



City of Arts & Innovation

**REVISED**

Date: 11-7-23

Item No.: 29

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL                      DATE: NOVEMBER 7, 2023**

**FROM: PUBLIC WORKS DEPARTMENT                                      WARDS: ALL**

**SUBJECT: PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH RECREATE WASTE COLLABORATIVE LLC, OF LONG BEACH, CALIFORNIA, FOR SUPPORT OF THE JURISDICTION WITH IMPLEMENTING THE EDIBLE FOOD RECOVERY PROGRAM TO REACH COMPLIANCE WITH SB 1383 REGULATIONS, FOR A TERM FROM NOVEMBER 15, 2023, THROUGH DECEMBER 31, 2028, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$299,999**

**ISSUE:**

Approve a Professional Consultant Services Agreement with ReCREATE Waste Collaborative LLC, of Long Beach, California, for support of Edible Food Recovery Program implementation for a term from November 15, 2023, through December 31, 2028, for a total not to exceed amount of \$299,999.

**RECOMMENDATIONS:**

That the City Council:

1. Approve the Professional Consultant Services Agreement with ReCREATE Waste Collaborative LLC, of Long Beach, California, to help implement the Edible Food Recovery Program to reach compliance with SB 1383 Regulations, for a term from November 15, 2023 through December 31, 2028, for a total not to exceed contract amount of \$299,999; and
2. Authorize the City Manager, or designee, to execute the Professional Consultant Services Agreement, including making minor and non-substantive changes.

**LEGISLATIVE HISTORY:**

In 2016, the State of California passed Senate Bill (SB) 1383, California’s Short-Lived Climate Pollutant Reduction Strategy, which aims to reduce methane and other greenhouse gas (GHG) emissions statewide. To meet this goal, the bill establishes two targets by 2025:

- Reduce organic waste disposal 75% by 2025
- Rescue for people to eat at least 20% of currently disposed surplus food by 2025

On January 1, 2022, SB 1383 requirements went into effect, and jurisdictions became responsible for ensuring organic waste collection services are available to all residents and businesses, along with the requirement to recycle organic materials using recycling facilities such as anaerobic digestion facilities that create biofuel and electricity, and composting facilities that make soil amendments.

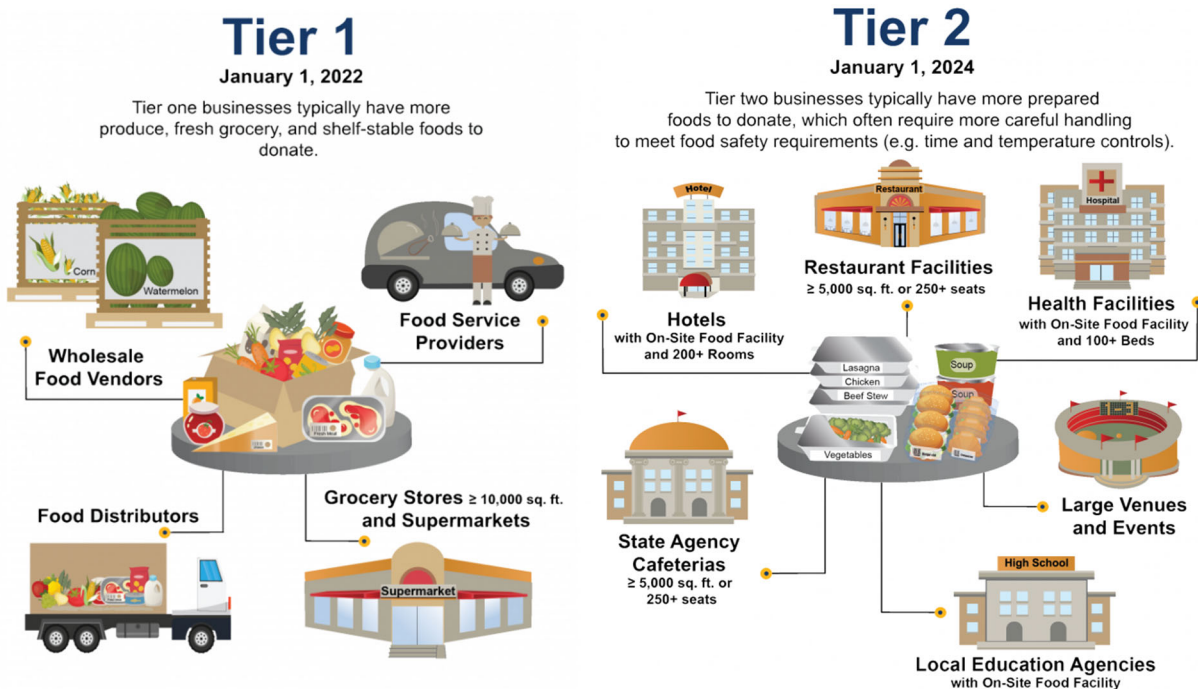
**DISCUSSION:**

SB 1383 requires jurisdictions to establish an Edible Food Recovery program. To meet the State’s goals of rescuing at least 20% of currently disposed surplus food by 2025, staff recommending a Professional Consultant Services Agreement with ReCREATE Waste Collaborative LLC (ReCREATE), an experienced consultant with expertise in rolling out Edible Food Recovery programs throughout Southern California. ReCREATE can provide the City with a cost-effective approach as they complete the required scope of work over the next five years. The tasks to be undertaken by ReCREATE include:

1. Kick-off meeting(s) and identification of priorities
2. Edible food recovery inspection plan
3. Inspections of Tier 1 and Tier 2 commercial edible food generators
4. Inspections of food recovery organizations/services and survey
5. Assistance with edible food recovery capacity planning
6. Analysis of edible food program gaps and recommendations
7. Monthly reports and check-in meetings
8. Annual reporting

Tier 1 generators are supermarkets, grocery stores, food service providers, distributors, and wholesale food vendors. There are currently 64 Tier 1 generators in the City.

Tier 2 generators are restaurants, hotels, large venues, large events, state agencies, local education agencies, and health facilities. There are currently 172 Tier 2 generators in the City.



WRCOG conducted a bid process in January 2023, hoping multiple/local jurisdictions would then use their awarded consultant to satisfy their edible food requirement. WRCOG awarded the contract to MSW Consultants and is charging an additional administrative fee of 7.5% to any jurisdiction that would like to piggyback on their contract with MSW Consultants. Given MSW Consultant’s scope of work, three-year term, and WRCOG’s additional administrative fee, staff does not believe it is in the City’s best interest to piggyback on the three-year agreement for \$323,412. SCS Engineers also submitted a proposal to WRCOG but was not selected for an agreement. The same services may be provided to Riverside by SCS Engineers for a three-year period at a cost of \$285,120.

~~ReCREATE is the subconsultant for the WRCOG awarded consultant and SCS Engineers.~~ City staff solicited a proposal directly from ReCREATE for an Edible Food Recovery program over a five-year term and recommends entering into an Agreement with ReCREATE as they provide a better value to the City when compared to use of WRCOG consultants and the associated administrative fee. The Agreement with ReCREATE is for a five-year term with compensation of \$299,999. ReCREATE is currently the consultant or sub-consultant for other entities working on SB 1383 requirements, including the City of Glendale, San Gabriel Valley Council of Governments, City of Palm Springs, San Bernardino County JPA, City of Burbank, City of Culver City.

The cost comparison between agreements with WRCOG, SCS Engineers, and ReCREATE is provided in the following Table 1.

Table 1 – Cost Comparison							
	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL	YEARS
<b>SCS ENGINEERS</b>	\$55,085	\$113,926	\$116,109			\$285,120	3
<b>WRCOG/MSW</b>	\$104,634	\$107,772	\$111,006			\$323,412	3
<b>RECREATE</b>	\$162,599**		\$45,800	\$45,800	\$45,800	\$299,999	5

\*\* Represents the total expenditures for both Year 1 and Year 2. This expense will be paid for by grant SB1383 Local Assist FY2021/22, the funding for which is set to expire on April 2, 2024. The CalRecycle Grant Administrator has given their approval for the City to use grant funds to pay this consultant to perform inspection and monitoring of the Tier 1, Tier 2, and food recovery services through the end of the grant term on April 2, 2024.

Given that ReCREATE is the consultant or subconsultant for WRCOG and a number of jurisdictions for SB 1383 compliance and has a deep understanding of the regulations and an established methodology, this firm is well-positioned to help Riverside achieve compliance timely. The Professional Consultant Services Agreement complies with Purchasing Resolution 23914, Article Seven: Acquisition of Services, Section 702 (d) Exceptions, which states in part that “When the Procurement can only be obtained timely from a single source, and the Manager is satisfied that the best price, terms, and conditions from the Procurement thereof have been negotiated.”

The Purchasing Manager concurs that the recommendations comply with Purchasing Resolution 23914.

**STRATEGIC PLAN ALIGNMENT:**

This item contributes to **Strategic Priority 4 – Environmental Stewardship**, and **Goal 4.4 – Implement measures and educate the community to responsibly manage goods, products, and services throughout their life cycle to achieve waste reduction outcomes.**

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The City is committed to assisting Tier 1 and Tier 2 generators in reducing waste by donating excess food surplus to the community. This will be done to reduce waste efforts.
2. **Equity** – City Staff will be able to continue engaging difficult-to-reach Tier 1 and Tier 2 generators to provide education and outreach to achieve waste reduction outcomes if they develop a partnership with ReCREATE.
3. **Fiscal Responsibility** – ReCREATE can monitor Tier 1 and Tier 2 Edible Food Recovery, Food Recovery Organization, and Food Recovery Services by utilizing food donation and rescue technology. This solution is provided for the City to ensure that it can fulfill the requirements of SB1383 efficiently and cost-effectively.
4. **Innovation** – By utilizing cutting-edge technology to monitor and track compliance with Tier 1 and Tier 2 Edible Food Recovery, Food Recovery Organization, and Food Recovery Services, the City can connect Edible Food Recovery to Food Recovery Organization, thereby simplifying the process of food donation for both organizations and the community as a whole.
5. **Sustainability & Resiliency** – Recovering 25% of the edible food surplus will allow us to complete this goal by 2025.

**FISCAL IMPACT:**

The total fiscal impact of the action is \$299,999. Sufficient funds are budgeted and available for first year of the agreement in the Fiscal Year 2023/24 budget, in the Refuse Fund, Solid Waste Collection, Professional Services account number 4130100-421000 and in the Grants & Restricted Programs Fund, Public Works-Solid Waste-Grant, SB1383 Local Assistance 21/22 Software Purchase License account number 9345400-425700. Appropriations for future years will be included in the Public Works Department’s budget submissions for those fiscal years to be presented to the City Council for approval.

Prepared by: Gilbert Hernandez, Public Works Director  
Certified as to availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer  
Approved by: Kris Martinez, Assistant City Manager  
Approved as to form: Phaedra A. Norton, City Attorney

Attachment: Professional Consultant Services Agreement