



ERIE COUNTY OFFICE

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

January 10, 2020

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Selection of Household Hazardous Waste (HHW) and Conditionally Exempt  
Small Quantity Generator (CESQG) Contractor**

Dear Honorable Members:

Please find enclosed a resolution from the Department of Environment and Planning seeking legislative authorization for the contracting of Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) Contractor Services.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Bonnie Lawrence at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mw  
Enclosure

cc: Thomas R. Hersey, Jr., Commissioner, Environment and Planning  
Bonnie Lawrence, Deputy Commissioner, Environment and Planning

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Selection of Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) Contractor  
**Date:** January 10, 2020

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### **SUMMARY**

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning (DEP) to authorize the County Executive or the Deputy County Executive to enter into a contract with MXI Environmental Services, LLC (MXI), the selected Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) Services Contractor.

Erie County issued and publicly advertised and posted an RFP for professional HHW services on October 4, 2019. Four proposals were received by the November 7, 2019 deadline from the following companies; CARE Environmental (CARE); MXI Environmental Services, LLC (MXI); Clean Harbors (CH); and The Environmental Service Group (ESG). The County initiated a selection process for evaluation of the Household Hazardous Waste services proposals. A Proposal Selection Committee was established and the four members reviewed, scored and ranked all four proposals received, prior to opening pricing envelopes. Subsequent to ranking of the proposals, the bid prices were opened and assigned to the respective proposal. The selection committee focused primarily upon the quality of the proposal and qualifications of the firm.

This led to the recommendation of MXI Environmental Services, LLC (MXI) as the best quality and value for the program.

A table showing the scores assigned to each of the proposals by the Proposal Selection Committee is attached.

### **FISCAL IMPLICATIONS**

Funding of \$120,000 has been established within the 2020 Adopted Budget for such HHW services. In addition, Erie County would realize a fiscal benefit from up to fifty percent New York State reimbursement for expenses associated with the collection and disposal of household hazardous waste.

### **REASONS FOR RECOMMENDATION**

The Erie County Household Hazardous Waste Collection Program provides residents with the opportunity for proper disposal of unwanted hazardous household chemicals. The Program protects the environment and improves home safety. Application for State assistance increases the fiscal sustainability of the program.

Furthermore, the need for a regional HHW program has been expressed by municipalities and the public, and is part of the County's Shared Services plan.

### **BACKGROUND INFORMATION**

Erie County provides single-day HHW collection events multiple times annually at no charge to participating residents. The HHW Program has been in existence since 1988 and since then has serviced well over 60,000 households. Historically, participation rates have averaged over 850 households per event, with a peak of 1,600 households served over a five-hour period. Participation in the program reduces the amount of hazardous chemical products stored in homes, reducing fire and poisoning risk, improving first responder and sanitation worker safety, while also protecting the environment. Up to five collection events are anticipated for 2020.

### **CONSEQUENCES OF NEGATIVE ACTION**

The County would no longer be able to provide residents with safe and proper disposal options for Household Hazardous Wastes resulting in an increased amount of hazardous chemical products stored in homes, increasing fire and poisoning risk, reducing first responder and sanitation worker safety, and potentially increasing the likelihood of these dangerous wastes entering the environment. In addition, Erie County would forfeit the State Aid funding available to offset costs associated with the Household Hazardous Waste Collection Program.

### **STEPS FOLLOWING APPROVAL**

The necessary contracts with MXI Environmental Services, LLC will be executed, and a schedule of HHW collection events for 2020 will be established.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Selection of Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) Contractor

WHEREAS, Erie County has a Household Hazardous Waste (HHW) Collection Program to provide residents with a safe, effective, and cost-free opportunity to dispose of household generated hazardous waste; and

WHEREAS, Erie County also organizes Conditionally Exempt Small Quantity Generator (CESQG) collections to service municipalities, small businesses and school districts enabling them to access low-cost hazardous waste disposal without a cost to the County; and

WHEREAS, every year, Erie County hosts periodic household hazardous waste events to properly dispose of chemicals that pose a health and safety hazard and might otherwise contaminate our water, land, or air; and

WHEREAS, these events service approximately 2,000 households per year and 30 CESQG participants; and

WHEREAS, Erie County would realize a fiscal benefit from up to fifty percent New York State reimbursement for expenses associated with the collection and disposal of household hazardous waste; and

WHEREAS, the Department of Environment and Planning (DEP) issued a Request for Proposals (RFP) on October 4, 2019 seeking proposals from qualified firms interested in providing Erie County with HHW and CESQG Collection and Management Services; and

WHEREAS, the following four (4) firms submitted proposals by the November 7, 2019 RFP deadline: CARE Environmental (CARE); MXI Environmental Services, LLC (MXI); Clean Harbors (CH); and The Environmental Service Group (ESG); and

WHEREAS, Erie County assembled a Proposal Selection Committee, which has conducted a review and selection process for the proposals that have been received to conduct the Study; and

WHEREAS, considering the scope of specified services, and the results from the tallied matrix, it was the unanimous recommendation of the Committee members to award the contract to MXI.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to enter into a contract with MXI Environmental Services, LLC (MXI) to provide Erie County with HHW and CESQG Collection and Management Services; and be it further

RESOLVED, funding is provided within the Hazardous Waste Days Account # 517629 in Fund 110; Funds Center 16200 for HHW services for 2020; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.



**COUNTY OF ERIE**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**DIVISION OF ENVIRONMENTAL COMPLIANCE**  
**\*\* MEMORANDUM \*\***

MARK C. POLONCARY  
COUNTY EXECUTIVE  
THOMAS R. HERSHEY  
COMMISSIONER  
BONNIE LAWRENCE  
DEPUTY COMMISSIONER

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**FROM:** Bonnie Lawrence – Deputy Commissioner  
**TO:** Maria Whyte – Deputy County Executive  
**DATE:** December 5, 2019  
**RE:** Selection of Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) Contractor

Erie County has provided single-day household hazardous waste (HHW) collection events for residents since 1988. In an effort to increase resident satisfaction with the HHW service, five events were held in locations throughout the County in 2019, as opposed to two events in 2018, and a reservation system was established to control wait time, total participation, and costs. The scheduling of five collection events is anticipated for 2020. The events will be conducted at a New York State Department of Environmental Conservation approved site. Residents will be asked to bring specific acceptable wastes in original labeled containers for disposal.

Erie County also holds two Conditionally Exempt Small Quantity Generator (CESQG) collection events for municipalities, school districts, and small businesses. These events provide an opportunity for these entities to properly dispose of hazardous waste at a reasonable cost due to economies of scale. The CESQG events are held the day before selected HHW events and are cost neutral to the County.

The Department of Environment and Planning (DEP) issued a Request for Proposals (RFP) on October 4, 2019 seeking proposals from qualified firms interested in providing Erie County with HHW and CESQG Collection and Management Services. The RFP provided directions to prospective respondents and instructed each to include a cost proposal in a separately sealed envelope. The Scope of Services detailed in the RFP specified technical, procedural and other requirements. The scoring methodology was included in the RFP. DEP advertised a notice of the RFP in the Amherst Bee and the Buffalo Challenger News. The RFP was also placed on the Erie County Purchasing website on October 4, 2019.

Answers to questions submitted by interested contractors were compiled and posted on the Erie County Purchasing website on October 24 as per the schedule stated in the RFP.

The following four (4) firms submitted proposals by the November 7, 2019 RFP deadline: CARE Environmental (CARE); MXI Environmental Services, LLC (MXI); Clean Harbors (CH); and The Environmental Service Group (ESG). A Selection Committee of four (4) members was assembled to review and evaluate all submitted proposals using the established scoring matrix. The Selection Committee consisted of the following evaluators, each of whom has an appropriate level of experience in the proposal's subject matter: John Hood, Chair (Chief Environmental Compliance Specialist), Andrew Goldstein (Environmental Compliance Specialist), Gary Carrel (Solid Waste Recycling Specialist), and Amy Alduino (Recycling Coordinator). A full set of proposals from all qualified respondents was assembled and made available to all members of the Selection Committee. Prior to taking part in the selection process, each evaluator completed and signed a County of Erie Conflict of Interest Disclosure Statement, and no conflicts of interest

were identified. Cost data were not made available to the Selection Committee prior to the initial scoring.

The evaluation criteria were as follows:

- Compliance with RFP requirements
- Demonstrative experience and ability to fulfill the requirements contained in the RFP
- Qualifications and resumes of team personnel, including sub-contractors
- Staff availability to perform tasks, including experience and ability to have a fixed number of staff dedicated to provide services
- Proposed plan and methodology to achieve desired results
- Record of performance, references and other factors which the County considers relevant
- MWBE Participation and Approach
- Workforce Diversity Among Project Team, and
- Total Cost of an average single-day HHW collection event.

Committee members individually reviewed and scored the proposals on all factors except price. Those scores were tabulated by the Selection Committee Chair, who subsequently provided the pricing information to the committee members.

Based on the tallied scores from the Selection Committee's evaluation of qualifications, the firms were ranked as follows (from highest to lowest):

- 1- MXI Environmental Services, LLC (MXI);
- 2- Clean Harbors (CH);
- 3- CARE Environmental (CARE);
- 4- The Environmental Service Group (ESG)

The pricing for the Scope of Services detailed in the RFP was based on the estimated cost of a typical 600 participant event and the supplied per unit pricing for the collection and disposal of the variety of HHW materials specified in the proposal. The calculated pricing for the Scope of Services detailed in the RFP were estimated as follows (lowest to highest):

- 1- CARE \$26,885
- 2- MXI \$38,775
- 3- CH \$47,129
- 4- ESG \$57,660

Although CARE provided the lowest cost bid, their performance during the past year's HHW events was deficient in several ways including late setup, insufficient staff, and observed health and safety issues. These deficiencies were documented in an August 10, 2019 email from DEP Chief Environmental Compliance Specialist, John Hood to CARE's project manager, with a copy provided to the Eric County Purchasing Department.

On November 19, 2019, the Selection Committee met. Considering the scope of specified services, and the results from the tallied matrix, it was the unanimous recommendation of the Committee members to award the contract to MXI. The tallied results of the matrix placed Clean Harbors as the second-place bidder.

**ERIE COUNTY DIVISION ENVIRONMENTAL COMPLIANCE**  
**Household Hazardous Waste (HHW) and**  
**Conditionally Exempt Small Quantity Generator (CESQG)**  
**Collection and Management Services.**  
**PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY**

Mark C. Polonatz, Esq.  
 COUNTY EXECUTIVE

Thomas Hershey  
 COMMISSIONER

Bonnie Lawrence  
 DEPUTY COMMISSIONER



Rater	Proposer			
	MXI	Clean Harbors	ESG	CARE
Reviewer 1	#1	#2	#4	#3
Reviewer 2	#1	#2	#3	#4
Reviewer 3	#1	#4	#3	#2
Reviewer 4	#1	#2	#3	#4
Average Qualifications Scoring	65.0	49.0	40.0	41.0
QUALIFICATIONS RANKING	#1	#2	#4	#3
Total Cost	\$ 38,775.00	\$ 47,129.00	\$ 57,660.00	\$ 26,885.00
FINAL RANKING	1	2	4	3

It is my opinion in recommending MXI, the Erie County Department of Environment and Planning (DEP) has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the DEP offices during regular business hours.

*Maria Whyte* 12/16/19  
 Maria Whyte, Deputy County Executive  
 Erie County Department of Environment and Planning