-Mile Bend which would help eliminate the proposal immediately at \$4/mile (hauling costs to and from).  
There is a price proposal but the Committee does not have a price description of the agreement between the Authority and Stoffin with respect to “first right of refusal”, a “24-hour first right of refusal”, etc. It is prohibitive for anyone else to do a land swap. There is not enough detail in the proposal to indicate what can and cannot be done.
- Mr. Eyeington:** CDM reviewed the three (3) proposals and determined that each met the Tier 1 standard.
- Mr. Halperin:** Questioned if Mr. Tedtmann found any fault with the three (3) proposals as it relates to environmental issues.
- Mr. Tedtmann:** Two issues: 1) Bowles Canal might be a CERP issue, and 2) posturing the Okeelanta site at the Plan 6 flow-way (south end of the Lake to the Everglades).

Chairman Koons recommended the three proposals be brought forth to the Board at its June 4 meeting and suggest moving into Tier 2. He also suggesting that a letter be sent, similar to that sent by the County, in an effort to determine if there were any other environmental issues that need to be taken into account.

Mr. Bruner stated that in the Tier 2 analysis, the Committee will have an opportunity to look at a full life-cycle cost analysis of each of the options/facilities and compare that to the existing facility (i.e., capital costs for infrastructure, operating costs on long-term transport, environmental issues in terms of existing proposed CERP projects, etc.).

Chairman Koons requested staff provide the Committee with an outline of what will be reviewed in the Tier 2 analysis. He asked staff to also meet with Board members prior to the June 4 Board meeting to review the scope of work for the Tier 2 analysis. A draft scope of work should be prepared and submitted to the Committee, Board and select permitting agencies for comments.

Mr. Bruner clarified that staff would not be able to prepare a draft scope prior to the June 4 Board meeting. He noted that the Tier 1 report is an opinion by CDM and the Committee can accept or reject that report.

On behalf of the Selection Committee, Chairman Koons directed staff to send the three (3) proposals to the Solid Waste Authority Board for its meeting on June 4, 2008, with a recommendation that the Committee undertake a Tier 2 analysis and review the draft Tier 2 process.

Mr. Bruner noted that there are eight (8) criteria listed in the RFP for Tier 2. He questioned if, as a Committee or individually, they wanted to add any items added or emphasized in the Tier 2 analysis.

Mr. Pellowitz clarified that the Committee has the right to add anything to the Tier 2 analysis as desired. He reminded the Committee that the Fatal Flaw Analysis that follows the Tier 2 analysis covers a lot of the areas in Tier 2 but with much more detail.

Mr. Tedtmann stated that it was his opinion that making a sale based on contingencies is coercions.

Dr. Bruner stated that the role of the Selection Committee at this time is to ask the Board to consider or not consider any one or more of the proposals. The RFP allowed proposers to include contingencies in their submittals and one or more proposers took the opportunity to do so.

Attorney Cullen advised that the Committee is not required to have total consent and there can be consensus with some dissention.

Motion by Mr. Pellowitz that the Selection Committee move forward with the three (3) properties to the Board.

Discussion

Mr. Bruner recommended each proposal be acted on individually.

Maker of the motion agreed and the original motion was withdrawn.

Attorney Cullen stated that since this is a Sunshine meeting and Mr. Todd is not present to vote, the Committee cannot consider his vote.

**MOTION BY MR. BRUNER THAT THE COMMITTEE RECOMMEND THE PROPOSAL FOR ELLEN SMITH FOR THE PROPERTY ON SR-80 AND SR-98 BE CONSIDERED FOR TIER 2. SECONDED BY MR. PELLOWITZ AND CARRIED UNANIMOUSLY.**

**MOTION BY MR. BRUNER THAT THE COMMITTEE RECOMMEND THE PROPOSAL FOR HUNDLEY FARMS BE CONSIDERED FOR TIER 2. SECONDED BY MR. PELLOWITZ AND CARRIED UNANIMOUSLY.**

**MOTION BY MR. BRUNER THAT THE COMMITTEE RECOMMEND THE PROPOSAL BY OKEELANTA BE CONSIDERED FOR TIER 2. SECONDED BY MR. PELLOWITZ FOR DISCUSSION**

Discussion

Mr. Tedtmann stated he takes issue with parts of Okeelanta's proposal. He expressed support of the motion with reservations.

**MOTION CARRIED UNANIMOUSLY**

Chairman Koons questioned how long staff expects it will take to finish the Tier 2 analysis.

Mr. Bruner stated that the analysis should be completed by mid-August with the Selection Committee to meet late August.

Mr. Pellowitz stated that the Board would likely need to hold a special meeting some time in September.

Ms. Brady stated that the Selection Committee has a right to request additional information or clarification from any and all proposers.

Consensus of the Committee was to request Okeelanta to clarify the locations and status of all landfills proposed in the area.

Mr. Bruner stated that the issue with the contingencies brought forth by Mr. Tedtmann should be revealed in the Tier 2 analysis when the Committee looks at some of the uncertainties associated with it. The issue with the contingencies is that they involve a number of agencies and a number of actions outside the control of the Authority.

Mr. Tedtmann questioned how the press obtained information about the proposers.

Ms. Brady stated that the process dictates that the information received by the Authority in response to the RFP is not available for ten (10) days or posting of recommendation, whichever is sooner. The ten (10) day period from date of opening would have placed that on Sunday, May 11, so the Authority went to the next business day – May 12.

Attorney Cullen informed that the information became public in response to a public records request. On May 12, the Authority was required to release the information to the requestor. The Authority gave the requestor an opportunity to review the documents and upon that review the requestor drew whatever conclusions he/she wanted to from it.

Mr. Pellowitz added that all the information in the news article was also in CDM's report which is not protected by Public Records Law.

Commissioner Koons requested Authority staff meet with Board members to discuss very specific process.

Ms. Brady requested the Selection Committee members submit their evaluation sheet to her at this time.

Attorney Cullen stated that the Committee's verbal votes will be reflected on the evaluation sheets.

Meeting adjourned at \_\_\_\_\_.

/s/ Sandra J. Vassalotti  
Records Manager