

A RESOLUTION ACCEPTING THE BID OF BFI INDUSTRIES FOR REFUSE COLLECTION IN THE VILLAGE AND DECLARING AN EMERGENCY

WHEREAS, pursuant to advertisement, bids were received on October 27th for refuse collection in the Village, copies of which bids are attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That the bid of Browning Ferris Industries as set forth in Exhibit "A" attached hereto, being the lowest and best bid, be, and the same hereby is, accepted.

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary so as to go into effect by January 1, 1995; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: December 20, 1994

Daniel S. Stoerkel  
President of Council

\_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_

ATTEST:

Peggy Maloxe  
Clerk of Council

December 4, 1994

The Honorable Ralph R. Waszak  
and Members of Council  
Village of Richfield  
4410 West Streetsboro Road  
P. O. Box 387  
Richfield, Ohio 44286-0387

Re: Rubbish Disposal, Collection and Recycling Bids

Dear Mayor Waszak and Members of Council:

You have requested that I review the protest of R. C. Miller Refuse Service, Inc. concerning the captioned bids. Specifically, R. C. Miller claims that the bid of the apparent low bidder, BFI, is a non-complying bid in violation of Section IV.C. This Section requires "commingled type recycle curbside pick-up with recycle drop off bins at town hall."

The bid of BFI is a lower bid than the bid of R. C. Miller. If R. C. Miller were to keep its charge at \$8.20 per unit for all three years, the BFI bid would be lower than the R. C. Miller bid by \$3,394.80. If R. C. Miller instituted the increases in its bid during the second and third years, the BFI bid would be lower than the R. C. Miller by \$21,118. Additionally, R. C. Miller would implement a cost for the pick-up of household items per Section F, page 3 while BFI would implement no such charge.

The legal notice soliciting bids provides that "the right is reserved to reject any and all bids or to waive any informalities in bids." This reservation is again listed in Section II.D on page 2 of the specifications. Additionally, in Section II.E on page 2 it is provided that:

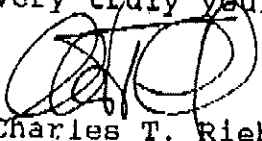
"If bids are submitted, which contain variations from published specifications, a complete explanation shall be given. The village reserves the right to determine the relative advantages and disadvantages of variations proposed in any alternate bid."

R. C. Miller's complaint is that BFI will use a "blue bag" system as opposed to a commingled curbside system.

The Honorable Ralph R. Waszak  
and Members of Council  
December 4, 1994  
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Based on the reservations and authority reserved to the Village, in the legal ad and bid specifications, it is my opinion that the Village has reserved to itself the right to determine both the lowest and best bid. It is my further opinion that should the determination be made to award the bid to BFI, the Village have fulfilled its obligation to determine the lowest and best bid. If I can answer any further questions concerning this matter, please do not hesitate to contact me.

Very truly yours,



Charles T. Riehl

CTR:kaw