

**AGENDA ITEM REPORT**

**DATE:** September 17, 2024  
**DEPARTMENT:** Solid Waste  
**REQUESTER:** Douglass Whitehead  
**TITLE:** Award Contract for Legal Services for Solid Waste

**I. MOTION REQUESTED**

- A) Award Request for Proposal No. RFP240283BJB, Legal Services – Lee County Solid Waste Department to Carlton Fields, P.A. for legal services on an as-needed basis, for an initial term of two (2) years, as approved in the departments' annual adopted budget. Individual purchases in excess of \$100,000.00 will be presented to the Board for approval.
- B) Authorize the Chair to execute the contract documents on behalf of the Board of County Commissioners.
- C) Grant the County Manager or designee the authority to renew the contract, in whole or in part, for up to three (3) years and to execute all associated documents, as approved in the departments' annual adopted budgets, if doing so is in the best interest of Lee County.

**II. ITEM SUMMARY**

Awards a competitively solicited contract to Carlton Fields, P.A. for legal services on an as-needed basis. The initial term is for two years and can be renewed up to three additional years upon mutual agreement of both parties. Total anticipated expenditures for these services for Fiscal Year 24-25 is \$175,000.00.

The firm will provide supplemental legal services focused on long-term plan development for Solid Waste. They will provide strategies to meet growing needs, including disposal, recycling, and transportation opportunities. They will also assist with developing and negotiating disposal and landfill partner agreements, permitting and development of new or refurbished solid waste facilities, and understanding and mitigating any impacts of federal and state environmental regulations.

As requested by the County Attorney, the firm will assist with other legal matters involving the County's solid waste facilities and operations. All activities are subject to the supervision of the County Attorney's office.

**III. BACKGROUND AND IMPLICATIONS OF ACTION**

- A) Board Action and Other History  
 Procurement Management obtained proposals for the project known as Request for Proposal No. RFP240283BJB, Legal Services – Lee County Solid Waste Department. On the solicitation deadline of August 1, 2024, Procurement Management received two submittals.  
 An evaluation meeting was held on August 8, 2024, during which the Evaluation Committee considered criteria as listed in the solicitation request, including such items as firm qualifications, firm relevant experience and reference, firm plan of approach, and project team. Following discussions, the committee motioned to short-list the top two ranked firms to move to the second evaluation meeting. During the second evaluation meeting on August 16, 2024, the two short-listed firms completed presentations for the committee. Following presentations and brief discussions by the committee, a consensus of the committee was made based on their final scoring to approve and accept the final ranking and to negotiate with and recommend an award to Carlton Fields, P.A., for legal services, on an as-needed basis for an initial term of two years, and the option of up to a three-year renewal, upon the agreement of both parties.
- B) Policy Issues
- C) BoCC Goals
- D) Analysis  
 Firm will provide supplemental legal services focused on long-term plan development for the Lee County Department of Solid Waste. Aids with strategic counsel and strategies to meet growing needs, to include disposal, recycling, and transportation opportunities. Will assist with development and negotiation of disposal and landfill partner agreements. Assist with permitting and development of new or refurbished solid waste facilities. Assist with understanding and mitigating any impacts of federal and state environmental regulations. As requested by the County Attorney, assist with other legal matters involving the County's solid waste facilities and operations. All activities are subject to the supervision of the County Attorney's office.  
  
 Carlton Fields will be assisting with ending our landfill partner agreement after 30+ years, then drafting and negotiating new agreements in coordination with the County Attorney. They will also be coordinating with FDEP for compliance and permit aspects of our multiple Life-Extension-Projects at the Waste to Energy plant over the next few years.
- E) Options

**IV. FINANCIAL INFORMATION**

A)	Current year dollar amount of item:	\$175,000
B)	Is this item approved in the current budget?	Yes
C)	Is this a revenue or expense item?	Expense
D)	Is this Discretionary or Mandatory?	Discretionary
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	No
F)	Fund: 40100 Program: Solid Waste Project: N/A Account Strings: OB5340840100.503120	
G)	Fund Type?	Enterprise
H)	Comments:	

**V. RECOMMENDATION**

Approve

**VI. TIMING/IMPLEMENTATION****VII. FOLLOW UP****ATTACHMENTS:**

Description

Upload Date

Type

[Legal Services Agreement](#)

8/28/2024

Agreement

[Compliance Affidavit](#)

9/5/2024

Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Solid Waste	Tucker, Mary	Approved	9/5/2024 - 11:10 AM
Solid Waste	Whitehead, Douglass	Approved	9/5/2024 - 12:04 PM
Budget Services	Guttery, Angela	Approved	9/6/2024 - 11:50 AM
Budget Services	Winton, Peter	Approved	9/6/2024 - 1:37 PM
County Attorney	Swindle, Amanda	Approved	9/6/2024 - 2:32 PM
County Manager	Brady, Christine	Approved	9/9/2024 - 11:49 AM