

# TOWN OF CUTLER BAY

TOWN COUNCIL MEETING  
MAY 20, 2015

**TOWN ATTORNEY REPORT**  
**RFP 15-02 EMERGENCY DEBRIS REMOVAL SERVICES**  
**BID PROTEST RESPONSE**





Office of the Town Manager

May 13, 2015

Rafael G. Casals  
Town Manager

Mr. Joseph M. Goldstein  
Partner  
Shutts & Bowen, LLP  
200 East Broward Boulevard, Suite 2100  
Fort Lauderdale, FL 33301

**RE: Bergeron Emergency Services, Inc. Dated: April 14, 2014  
RFP No. 15-02 Emergency Debris Removal Services / Bid Protest**

Dear Mr. Goldstein:

In response to your Bid Protest letter dated April 14, 2014, filed pursuant to Town Ordinance No. 06-22, as amended. And after reviewing your protest with the Town Attorney, we have found that your protest is “responsive”.

I have reviewed the factual circumstances surrounding RFP No. 15-02 and have determined that based on the Bid Protest provided by Shutts & Bowen LLP on behalf of Bergeron Emergency Services, Inc. (“Bergeron”) by letter dated April 14<sup>th</sup>, 2015 (*Attachment “A”*) I have determined the following:

Bergeron is claiming that its “non-price score is higher than P & J’s, and Bergeron’s prices are lower than P&J’s, therefore, the award to P & J should be overturned, and an award to be made to Bergeron as the best-value offerer.”

Bergeron’s total bid was ranked No. 8 out of the eight (8) bid submittals utilizing the Town’s Engineering Value Analysis (*Attachment “B”*).

In the analysis provided by Bergeron, they are only increasing the Unit Bid Price for Item #11 (Debris Removal: Cubic Yardage), under the Emergency Road Clearance category of the Town’s Bid Tabulation. The unit bid price item # 11, which Bergeron is comparing, will only be used if and when the County’s Solid Waste Department is overwhelmed, as clearly indicated in the following excerpt from page 25 of RFP #15-02, which reads as follows:

**BASE PROPOSAL**

The purpose of this proposal is to remove debris from local roadways within the Town limits, Town property and/or private property as authorized by the Town and up to the public Right-of-Way. Miami-Dade County (“County”) will be responsible for secondary services for removal of debris to an approved Landfill, unless the County is overwhelmed and the Contractor is specifically directed by the Town in writing to Haul and Dump the Debris at the approved Landfill. The tipping fees shall be invoiced to the Town as a pass through cost for reimbursement. All unit costs shall be filled out for a complete package. Placing a unit cost of \$0.00 indicates the contractor will provide the service and/or equipment at no cost to the Town.





The Bergeron analysis fails to increase the other Unit Bid Items that are required to process debris, such as time and type of labor and machinery that may be used to remove the debris.

Furthermore, the Bergeron analysis fails to show a comparison using their methodology which only increases bid line item #11 (increase in Cubic Yardage) with the rest of the bidders. If the Town uses the methodology proposed by Bergeron to compare them with the second lowest responsive and responsible bidder “DRC Emergency Services” the following are the results: (*Attachment “C”*).

**USACE Model as provided by Bergeron**

<b>Storm Strength</b>	<b>Cubic Yards of Debris</b>	<b>Bergeron</b>	<b>DRC Emergency Services Inc.</b>
Category 1 Light	31,772.00	\$1,124,615.20	\$696,355.56
Category 1 Medium	45,059.00	\$1,235,561.65	\$809,029.32
Category 1 heavy	73,221.00	\$1,470,714.35	\$1,047,843.08
Category 2 Light	127,090.00	\$1,920,520.50	\$1,504,652.20
Category 2 Medium	180,236.00	\$2,364,289.60	\$1,955,330.28
Category 2 Heavy	292,884.00	\$3,304,900.40	\$2,910,585.32
Category 3 Light	413,041.00	\$4,308,211.35	\$3,929,516.68
Category 3 Medium	585,768.00	\$5,750,481.80	\$5,394,241.64
Category 3 Heavy	951,872.22	\$8,807,452.04	\$8,498,805.43
Category 4 Light	794,310.00	\$7,491,807.50	\$7,162,677.80
Category 4 Medium	1,126,476.00	\$10,265,393.60	\$9,979,445.48
Category 4 Heavy	1,830,523.50	\$16,144,190.23	\$15,949,768.28
Category 5 Light	1,270,896.00	\$11,471,300.60	\$11,204,127.08
Category 5 Medium	1,802,361.60	\$15,909,038.36	\$15,710,955.37
Category 5 Heavy	2,928,837.60	\$25,315,112.96	\$25,263,471.85
Average		\$7,792,239.34	\$7,467,787.02

Note: The Town is well aware of the United States Army Corp of Engineers (USACE) Estimating Model that tries to predict how much debris will be produced for any given event. What the USACE estimating model does not predict is how much time, type of labor, and machinery that may be used to process the debris as well as any other type of equipment the Town may select to use from the unit bid items.





As per the above table DRC's prices are lower than Bergeron's in 15 out of 15 possible hurricane scenarios. However, this approach is truly unrealistic because only the cubic yardage is being increased with all the other unit bid items associated with the removal of debris kept the same. If additional cubic yardage needs to be processed then other unit bid prices such as: the time, labor, and equipment should also be increased to compensate for the additional cubic yardage.

The Town's Engineering Value Analysis utilized to quantify and rank to prospective bidders takes into account all sixty-three (63) unit bid items, which are only a fraction of what may be needed in the event of a storm event. These quantities may be multiplied as needed when a storm has affected the Town.

Additionally, Bergeron is contesting unit bid item #3 (Pick-Up and Disposal of Hazardous Material) under the Debris Removal, Processing & Disposal category. Bergeron's bid on this unit bid item is \$350 per pound in comparison to P & J's unit bid of \$5 per pound. The quantity used in the Town's Engineering Value Analysis is 1,000 pounds, which when calculated equates to Bergeron's total cost for this bid item to be \$350,000 versus P & J's total for this line item to be \$5,000. Bergeron claims that 1,000 pounds is an unrealistic amount in the bid tabulation. This begs the question: can 1,000 lbs. of hazardous waste be found for every 5,000 Cubic Yard (CY) of debris? To determine this, the Town calculated the pounds of hazardous waste that occupies 1 CY. The volume occupied by 1,000 pounds of hazardous waste is typically less than 1 CY.

The Town ascertains it is realistic for 1 CY of hazardous waste to be produced for every 5,000 CY of debris.

Household hazardous waste can be defined as oils, pesticides, paints, and cleaning agents. Hazardous waste can also be sewage sludge, oil spills, contaminated regular debris, asbestos found in building materials, medical waste, among other items. For example, the Town may use the unit weight of common household paint and calculate how many pounds are contained in 1 CY, using the attached Volume to Weight Conversion Chart. (*Attachment "D"*)

- 1 gallon of paint = 10 lbs.
- 1 Cubic Foot (CF) = 7.5 gallons
- 27 Cubic Feet (CF) = 1 Cubic Yard (CY)

$$10 \text{ lbs./gallons} \times 7.5 \text{ gallons/CF} \times 27 \text{ CF/CY} = 2,025 \text{ lbs./CY of paint}$$

In sum, for the Town's example of household paint, more than double the weight can be obtained in 1 CY, which would double the cost in the bid line item questioned.

Furthermore, for a realistic comparison that occurred in an actual storm event, the Town reviewed the State of Louisiana Hurricane Katrina CRS Report for Congress to evaluate the debris amount collected in Louisiana after Katrina. (*Attachment "E"*) For this event the State of Louisiana collected 53,001,628 CY of curbside debris in comparison to 16,114,493 lbs. of hazardous waste.





The Comparison Ratio Multiplier in the State of Louisiana for Hurricane Katrina of hazardous waste per cubic yards of debris collected was the following:

$$16,114,492 \text{ lbs.} / 53,001,628 \text{ CY} = 0.3$$

The Comparison Ratio Multiplier the Town uses for pounds of hazardous waste per cubic yards of debris collected is the following:

$$1,000 \text{ lbs.} / 5,000 \text{ CY} = 0.2$$

The Town’s comparison ratio multiplier times the 53,001,628 CY of debris collected in the State of Louisiana for Hurricane Katrina, results in the following:

$$0.2 \times 53,001,628 \text{ CY} = 10,600,325.6 \text{ lbs.}$$

The above result clearly demonstrates that the quantities the Town selected for hazardous waste (1,000 LBS) (estimated quantities used in the Engineering Value Analysis) versus debris (5,000 CY) is plausible.

As a result of the Town’s one unit bid line item RFP, bidders were competing against each other in a total of sixty-three (63) individual line items. In order to evaluate and rank each of the eight (8) prospective bidders the Evaluation Committee agreed on utilizing an Engineering Value Analysis which assigned estimated quantities to each of the requested bid line items.

Based on the Evaluation Committee’s recommendation and the use of the Engineering Value Analysis, I will be recommending to the Town Council that the top two (2) lowest and responsive bidders (Phillips & Jordan, Inc. and DRC Emergency Services, Inc.) be awarded the Town’s Emergency Debris Removal Services as outline in RFP No. 15-02.

The bid packages were ranked as follows and the two (2) top lowest and responsive bidders are highlighted below:

<u>Rank</u>	<u>Bidder’s Name:</u>	<u>Total Bid Amount</u>	<u>Points</u>
1.	Phillips & Jordan	\$ 427,648.00	100.00
2.	DRC Emergency Services, Inc.	\$ 469,329.00	91.78
3.	Ceres Environmental Services	\$ 506,554.00	87.42
4.	ATL Disaster Recovery	\$ 597,802.50	77.08
5.	SFM Services, Inc.	\$ 570,750.00	69.12
6.	Bergeron Emergency Services	\$ 901,069.00	62.88
7.	Raynor Shine Services Inc.	\$ 897,659.00	53.02
8.	Metro Express Inc.	\$ 747,130.00	49.07





In support of my findings, I relied on the following documents:

- Ø Attachment “A” – Shutts & Bowen LLP Bid Protest Package Dated April 14, 2015
- Ø Attachment “B” – RFP No. 15-02 Engineering Value Analysis
- Ø Attachment “C” – Analysis Utilizing the USACE Model Provided by Bergeron
- Ø Attachment “D” – Volume to Weight Conversion Chart
- Ø Attachment “E” – State of Louisiana Hurricane Katrina CRS Report for Congress

Pursuant to Town Ordinance No. 06-22, as amended, this decision is final. The award of RFP No. 15-02 Emergency Debris Removal Services, will be discussed at the May 20, 2015 regular Town Council meeting.

Sincerely,

Rafael G. Casals  
Town Manager

cc: Mitchell A. Bierman, Town Attorney  
Chad Friedman, Town Attorney  
Alfredo Quintero, Public Works Director  
Jacqueline N. Wilson, Interim Town Clerk  
Bidder, Philips & Jordan, Inc.  
Bidder, DRC Emergency Services, Inc.





ATTACHMENT "A"

Shutts & Bowen LLP

Bid Protest Package

Dated 04-14-2015

*Bergeron Emergency Services, Inc.*

**RFP No. 15-02**

**Emergency Debris Services**



*Founded 1910*

JOSEPH M. GOLDSTEIN  
PARTNER  
(954) 847-3837 Direct Telephone  
(954) 888-3066 Direct Facsimile

E-MAIL ADDRESS:  
jgoldstein@shutts.com

April 14, 2015

**VIA EMAIL [TOWNMANAGER@CUTLERBAY-FL.GOV](mailto:TOWNMANAGER@CUTLERBAY-FL.GOV)**

Rafael G. Casals  
*Town Manager*  
Town of Cutler Bay, Florida  
Cutler Bay Town Center  
10720 Caribbean Blvd., Suite 105  
Cutler Bay, FL 33189

**Re: Bid Protest of Bergeron Emergency Services, Inc. as to Request for Proposals No. 15-02 for Emergency Debris Removal Services**

Dear Mr. Casals:

We represent Bergeron Emergency Services, Inc. ("Bergeron") in the above referenced procurement. The proposed award by the Town of Cutler Bay, Florida (the "Town") to Phillips & Jordan, Inc. ("P&J") pursuant to Request for Proposals No.: 15-02 for Emergency Debris Removal Services (the "RFP") should be overturned because P&J does not have the lowest evaluated price and should not have received the maximum points for the Cost evaluation criterion. The estimated quantities, especially as to the amount of cubic yardage of debris, used by the Town does not realistically forecast or estimate the lowest cost proposer. Furthermore, the Town's failure to follow the Federal Emergency Management Agency ("FEMA") policies jeopardizes the Town's potential to receive federal reimbursement dollars.

As explained in greater detail below, the Town's methodology for calculating and evaluating offerors' prices is arbitrary and capricious because it does not accurately evaluate prices. Bergeron's non-price score is higher than P&J's, and Bergeron's prices are lower than P&J's, therefore, the award to P&J should be overturned, and an award to be made to Bergeron as the best-value offeror. **Bergeron demands that the award to P&J be stayed during the pendency of this protest pursuant to Section 2.IX(H), Ordinance No. 06-22, Cutler Bay Code of Ordinances.**

FTLDOCS 6824383 5

200 East Broward Boulevard, Suite 2100, Fort Lauderdale, Florida 33301 • ph 954.524.5505 • fx 954.524.5506 • [www.shutts.com](http://www.shutts.com)

## **I. Jurisdiction, Standing, and Timeliness**

Pursuant to Section 2.IX, Ordinance No. 06-22, Cutler Bay Code of Ordinances, the Town Manager has jurisdiction over this protest. Bergeron's prices are lower than P&J's and Bergeron's non-price scores are higher than P&J's, however the Town erroneously failed to recognize these facts. But for the Town's improper evaluation of proposals, Bergeron would have been selected for award. Therefore, Bergeron is an interested party with standing to protest. The Town Manager's Award Recommendation to the Town Council was released on Friday, April 10, 2015. See **Exhibit 1**, Notification of Release of Town Manager's Award Recommendation to Town Council.<sup>1</sup> This protest is timely because it is being filed with the Town Manager within two business days of April 10, **furthermore, Bergeron demands that the award to P&J be stayed during the pendency of this protest pursuant to Section 2.IX(H), Ordinance No. 06-22, Cutler Bay Code of Ordinances.**

## **II. The RFP and Price Evaluations**

The RFP asked offerors to provide firm fixed line item prices for the life of the contract, which has a 3-year base period, and two 1-year options. See **Exhibit 2**, the RFP, at RFP00013.<sup>2</sup> There were four evaluation criteria: Price<sup>3</sup> (70 points), Proposer Qualifications (15 points), Scope of Services/Plan (10 points), and References/Relevant Experience (5 points). See **Exhibit 2**, the RFP, at RFP00010. The RFP did not provide offerors with estimated quantities of each good or service that would be provided, rather, the RFP merely required offerors to list their unit prices. See **Exhibit 2**, the RFP, at RFP00001-RFP00004; RFP00010 ("Each proposer shall provide unit pricing, including a lump sum amount for mobilization and demobilization, in the Proposal Form included in this RFP.").

Eight firms submitted proposals in response to the RFP:

<b>Offeror</b>	<b>Unit Price</b>
Ceres Environmental Services	\$12,568.90
Phillips & Jordan	\$13,734.00
Raynor Shine Services	\$16,890.00
Bergeron Emergency Services	\$17,363.70
SFM Services	\$23,753.00

<sup>1</sup> Redacted in part to protect Bergeron's attorney-client communications and work-product privileges.

<sup>2</sup> Pagination refers to the Bates numbers in the bottom left.

<sup>3</sup> Although the RFP refers to this criterion as "Cost," it should have been listed as "Price," as it refers to the monetary amount to be paid by the Town in exchange for the supplies and services provided.

DRC Emergency Services	\$26,053.41
Arbor Tree & Land	\$29,327.75
Metro Express	\$32,237.00

See **Exhibit 3**, April 2, 2015, Selection Committee Memo, at p. 1.

In order to determine each offerors' total price (as opposed to its unit prices) the Selection Committee multiplied each offerors' line items by a randomly selected quantity, which was not disclosed in the RFP, and is not a reasonable forecast or estimate of the actual quantities of each line item that the Town would be required to purchase in the event of a hurricane. See **Exhibit 3**, April 2, 2015, Selection Committee Memo, at Attachment B. The resulting total prices, final scores and rankings, as erroneously calculated by the Town, were:

Rank	Offeror	Evaluated Total Price	Total Score
1	Phillips & Jordan	\$427,648.00	100 <sup>4</sup>
2	DRC Emergency Services	\$469,329.00	91.78
3	Ceres Environmental Services	\$506,554.00	87.42
4	Arbor Tree & Land	\$597,802.50	77.08
5	SFM Services	\$570,750.00	69.12
6	Bergeron Emergency Services	\$901,069.00	62.88
7	Raynor Shine Services	\$897,659.00	53.02
8	Metro Express	\$747,130.00	49.07

See **Exhibit 3**, April 2, 2015, Selection Committee Memo, at p. 2. The randomly selected multipliers used by the Town were arbitrary and capricious, because they do not provide the Town with an accurate forecast or estimate at how much disaster recovery services are likely to cost. Therefore, the Town's evaluation of proposals was itself arbitrary and capricious.

**III. The Town's Evaluation of Proposals Does Not Accurately Calculate Offerors' True Prices**

**A. *CLIN 11 – Debris Removal***

The key to accurately forecasting or estimating the actual price of emergency debris removal services to the Town is contract line item ("CLIN") 11 – Debris Removal by Cubic

<sup>4</sup> It was not possible for P&J to receive a total score of more than 98.33 points, because it only received 28.33 non-price points. See **Exhibit 3**, April 2, 2015, Selection Committee Memo, at Attachment C.

Yard. CLIN 11 is crucial because it will be the primary cost to the Town if a hurricane strikes. To forecast or estimate the cost of a likely event, the Town used a total quantity of 5,000 cubic yards ("c/y"). The Town's use of 5,000 c/y is patently unreasonable because it is a gross underestimate of the amount of debris that is likely to be generated by even a Category 1 – Light hurricane. Rather than creating this fictional (and apparently random) model, the Town should have followed the guidance of the FEMA who will be reimbursing the Town for these services.

FEMA requires grantees, such as the Town, to use The United States Army Corps of Engineers Hurricane Debris Estimating Model (the "USACE Model"), available as Appendix B to FEMA's Debris Management Guide,<sup>5</sup> which provides a formula for estimating the volume of debris that will be generated by a hurricane in any given area.

Per the USACE Model, the first step is to determine the population (P) of the Town which is 43,328.<sup>6</sup> Next the number of households (H) is determined by dividing P by 3 (14,442). Then storm category (C), vegetation (V), commercial/business/industrial use (B), and storm precipitation (S) multipliers are applied. Thus the formula for estimating the amount of debris that will be generated in Cutler Bay by a storm of a given size is  $Q = H(C)(V)(B)(S)$ . The USACE Model estimates that the following amounts of debris will be generated by the Town:

<b>Storm Strength</b>	<b>Cubic Yards of Debris</b>
<b>Category 1 - Light</b>	31,772.00
<b>Category 1 - Medium</b>	45,059.00
<b>Category 1 - Heavy</b>	73,221.00
<b>Category 2 - Light</b>	127,090.00
<b>Category 2 - Medium</b>	180,236.00
<b>Category 2 - Heavy</b>	292,884.00
<b>Category 3 - Light</b>	413,041.00
<b>Category 3 - Medium</b>	585,768.00
<b>Category 3 - Heavy</b>	951,872.22

<sup>5</sup> A true and correct copy of the USACE Model is attached hereto as **Exhibit 4**, and is also available online at <http://www.fema.gov/pdf/government/grant/pa/demagde.pdf> (last visited Apr. 13, 2015).

<sup>6</sup> <http://quickfacts.census.gov/qfd/states/12/1215968.html> (last visited Apr. 13, 2015).

<b>Category 4 - Light</b>	794,310.00
<b>Category 4 - Medium</b>	1,126,476.00
<b>Category 4 - Heavy</b>	1,830,523.50
<b>Category 5 - Light</b>	1,270,896.00
<b>Category 5 - Medium</b>	1,802,361.60
<b>Category 5 - Heavy</b>	2,928,837.60

As shown by the above table, 5,000 c/y is not a reasonable number for the Town to use when calculating prices, as even a Category 1 - Light hurricane is likely to generate 31,772 c/y of debris.

Here are the CLIN 11 prices for Bergeron and P&J using the USACE Model:

<b>Storm Strength</b>	<b>Bergeron</b>	<b>P&amp;J</b>
<b>Category 1 – Light</b>	\$265,296.20	\$349,492.00
<b>Category 1 – Medium</b>	\$376,242.65	\$495,649.00
<b>Category 1 – Heavy</b>	\$611,395.35	\$805,431.00
<b>Category 2 – Light</b>	\$1,061,201.50	\$1,397,990.00
<b>Category 2 – Medium</b>	\$1,504,970.60	\$1,982,596.00
<b>Category 2 – Heavy</b>	\$2,445,581.40	\$3,221,724.00
<b>Category 3 – Light</b>	\$3,448,892.35	\$4,543,451.00
<b>Category 3 – Medium</b>	\$4,891,162.80	\$6,443,448.00
<b>Category 3 – Heavy</b>	\$7,948,133.04	\$10,470,594.42
<b>Category 4 – Light</b>	\$6,632,488.50	\$8,737,410.00
<b>Category 4 – Medium</b>	\$9,406,074.60	\$12,391,236.00
<b>Category 4 – Heavy</b>	\$15,049,719.36	\$20,135,758.50

<b>Category 5 – Light</b>	\$10,611,981.60	\$13,979,856.00
<b>Category 5 – Medium</b>	\$15,049,719.36	\$19,825,977.60
<b>Category 5 – Heavy</b>	\$24,455,793.96	\$32,217,213.60

Here are Bergeron’s and P&J’s Total Prices using the CLIN 11 Prices that are derived from the USACE Model:

<b>Storm Strength</b>	<b>Bergeron – Total Price</b>	<b>P&amp;J – Total Price</b>
<b>Category 1 – Light</b>	\$1,124,615.20	\$722,140.00
<b>Category 1 – Medium</b>	\$1,235,561.65	\$868,297.00
<b>Category 1 – Heavy</b>	\$1,470,714.35	1,178,079.00
<b>Category 2 – Light</b>	\$1,920,520.50	1,770,638.00
<b>Category 2 – Medium</b>	\$2,364,289.60	2,355,244.00
<b>Category 2 – Heavy</b>	\$3,304,900.40	\$3,594,372.00
<b>Category 3 – Light</b>	\$3,534,823.35	\$4,916,099.00
<b>Category 3 – Medium</b>	\$5,750,481.80	\$6,816,096.00
<b>Category 3 – Heavy</b>	\$8,807,452.04	\$10,843,242.42
<b>Category 4 – Light</b>	\$7,491,807.50	\$9,110,058.00
<b>Category 4 – Medium</b>	\$10,265,393.60	\$12,763,884.00
<b>Category 4 – Heavy</b>	\$16,144,190.23	\$20,508,406.50
<b>Category 5 – Light</b>	\$11,471,300.60	\$14,352,504.00
<b>Category 5 – Medium</b>	\$15,909,038.36	\$20,198,625.60
<b>Category 5 – Heavy</b>	\$25,315,112.96	\$32,589,861.60
<b>Average</b>	\$7,740,680.14	\$9,505,836.47

Bergeron's price is lower than P&J's in 10 out of 15 possible hurricane scenarios. When the prices for all scenarios are averaged, Bergeron's price is \$1,765,156.33 less than P&J's. However, it is not the average price that should be used, rather the USACE Model provides that "[f]or planning purposes, the worst case scenario should be used for the subject area." See **Exhibit 4**, USACE Model, at USACE00003 (emphasis added). Using USACE's and FEMA's recommended best practices, Bergeron's price is \$7,274,748.64 cheaper than P&J's. Given that Bergeron's non-price score (29.67) is also higher than P&J's (28.33), Bergeron is clearly the superior offeror, and it should be awarded the contract.<sup>7</sup>

**B. CLIN 3 – Pick-Up and Disposal of Hazardous Material**

Bergeron's evaluated price would be even lower if the Town had used realistic quantities for CLIN 3 – pick-up and disposal of hazardous material. The amount of hazardous waste that the Town used to evaluate proposals – 1,000 lbs – is simply not realistic because even the largest storms would generate far less hazardous waste material than that in a populated area with the Town's characteristics. Highly experienced offerors such as Bergeron understand that, in general, storm events do not generate large quantities of hazardous materials, and that the fixed costs for disposing these materials needs to be spread over a small number of work orders. The Town's arbitrary inflation of the amount of hazardous waste has created an artificial price gap between Bergeron and its competitors. Once a more realistic quantity estimate is used, the price gap between Bergeron and its competitors vanishes.

**IV. Request for Relief**

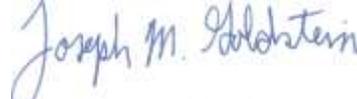
The record clearly shows that Bergeron's proposal is superior to P&J's in terms of both non-price and price factors. It is arbitrary and capricious for the Town to award a contract to an offeror that has both a higher price and a lower non-price score. Bergeron respectfully asks the Town to set aside the award to P&J, and to award it a contract as the best-value offeror in this procurement.

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<sup>7</sup> An award must be over-turned when an agency fails to properly consider price proposals. *R.N. Expertise, Inc. v. Miami-Dade Cnty. Sch. Bd.*, DOAH Case No.: 01-2663BID, at ¶¶ 152-157, 2002 WL 185217, at \*30-31 (Fla. Div. Admin. Hrgs. Feb. 4, 2002) (*sustaining* protest where agency failed to properly consider offerors' overall prices).

Sincerely,

Shutts & Bowen LLP

A handwritten signature in blue ink that reads "Joseph M. Goldstein". The signature is written in a cursive style.

Joseph M. Goldstein

cc: Alfredo Quintero Jr., *Director of Public Works* ([aquintero@cutlerbay-fl.gov](mailto:aquintero@cutlerbay-fl.gov))  
Mitchell A. Bierman, *Town Attorney* ([mbierman@wsh-law.com](mailto:mbierman@wsh-law.com))



ATTACHMENT "B"

RFP 15-02

Engineering Value Analysis

*Bergeron Emergency Services, Inc.*

RFP No. 15-02

Emergency Debris Services

EMERGENCY DEBRIS REMOVAL SERVICES  
TOWN OF CUTLER BAY  
TOWN PROJECT NO. RFP # 15-02  
ENGINEERING VALUE ANALYSIS SPREADSHEET

Rank	Company	Scenario Amount
1	Philips & Jordan	\$ 427,648.00
2	DRC Emergency Services, INC	\$ 469,329.00
3	Ceres Environmental Services, Inc	\$ 506,554.00
4	SFM Services, Inc.	\$ 570,750.00
5	Arbor Tree & Land, Inc.	\$ 597,802.50
6	Metro Express, Inc	\$ 747,130.00
7	Raynor Shine Services, LLC	\$ 897,659.00
8	Bergeron Emergency Services	\$ 901,069.00

EMERGENCY DEBRIS REMOVAL SERVICES  
TOWN OF CUTLER BAY  
BID TABULATION

ITEM	DESCRIPTION	TOTAL QUANTITY	UNIT	Raynor Shine Services, LLC		Metro Express, Inc		Arbor Tree & Land, Inc.		SFM Services, Inc.		DRC Emergency Services, INC		Ceres Environmental Services, Inc		Philips & Jordan		Bergeron Emergency Services		
				Unit Price	Cost	Unit Price	Cost	Unit Price	Cost	Unit Price	Cost	Unit Price	Cost	Unit Price	Cost	Unit Price	Cost	Unit Price	Cost	Unit Price
<b>DEBRIS REMOVAL, PROCESSING &amp; DISPOSAL</b>																				
1	Mobilize & demobilize	1	LUMP SUM	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00	\$ 10,500.00	\$ 10,500.00	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	Pick-up and haul of white goods	100	EACH	\$ 100.00	\$ 10,000.00	\$ 50.00	\$ 5,000.00	\$ 45.00	\$ 4,500.00	\$ 150.00	\$ 15,000.00	\$ 55.00	\$ 5,500.00	\$ 85.00	\$ 8,500.00	\$ 75.00	\$ 7,500.00	\$ 120.00	\$ 12,000.00	
3	Pick-up and disposal of hazardous material	1000	POUND	\$ 225.00	\$ 225,000.00	\$ 15.00	\$ 15,000.00	\$ 15.00	\$ 15,000.00	\$ 150.00	\$ 150,000.00	\$ 9.95	\$ 9,950.00	\$ 18.95	\$ 18,950.00	\$ 5.00	\$ 5,000.00	\$ 350.00	\$ 350,000.00	
4	Sweeping Curb & Gutter	50	PER MILE	\$ 75.00	\$ 3,750.00	\$ 3,500.00	\$ 175,000.00	\$ 400.00	\$ 20,000.00	\$ 60.00	\$ 3,000.00	\$ 85.00	\$ 4,250.00	\$ 105.00	\$ 5,250.00	\$ 75.00	\$ 3,750.00	\$ 60.00	\$ 3,000.00	
5	Process stump based on FEMA conversion table, May 15, 2007 publication DAP9523.11	1000	CUBIC YARD	\$ 75.00	\$ 75,000.00	\$ 90.00	\$ 90,000.00	\$ 29.00	\$ 29,000.00	\$ 9.00	\$ 9,000.00	\$ 7.98	\$ 7,980.00	\$ 48.00	\$ 48,000.00	\$ 18.00	\$ 18,000.00	\$ 8.35	\$ 8,350.00	
6	Hazardous stump removal, hauling and disposal 6" diameter to 11.99" diameter	100	EACH	\$ 125.00	\$ 12,500.00	\$ 40.00	\$ 4,000.00	\$ 100.00	\$ 10,000.00	\$ 75.00	\$ 7,500.00	\$ 125.00	\$ 12,500.00	\$ 29.00	\$ 2,900.00	\$ 125.00	\$ 12,500.00	\$ 0.00	\$ -	
7	Hazardous stump removal, hauling and disposal 12" diameter to 23.99" diameter	100	EACH	\$ 225.00	\$ 22,500.00	\$ 50.00	\$ 5,000.00	\$ 165.00	\$ 16,500.00	\$ 175.00	\$ 17,500.00	\$ 200.00	\$ 20,000.00	\$ 98.00	\$ 9,800.00	\$ 250.00	\$ 25,000.00	\$ 0.00	\$ -	
8	Hazardous stump removal & hauling, disposal 24" diameter to 47.99" diameter	50	EACH	\$ 350.00	\$ 17,500.00	\$ 300.00	\$ 15,000.00	\$ 263.00	\$ 13,150.00	\$ 275.00	\$ 13,750.00	\$ 350.00	\$ 17,500.00	\$ 800.00	\$ 40,000.00	\$ 350.00	\$ 17,500.00	\$ 275.00	\$ 13,750.00	
9	Hazardous stump removal, hauling and disposal 48" diameter and greater	10	EACH	\$ 375.00	\$ 3,750.00	\$ 500.00	\$ 5,000.00	\$ 494.25	\$ 4,942.50	\$ 375.00	\$ 3,750.00	\$ 650.00	\$ 6,500.00	\$ 950.00	\$ 9,500.00	\$ 500.00	\$ 5,000.00	\$ 375.00	\$ 3,750.00	
10	Performance Bond (Bidder's cost for a \$400,000 Performance Bond, as stated in Section I, Item #12 (Page 7 of 63))	1	LUMP SUM	\$ 0.00	\$ -	\$ 4,500.00	\$ 4,500.00	\$ 21,578.00	\$ 21,578.00	\$ 6,000.00	\$ 6,000.00	\$ 12,000.00	\$ 12,000.00	\$ 0.00	\$ -	\$ 1,680.00	\$ 1,680.00	\$ 0.00	\$ -	
<b>EMERGENCY ROAD CLEARANCE (INITIAL CLEARANCE - NOT TO EXCEED 72 HOURS)</b>																				
11	Debris removal from private property & publicly owned property to be hauled and dumped at the South Dade Landfill located at- 23707 SW 97th Ave., Gate A, Miami, FL- 33032	5000	CUBIC YARD	\$ 18.00	\$ 90,000.00	\$ 7.00	\$ 35,000.00	\$ 24.00	\$ 120,000.00	\$ 9.00	\$ 45,000.00	\$ 8.48	\$ 42,400.00	\$ 10.95	\$ 54,750.00	\$ 11.00	\$ 55,000.00	\$ 8.35	\$ 41,750.00	
12	Material, fill dirt for stump holes, purchased, placed & compacted	200	CUBIC YARD	\$ 22.00	\$ 4,400.00	\$ 35.00	\$ 7,000.00	\$ 14.00	\$ 2,800.00	\$ 15.00	\$ 3,000.00	\$ 15.00	\$ 3,000.00	\$ 32.00	\$ 6,400.00	\$ 25.00	\$ 5,000.00	\$ 10.00	\$ 2,000.00	
13	Leaning trees / hanging limbs Includes hauling and disposal	1	RATES BELOW	SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		
14	Demolition of structures Includes hauling and disposal	1	RATES BELOW	SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		SEE RATES BELOW		
<b>EQUIPMENT WITH OPERATION - HOURLY RATES PER LINE</b>																				
1	JD544 or equal, wheel loader w/debris grapple	72	HOURLY RATE	\$ 120.00	\$ 8,640.00	\$ 90.00	\$ 6,480.00	\$ 110.00	\$ 7,920.00	\$ 120.00	\$ 8,640.00	\$ 120.00	\$ 8,640.00	\$ 139.00	\$ 10,008.00	\$ 105.00	\$ 7,560.00	\$ 120.00	\$ 8,640.00	
2	JD644 or equal, wheel loader w/debris grapple	72	HOURLY RATE	\$ 125.00	\$ 9,000.00	\$ 100.00	\$ 7,200.00	\$ 130.00	\$ 9,360.00	\$ 130.00	\$ 9,360.00	\$ 130.00	\$ 9,360.00	\$ 126.00	\$ 9,072.00	\$ 115.00	\$ 8,280.00	\$ 130.00	\$ 9,360.00	
3	JD544 or equal, wheel loader w/bucket	72	HOURLY RATE	\$ 120.00	\$ 8,640.00	\$ 85.00	\$ 6,120.00	\$ 110.00	\$ 7,920.00	\$ 120.00	\$ 8,640.00	\$ 120.00	\$ 8,640.00	\$ 132.00	\$ 9,504.00	\$ 105.00	\$ 7,560.00	\$ 120.00	\$ 8,640.00	
4	JD644 or equal, wheel loader w/bucket	24	HOURLY RATE	\$ 125.00	\$ 3,000.00	\$ 95.00	\$ 2,280.00	\$ 130.00	\$ 3,120.00	\$ 130.00	\$ 3,120.00	\$ 130.00	\$ 3,120.00	\$ 150.00	\$ 3,600.00	\$ 115.00	\$ 2,760.00	\$ 130.00	\$ 3,120.00	
5	Extend-a-boom forklift w/debris grapple	12	HOURLY RATE	\$ 95.00	\$ 1,140.00	\$ 120.00	\$ 1,440.00	\$ 100.00	\$ 1,200.00	\$ 120.00	\$ 1,440.00	\$ 85.00	\$ 1,020.00	\$ 90.00	\$ 1,080.00	\$ 115.00	\$ 1,380.00	\$ 110.00	\$ 1,320.00	
6	753 Skid Steer w/debris grapple	72	HOURLY RATE	\$ 75.00	\$ 5,400.00	\$ 75.00	\$ 5,400.00	\$ 70.00	\$ 5,040.00	\$ 90.00	\$ 6,480.00	\$ 85.00	\$ 6,120.00	\$ 85.00	\$ 6,120.00	\$ 85.00	\$ 6,120.00	\$ 110.00	\$ 7,920.00	
7	753 Skid Steer Loader w/bucket	72	HOURLY RATE	\$ 70.00	\$ 5,040.00	\$ 65.00	\$ 4,680.00	\$ 70.00	\$ 5,040.00	\$ 90.00	\$ 6,480.00	\$ 85.00	\$ 6,120.00	\$ 82.00	\$ 5,904.00	\$ 85.00	\$ 6,120.00	\$ 110.00	\$ 7,920.00	
8	753 Skid Steer w/Broom	72	HOURLY RATE	\$ 75.00	\$ 5,400.00	\$ 75.00	\$ 5,400.00	\$ 84.00	\$ 6,048.00	\$ 90.00	\$ 6,480.00	\$ 85.00	\$ 6,120.00	\$ 87.00	\$ 6,264.00	\$ 85.00	\$ 6,120.00	\$ 110.00	\$ 7,920.00	
9	JD310 or equal TLB	24	HOURLY RATE	\$ 150.00	\$ 3,600.00	\$ 95.00	\$ 2,280.00	\$ 98.00	\$ 2,352.00	\$ 110.00	\$ 2,640.00	\$ 160.00	\$ 3,840.00	\$ 105.00	\$ 2,520.00	\$ 105.00	\$ 2,520.00	\$ 100.00	\$ 2,400.00	
10	30 Ton Crane	12	HOURLY RATE	\$ 150.00	\$ 1,800.00	\$ 300.00	\$ 3,600.00	\$ 205.00	\$ 2,460.00	\$ 160.00	\$ 1,920.00	\$ 250.00	\$ 3,000.00	\$ 200.00	\$ 2,400.00	\$ 360.00	\$ 4,320.00	\$ 150.00	\$ 1,800.00	
11	50 Ton Crane	8	HOURLY RATE	\$ 175.00	\$ 1,400.00	\$ 500.00	\$ 4,000.00	\$ 260.00	\$ 2,080.00	\$ 200.00	\$ 1,600.00	\$ 350.00	\$ 2,800.00	\$ 275.00	\$ 2,200.00	\$ 560.00	\$ 4,480.00	\$ 175.00	\$ 1,400.00	
12	100 Ton Crane	4	HOURLY RATE	\$ 275.00	\$ 1,100.00	\$ 800.00	\$ 3,200.00	\$ 350.00	\$ 1,400.00	\$ 300.00	\$ 1,200.00	\$ 650.00	\$ 2,600.00	\$ 400.00	\$ 1,600.00	\$ 900.00	\$ 3,600.00	\$ 220.00	\$ 880.00	
13	40' / 60' Bucket Truck	72	HOURLY RATE	\$ 175.00	\$ 12,600.00	\$ 150.00	\$ 10,800.00	\$ 180.00	\$ 12,960.00	\$ 150.00	\$ 10,800.00	\$ 250.00	\$ 18,000.00	\$ 162.00	\$ 11,664.00	\$ 125.00	\$ 9,000.00	\$ 175.00	\$ 12,600.00	
14	Water Truck (2000 Gallons)	72	HOURLY RATE	\$ 100.00	\$ 7,200.00	\$ 60.00	\$ 4,320.00	\$ 80.00	\$ 5,760.00	\$ 65.00	\$ 4,680.00	\$ 85.00	\$ 6,120.00	\$ 95.00	\$ 6,840.00	\$ 80.00	\$ 5,760.00	\$ 100.00	\$ 7,200.00	
15	Portable Light Tower (Lighting 4)	36	HOURLY RATE	\$ 65.00	\$ 2,340.00	\$ 60.00	\$ 2,160.00	\$ 20.00	\$ 720.00	\$ 30.00	\$ 1,080.00	\$ 100.00	\$ 3,600.00	\$ 29.00	\$ 1,044.00	\$ 18.00	\$ 648.00	\$ 20.00	\$ 720.00	

16	Single axle dump type truck, 5 / 12 CY	36	HOURLY RATE	\$ 85.00	\$ 3,060.00	\$ 50.00	\$ 1,800.00	\$ 56.00	\$ 2,016.00	\$ 100.00	\$ 3,600.00	\$ 100.00	\$ 3,600.00	\$ 82.00	\$ 2,952.00	\$ 65.00	\$ 2,340.00	\$ 55.00	\$ 1,980.00
17	Tandem axle dump type truck, 16 / 20 CY	36	HOURLY RATE	\$ 95.00	\$ 3,420.00	\$ 60.00	\$ 2,160.00	\$ 70.00	\$ 2,520.00	\$ 120.00	\$ 4,320.00	\$ 110.00	\$ 3,960.00	\$ 88.00	\$ 3,168.00	\$ 72.00	\$ 2,592.00	\$ 75.00	\$ 2,700.00
18	JD690 or equal track hoe w/ grapple	36	HOURLY RATE	\$ 200.00	\$ 7,200.00	\$ 95.00	\$ 3,420.00	\$ 145.00	\$ 5,220.00	\$ 150.00	\$ 5,400.00	\$ 160.00	\$ 5,760.00	\$ 208.00	\$ 7,488.00	\$ 110.00	\$ 3,960.00	\$ 130.00	\$ 4,680.00
19	JD690 or equal track hoe w/ bucket & thumb	36	HOURLY RATE	\$ 225.00	\$ 8,100.00	\$ 95.00	\$ 3,420.00	\$ 145.00	\$ 5,220.00	\$ 150.00	\$ 5,400.00	\$ 160.00	\$ 5,760.00	\$ 205.00	\$ 7,380.00	\$ 120.00	\$ 4,320.00	\$ 130.00	\$ 4,680.00
20	Excavator type hoe on rubber w/ grapple	24	HOURLY RATE	\$ 175.00	\$ 4,200.00	\$ 95.00	\$ 2,280.00	\$ 228.00	\$ 5,472.00	\$ 150.00	\$ 3,600.00	\$ 160.00	\$ 3,840.00	\$ 198.00	\$ 4,752.00	\$ 120.00	\$ 2,880.00	\$ 130.00	\$ 3,120.00
21	Hand fed debris chipper	72	HOURLY RATE	\$ 115.00	\$ 8,280.00	\$ 120.00	\$ 8,640.00	\$ 55.00	\$ 3,960.00	\$ 50.00	\$ 3,600.00	\$ 225.00	\$ 16,200.00	\$ 100.00	\$ 7,200.00	\$ 35.00	\$ 2,520.00	\$ 100.00	\$ 7,200.00
22	300 / 400 tub grinder	36	HOURLY RATE	\$ 300.00	\$ 10,800.00	\$ 600.00	\$ 21,600.00	\$ 400.00	\$ 14,400.00	\$ 200.00	\$ 7,200.00	\$ 350.00	\$ 12,600.00	\$ 425.00	\$ 15,300.00	\$ 400.00	\$ 14,400.00	\$ 450.00	\$ 16,200.00
23	Diamond Z or equal 800 / 1000 tub grinder	24	HOURLY RATE	\$ 600.00	\$ 14,400.00	\$ 1,500.00	\$ 36,000.00	\$ 750.00	\$ 18,000.00	\$ 350.00	\$ 8,400.00	\$ 600.00	\$ 14,400.00	\$ 485.00	\$ 11,640.00	\$ 600.00	\$ 14,400.00	\$ 550.00	\$ 13,200.00
24	Knuckle-boom w/ grapple self-loading dump type truck	36	HOURLY RATE	\$ 195.00	\$ 7,020.00	\$ 125.00	\$ 4,500.00	\$ 160.00	\$ 5,760.00	\$ 150.00	\$ 5,400.00	\$ 150.00	\$ 5,400.00	\$ 192.00	\$ 6,912.00	\$ 175.00	\$ 6,300.00	\$ 145.00	\$ 5,220.00
25	Trailer Type truck/ Tractor 24 / 40 CY	30	HOURLY RATE	\$ 100.00	\$ 3,000.00	\$ 100.00	\$ 3,000.00	\$ 89.00	\$ 2,670.00	\$ 140.00	\$ 4,200.00	\$ 125.00	\$ 3,750.00	\$ 88.00	\$ 2,640.00	\$ 78.00	\$ 2,340.00	\$ 75.00	\$ 2,250.00
26	Trailer Type truck/ Tractor 41 / 60 CY	30	HOURLY RATE	\$ 110.00	\$ 3,300.00	\$ 125.00	\$ 3,750.00	\$ 118.00	\$ 3,540.00	\$ 150.00	\$ 4,500.00	\$ 135.00	\$ 4,050.00	\$ 91.00	\$ 2,730.00	\$ 95.00	\$ 2,850.00	\$ 85.00	\$ 2,550.00
27	Stacking conveyor	18	HOURLY RATE	\$ 95.00	\$ 1,710.00	\$ 300.00	\$ 5,400.00	\$ 45.00	\$ 810.00	\$ 55.00	\$ 990.00	\$ 175.00	\$ 3,150.00	\$ 32.00	\$ 576.00	\$ 60.00	\$ 1,080.00	\$ 100.00	\$ 1,800.00
<b>LABOR &amp; MATERIAL - HOURLY RATES PER LINE ITEM</b>																			
1	Operating Manager	72	HOURLY RATE	\$ 80.00	\$ 5,760.00	\$ 90.00	\$ 6,480.00	\$ 79.00	\$ 5,688.00	\$ 75.00	\$ 5,400.00	\$ 110.00	\$ 7,920.00	\$ 98.00	\$ 7,056.00	\$ 96.00	\$ 6,912.00	\$ 75.00	\$ 5,400.00
2	Superintendent w/truck, phone & radio	72	HOURLY RATE	\$ 75.00	\$ 5,400.00	\$ 80.00	\$ 5,760.00	\$ 85.00	\$ 6,120.00	\$ 65.00	\$ 4,680.00	\$ 90.00	\$ 6,480.00	\$ 82.00	\$ 5,904.00	\$ 82.00	\$ 5,904.00	\$ 65.00	\$ 4,680.00
3	Foreman w/truck, phone & radio	72	HOURLY RATE	\$ 65.00	\$ 4,680.00	\$ 75.00	\$ 5,400.00	\$ 85.00	\$ 6,120.00	\$ 55.00	\$ 3,960.00	\$ 80.00	\$ 5,760.00	\$ 52.00	\$ 3,744.00	\$ 78.00	\$ 5,616.00	\$ 55.00	\$ 3,960.00
4	Safety/quality control inspector w/vehicle, phone & radio	72	HOURLY RATE	\$ 75.00	\$ 5,400.00	\$ 75.00	\$ 5,400.00	\$ 85.00	\$ 6,120.00	\$ 65.00	\$ 4,680.00	\$ 85.00	\$ 6,120.00	\$ 75.00	\$ 5,400.00	\$ 96.00	\$ 6,912.00	\$ 65.00	\$ 4,680.00
5	Inspector w/vehicle, phone & radio	72	HOURLY RATE	\$ 73.00	\$ 5,256.00	\$ 65.00	\$ 4,680.00	\$ 70.00	\$ 5,040.00	\$ 65.00	\$ 4,680.00	\$ 70.00	\$ 5,040.00	\$ 75.00	\$ 5,400.00	\$ 78.00	\$ 5,616.00	\$ 55.00	\$ 3,960.00
6	Climber w/gear	72	HOURLY RATE	\$ 70.00	\$ 5,040.00	\$ 100.00	\$ 7,200.00	\$ 90.00	\$ 6,480.00	\$ 90.00	\$ 6,480.00	\$ 90.00	\$ 6,480.00	\$ 58.00	\$ 4,176.00	\$ 68.00	\$ 4,896.00	\$ 90.00	\$ 6,480.00
7	Chain & Hand Saw Operator	72	HOURLY RATE	\$ 44.00	\$ 3,168.00	\$ 50.00	\$ 3,600.00	\$ 60.00	\$ 4,320.00	\$ 40.00	\$ 2,880.00	\$ 45.00	\$ 3,240.00	\$ 28.00	\$ 2,016.00	\$ 48.00	\$ 3,456.00	\$ 31.00	\$ 2,232.00
8	Laborer & Flagman	72	HOURLY RATE	\$ 42.00	\$ 3,024.00	\$ 50.00	\$ 3,600.00	\$ 38.00	\$ 2,736.00	\$ 35.00	\$ 2,520.00	\$ 37.00	\$ 2,664.00	\$ 28.00	\$ 2,016.00	\$ 36.00	\$ 2,592.00	\$ 31.00	\$ 2,232.00
9	Haz-Mat Professional	36	HOURLY RATE	\$ 118.00	\$ 4,248.00	\$ 200.00	\$ 7,200.00	\$ 98.50	\$ 3,546.00	\$ 150.00	\$ 5,400.00	\$ 85.00	\$ 3,060.00	\$ 75.00	\$ 2,700.00	\$ 96.00	\$ 3,456.00	\$ 150.00	\$ 5,400.00
10	Certified Arborist	36	HOURLY RATE	\$ 120.00	\$ 4,320.00	\$ 150.00	\$ 5,400.00	\$ 118.00	\$ 4,248.00	\$ 150.00	\$ 5,400.00	\$ 125.00	\$ 4,500.00	\$ 75.00	\$ 2,700.00	\$ 78.00	\$ 2,808.00	\$ 150.00	\$ 5,400.00
11	Project Manager / Haz-Mat Professional	36	HOURLY RATE	\$ 118.00	\$ 4,248.00	\$ 280.00	\$ 10,080.00	\$ 126.00	\$ 4,536.00	\$ 150.00	\$ 5,400.00	\$ 95.00	\$ 3,420.00	\$ 98.00	\$ 3,528.00	\$ 78.00	\$ 2,808.00	\$ 150.00	\$ 5,400.00
<b>EMERGENCY POWER GENERATORS &amp; SUPPORT EQUIPMENT</b>																			
1	5 kw Portable/Mobile Generator	10	DAY (12 hours)	\$ 145.00	\$ 1,450.00	\$ 250.00	\$ 2,500.00	\$ 400.00	\$ 4,000.00	\$ 200.00	\$ 2,000.00	\$ 200.00	\$ 2,000.00	\$ 110.00	\$ 1,100.00	\$ 168.00	\$ 1,680.00	\$ 150.00	\$ 1,500.00
2	10 kw Portable/Mobile Generator	10	DAY (12 hours)	\$ 155.00	\$ 1,550.00	\$ 350.00	\$ 3,500.00	\$ 600.00	\$ 6,000.00	\$ 250.00	\$ 2,500.00	\$ 275.00	\$ 2,750.00	\$ 165.00	\$ 1,650.00	\$ 192.00	\$ 1,920.00	\$ 160.00	\$ 1,600.00
3	20 kw Portable/Mobile Generator	8	DAY (12 hours)	\$ 195.00	\$ 1,560.00	\$ 600.00	\$ 4,800.00	\$ 700.00	\$ 5,600.00	\$ 300.00	\$ 2,400.00	\$ 340.00	\$ 2,720.00	\$ 142.00	\$ 1,136.00	\$ 240.00	\$ 1,920.00	\$ 200.00	\$ 1,600.00
4	40 kw Portable/Mobile Generator	8	DAY (12 hours)	\$ 400.00	\$ 3,200.00	\$ 800.00	\$ 6,400.00	\$ 750.00	\$ 6,000.00	\$ 400.00	\$ 3,200.00	\$ 400.00	\$ 3,200.00	\$ 245.00	\$ 1,960.00	\$ 288.00	\$ 2,304.00	\$ 375.00	\$ 3,000.00
5	60 kw Portable/Mobile Generator	5	DAY (12 hours)	\$ 415.00	\$ 2,075.00	\$ 900.00	\$ 4,500.00	\$ 850.00	\$ 4,250.00	\$ 500.00	\$ 2,500.00	\$ 425.00	\$ 2,125.00	\$ 285.00	\$ 1,425.00	\$ 336.00	\$ 1,680.00	\$ 425.00	\$ 2,125.00
6	80 kw Portable/Mobile Generator	5	DAY (12 hours)	\$ 450.00	\$ 2,250.00	\$ 1,200.00	\$ 6,000.00	\$ 998.00	\$ 4,990.00	\$ 600.00	\$ 3,000.00	\$ 460.00	\$ 2,300.00	\$ 325.00	\$ 1,625.00	\$ 360.00	\$ 1,800.00	\$ 450.00	\$ 2,250.00
7	100 kw Portable/Mobile Generator	2	DAY (12 hours)	\$ 500.00	\$ 1,000.00	\$ 1,300.00	\$ 2,600.00	\$ 1,190.00	\$ 2,380.00	\$ 700.00	\$ 1,400.00	\$ 480.00	\$ 960.00	\$ 395.00	\$ 790.00	\$ 408.00	\$ 816.00	\$ 525.00	\$ 1,050.00
8	120 kw Portable/Mobile Generator	2	DAY (12 hours)	\$ 545.00	\$ 1,090.00	\$ 1,600.00	\$ 3,200.00	\$ 1,200.00	\$ 2,400.00	\$ 800.00	\$ 1,600.00	\$ 970.00	\$ 1,940.00	\$ 460.00	\$ 920.00	\$ 456.00	\$ 912.00	\$ 550.00	\$ 1,100.00
9	Satellite Phone for use by the Town to coordinate operations during failure of other communication systems	10	DAY (12 hours)	\$ 250.00	\$ 2,500.00	\$ 100.00	\$ 1,000.00	\$ 224.00	\$ 2,240.00	\$ 100.00	\$ 1,000.00	\$ 250.00	\$ 2,500.00	\$ 20.00	\$ 200.00	\$ 100.00	\$ 1,000.00	\$ 0.00	\$ -
10	Portable Trailer Mounted Air Conditioning Units (5 Ton/63,500 BTU)	30	DAY (12 hours)	\$ 1,475.00	\$ 44,250.00	\$ 1,200.00	\$ 36,000.00	\$ 700.00	\$ 21,000.00	\$ 700.00	\$ 21,000.00	\$ 750.00	\$ 22,500.00	\$ 1,000.00	\$ 30,000.00	\$ 500.00	\$ 15,000.00	\$ 1,500.00	\$ 45,000.00
11	Portable Trailer Mounted Air Conditioning Unit (12 Ton/24,000 BTU)	30	DAY (12 hours)	\$ 2,050.00	\$ 61,500.00	\$ 1,300.00	\$ 39,000.00	\$ 1,087.00	\$ 32,610.00	\$ 900.00	\$ 27,000.00	\$ 1,250.00	\$ 37,500.00	\$ 1,200.00	\$ 36,000.00	\$ 750.00	\$ 22,500.00	\$ 2,250.00	\$ 67,500.00

12	Portable Server Cooler (2 Ton/24,000 BTU)	30	DAY (12 hours)	\$ 1,900.00	\$ 57,000.00	\$ 600.00	\$ 18,000.00	\$ 648.00	\$ 19,440.00	\$ 600.00	\$ 18,000.00	\$ 300.00	\$ 9,000.00	\$ 450.00	\$ 13,500.00	\$ 500.00	\$ 15,000.00	\$ 2,000.00	\$ 60,000.00
13	Portable Server Cooler (3 Ton/36,000 BTU)	30	DAY (12 hours)	\$ 1,750.00	\$ 52,500.00	\$ 800.00	\$ 24,000.00	\$ 700.00	\$ 21,000.00	\$ 800.00	\$ 24,000.00	\$ 400.00	\$ 12,000.00	\$ 500.00	\$ 15,000.00	\$ 600.00	\$ 18,000.00	\$ 2,750.00	\$ 82,500.00

Total Amount of Proposal				\$ 16,890.00	\$ 897,659.00	\$ 32,237.00	\$ 747,130.00	\$ 48,866.75	\$ 597,802.50	\$ 23,753.00	\$ 570,750.00	\$ 26,053.41	\$ 469,329.00	\$ 12,568.90	\$ 506,554.00	\$ 13,734.00	\$ 427,648.00	\$ 17,363.70	\$ 901,069.00
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Total Amount of Proposal (AS PER BID FORM - IF DIFFERENT)														\$ 12,068.90		No bid amount given			
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ATTACHMENT "C"

Analysis Utilizing the

USACE Model

Provided by Bergeron

*Bergeron Emergency Services, Inc.*

**RFP No. 15-02**

**Emergency Debris Services**

**RFP#15-02 Emergency Debris Removal**  
Analysis Utilizing the USAE Model Provided by Bergeron, Inc.

		Bergeron Emergency Services			DRC Emergency Services Inc			Phillips & Jordan, Inc.		
Bid amount utilizing Town's Engineering Value Analysis		\$901,069.00			\$469,329.00			\$427,648.00		
Bid Unit Cost Line Item 11 (Based on 5,000 CY Town Scenario )		\$8.35	\$41,760.00		\$8.48	\$42,400.00		\$11.00	\$55,000.00	
<b>Total A</b>		<b>\$859,309.00</b>			<b>\$426,929.00</b>			<b>\$372,648.00</b>		
Storm Strength	Cubic Yards of Debris Estimated via USACE Model	Bid Unit Cost	Total B	Total A+B	Bid Unit Cost	Total B	Total A+B	Bid Unit Cost	Total B	Total A+B
Category 1 Light	31,772.00	\$8.35	\$265,296.20	\$1,124,615.20	\$8.48	\$269,426.56	\$696,355.56	\$11.00	\$349,492.00	\$722,140.00
Category 1 Medium	45,059.00	\$8.35	\$376,242.65	\$1,235,561.65	\$8.48	\$382,100.32	\$809,029.32	\$11.00	\$495,649.00	\$868,297.00
Category 1 heavy	73,221.00	\$8.35	\$611,395.35	\$1,470,714.35	\$8.48	\$620,914.08	\$1,047,843.08	\$11.00	\$805,431.00	\$1,178,079.00
Category 2 Light	127,090.00	\$8.35	\$1,061,201.50	\$1,920,520.50	\$8.48	\$1,077,723.20	\$1,504,652.20	\$11.00	\$1,397,990.00	\$1,770,638.00
Category 2 Medium	180,236.00	\$8.35	\$1,504,970.60	\$2,364,289.60	\$8.48	\$1,528,401.28	\$1,955,330.28	\$11.00	\$1,982,596.00	\$2,355,244.00
Category 2 Heavy	292,884.00	\$8.35	\$2,445,581.40	\$3,304,900.40	\$8.48	\$2,483,656.32	\$2,910,585.32	\$11.00	\$3,221,724.00	\$3,594,372.00
Category 3 Light	413,041.00	\$8.35	\$3,448,892.35	\$4,308,211.35	\$8.48	\$3,502,587.68	\$3,929,516.68	\$11.00	\$4,543,451.00	\$4,916,099.00
Category 3 Medium	585,768.00	\$8.35	\$4,891,162.80	\$5,750,481.80	\$8.48	\$4,967,312.64	\$5,394,241.64	\$11.00	\$6,443,448.00	\$6,816,096.00
Category 3 Heavy	951,872.22	\$8.35	\$7,948,133.04	\$8,807,452.04	\$8.48	\$8,071,876.43	\$8,498,805.43	\$11.00	\$10,470,594.42	\$10,843,242.42
Category 4 Light	794,310.00	\$8.35	\$6,632,488.50	\$7,491,807.50	\$8.48	\$6,735,748.80	\$7,162,677.80	\$11.00	\$8,737,410.00	\$9,110,058.00
Category 4 Medium	1,126,476.00	\$8.35	\$9,406,074.60	\$10,265,393.60	\$8.48	\$9,552,516.48	\$9,979,445.48	\$11.00	\$12,391,236.00	\$12,763,884.00
Category 4 Heavy	1,830,523.50	\$8.35	\$15,284,871.23	\$16,144,190.23	\$8.48	\$15,522,839.28	\$15,949,768.28	\$11.00	\$20,135,758.50	\$20,508,406.50
Category 5 Light	1,270,896.00	\$8.35	\$10,611,981.60	\$11,471,300.60	\$8.48	\$10,777,198.08	\$11,204,127.08	\$11.00	\$13,979,856.00	\$14,352,504.00
Category 5 Medium	1,802,361.60	\$8.35	\$15,049,719.36	\$15,909,038.36	\$8.48	\$15,284,026.37	\$15,710,955.37	\$11.00	\$19,825,977.60	\$20,198,625.60
Category 5 Heavy	2,928,837.60	\$8.35	\$24,455,793.96	\$25,315,112.96	\$8.48	\$24,836,542.85	\$25,263,471.85	\$11.00	\$32,217,213.60	\$32,589,861.60
<b>Total</b>		<b>\$116,883,590.14</b>			<b>\$112,016,805.37</b>			<b>\$142,587,547.12</b>		
<b>Average</b>		<b>\$7,792,239.34</b>			<b>\$7,467,787.02</b>			<b>\$9,505,836.47</b>		

\*\*Note: USAE Model does not account for the increase of any of the additional line items which account for time, labor and materials to process the additional cubic yards of debris for any category storm strength, thereby the above analysis is unrealistic.



ATTACHMENT "D"

Volume to Weight

Conversion Chart

*Bergeron Emergency Services, Inc.*

**RFP No. 15-02**

**Emergency Debris Services**

## VOLUME-TO-WEIGHT CONVERSION FACTORS

Materials:	Volume *	Weight in Pounds *
<b>PAPER:</b>		
Mixed Paper Grades/Junk Mail, loose	One cubic yard	875
Corrugated Cardboard (OCC), baled	One cubic yard	1,100
Corrugated Cardboard (OCC), baled	30" x 60" x 48"	900
Corrugated Cardboard (OCC) , compacted	One cubic yard	500
Corrugated Cardboard (OCC), flattened, loose	40 cubic yard roll-off	2000
Newsprint (ONP), loose	One cubic yard	600
Newsprint (ONP), compacted	One cubic yard	860
Newsprint (ONP)	12" stack	35
Office paper	40" x 48" x 40"	650)
Office paper	One cubic yard	400
Phone Books	12" stack	25
<b>CONTAINERS:</b>		
Mixed PET, dairy, whole loose	One cubic yard	30 (Average)
Mixed PET, dairy & other rigid, whole, loose	One cubic yard	40 (Average)
PET (soda bottles), whole, loose	One cubic yard	35
PET (soda bottles), whole, loose	Gaylord	45
PET (soda bottles), whole, baled	30" x 48" x 60"	600
HDPE (dairy only), baled	30" x 48" x 60"	650
HDPE (mixed), baled	30" x 48" x 60"	750
HDPE (whole) uncompactd	One cubic yard	24
HDPE (whole) compactd	One cubic yard	270
Aluminum Containers, whole	One cubic yard	62
Aluminum Containers, flattened	One cubic yard	250
Steel Cans, whole	One cubic yard	150
Steel Cans, flattened	One cubic yard	850
Glass Whole Containers	One cubic yard	1,000
Glass Whole Container	Full grocery bag	15
<b>OTHER MATERIALS</b>		
Scrap Metal	One cubic yard	225
Scrap Metal--Used Major Appliances (average of all types and brands)	One appliance	150
Pallets	One, average size	35
Pallets	Five cubic yards	2000
Electronic Scrap	CRT (Computer Monitor)	50
Electronic Scrap	TV	90
Plastic Film, baled	30" x 42" x 48"	1,100
Plastic Film, baled	semi-trailer load	44,000
Other Plastics:		
Mixed rigid, no film, granulated	Gaylord	750
Mixed rigid and densified by mixed plastic mold technology	One cubic foot	average 60
PS, granulated or peanuts	One cubic yard	9
Household Hazardous Waste	One gallon	10
Latex Paint	One gallon	10.9
Mixed Textiles, loose	One cubic yard	240
Mixed Textiles, baled	One cubic yard	480
Mixed Textiles, baled	31" x 45" x 60"	885
Carpet Padding	One cubic yard	62
* Formula for converting cubic yards to tons: # of cubic yards x weight in pounds ÷ 2000 pounds = tons		

## VOLUME-TO-WEIGHT CONVERSION FACTORS

Materials:	Volume *	Weight in Pounds *
<b>MIXED MUNICIPAL SOLID WASTE (MSW)</b>		
MSW, (uncompacted)	One cubic yard	150-300 (225 Average)
MSW, (compacted in truck)	One cubic yard	500-1,000
MSW, compacted in packer truck	3.3 cubic yards	2000 (Average)
<b>C &amp; D; Clean Fill</b>		
Concrete	One cubic yard	860
Asphalt Paving	One cubic yard	773
Brick, Ceramic, Porcelain	One cubic yard	860
Roofing	One cubic yard	731
Wood	One cubic yard	169
<b>SPECIAL WASTE</b>		
Industrial Waste (Similar to MSW and C & D categories)		
Friable Asbestos/other Regulated Asbestos (Similar different type of C & D)	One cubic yard	Varies
Infectious Waste (Similar to MSW categories)		
Ash	One cubic yard	945-1080
PCS (Petroleum Contaminated Soils)	One cubic yard	929
Offal (animal and fish scraps)	One cubic yard	1350
Sewage Sludge dry	One cubic yard	945
Sewage Sludge wet	One cubic yard	1215
Other Sludges (dry-wet)	One cubic yard	945-1215
<b>Other Materials</b>		
Vegetative--Food Waste	One cubic yard	1,070
Yard Waste, raw, mulched (either for composting or land application)	One cubic yard	350
Yard Waste, finished compost	One cubic yard	1,400
Brush, loose	One cubic yard	300
Scrap Tire-Passenger**	One passenger	22.5
Scrap Tire-Truck**	One truck tire	60
Used Motor Oil***	One gallon	8
Antifreeze***	One gallon	8
Lead Acid Batteries****	One vehicle battery	40

\* **Formula for converting cubic yards to tons:**

# of cubic yards x weight in pounds ÷ 2000 pounds = tons

\*\***Formula for converting tires to tons:**

# of tires x weight in pounds ÷ 2000 pounds = tons

\*\*\***Formula for converting gallons to tons:**

# of gallons x weight in pounds ÷ 2000 pounds = tons

\*\*\*\***Formula for converting # of Lead Acid Batteries to tons:**

# of batteries x weight in pounds ÷ 2000 pounds = tons

\*\* Gaylord size most commonly used in 40" x 48" x 36"; weight of empty Gaylord approx. 45 pounds

One cubic foot = 7.5 gallons or 1728 cubic inches

One cubic yard = 36" x 36" x 36" or 46,656 cubic inches

One cubic yard = 202 gallons or 27 cubic feet

18 bushel hamper = 0.83 cubic yards

SOURCES: National Recycling Coalition Measurement Standards and Reporting Guidelines; EPA; FEECO and CIWMB 2006



ATTACHMENT "E"

State of Louisiana

Hurricane Katrina

CRS Report Congress

*Bergeron Emergency Services, Inc.*

**RFP No. 15-02**

**Emergency Debris Services**

# CRS Report for Congress

## Disaster Debris Removal After Hurricane Katrina: Status and Associated Issues

Updated April 2, 2008

Linda Luther  
Analyst in Environmental Policy  
Resources, Science, and Industry Division



Prepared for Members and  
Committees of Congress

## CRS-3

1992. That storm created debris over a 500-square-mile area and generated 43 million cubic yards (CY) of debris in Florida's Metro-Dade County.<sup>4</sup> By comparison, Hurricane Katrina created disaster debris across a 90,000-square-mile disaster area. To date, disaster debris totals are estimated at —

- 3.4 million CY in Alabama,
- 45.8 million CY in Mississippi, and
- 64.3 million CY in Louisiana (this total includes debris from Hurricane Rita).

Hurricane Katrina is also unique because of the type of waste generated. Generally, “disaster debris” includes waste materials created as the result of a man-made or natural disaster, such as an earthquake, flood, hurricane, or terrorist attack. Debris created from flooding is often quite different from debris created from an earthquake or storm. Disaster debris from Hurricane Katrina involves two types of waste — waste generated immediately during and after the storm (e.g., from high winds and flooding related to rainfall and coastal storm surge) and extensive flooding related to the levee failure in New Orleans (resulting in deep flood waters that left some areas submerged for weeks).

The primary types of disaster debris being removed in the wake of Hurricane Katrina fall into the following categories:

- Municipal solid waste — general household trash and personal belongings.
- Construction and demolition (C&D) debris — building materials (which may include asbestos-containing materials), drywall, lumber, carpet, furniture, mattresses, plumbing.
- Vegetative debris — trees, branches, shrubs, and logs.
- Household hazardous waste — oil, pesticides, paints, cleaning agents.
- White goods — refrigerators, freezers, washers, dryers, stoves, water heaters, dishwashers, air conditioners.
- Electronic waste — computers, televisions, printers, stereos, DVD players, telephones.

The unique nature of debris generated as a result of the New Orleans flooding is illustrated in **Table 1**, which lists specific types of waste identified by the Louisiana Department of Environmental Quality (LDEQ), EPA, and the Corps that have been generated in Louisiana. (For more detail regarding the types of disaster debris being removed in the wake of Hurricane Katrina and some of the issues or concerns associated with its removal, see **Table A-1** in the **Appendix**. Also, selected issues associated with debris removal are discussed in more detail in the “Factors Complicating Debris Removal” section, below.)

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<sup>4</sup> By comparison, the disaster debris generated after the September 11, 2001, terrorist attacks on New York City was approximately 1.4 million tons (2.8 million CY).

CRS-4

**Table 1. Debris Amounts Collected in Louisiana for Individual Types of Waste**

Type of Waste	Amount	Comments
Curbside debris	53,001,628 CY	These amounts reflect the total waste picked up curbside and from private properties in the New Orleans area and include all categories of waste being picked up by the U.S. Army Corp of Engineers and local governments (see the discussion of governmental agency roles, below); it does not include waste that is to be generated as a result of demolition activities and rebuilding efforts.
White goods	891,996 units	This total also includes white goods generated as a result of Hurricane Rita.
Freon removal	324,595 units	Freon is removed from freezers, refrigerators, and air conditioners and sent to local vendors for recycling.
Electronic goods	602,711 units	Electronic goods can usually be recycled, but such waste generated in the New Orleans area is likely damaged beyond repair by flood waters.
Waste containers	3,739,866 containers	Louisiana DEQ identifies "waste containers" as drums, propane tanks, large and small containers, and vehicle fuel tanks; these containers may also be counted under curbside debris totals.
Hazardous waste	16,114,493 lbs.	This total represents waste collected at HHW drop-off points or through curbside collection and removal; some waste in this category may also be counted under the "Curbside debris" totals, above.
Non-hazardous waste	3,645,023 lbs.	See comment for "Hazardous waste."

**Source:** Table prepared by the Congressional Research Service (CRS) based on a review of data from LDEQ, available at [<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2402>].

In addition to debris totals reported by LDEQ (listed in **Table 1**), the Corps reported that it removed 36 million pounds of rotten meat and other food from several large commercial cold storage facilities from the New Orleans area. Also, LDEQ reported that more than 350,000 cars and 60,000 vessels (e.g., fishing and pleasure boats) were damaged or destroyed and abandoned.<sup>5</sup>

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<sup>5</sup> LDEQ "State of Louisiana Comprehensive Plan for Disaster Clean-up and Debris Management," July 2006, p. 1.