PUBLIC NOTICE
THE ELOY CITY COUNCIL
Meets
MONDAY, DECEMBER 7, 2020
6:00 PM
ELOY CITY COUNCIL CHAMBERS
595 NORTH C STREET
ELOY, ARIZONA 85131
For a
WORK SESSION

AGENDA

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Business

A. Council presentation of four cost estimates to be used in the determination of the existing Dust Bowl building reinvestment.

B. Council presentation to consider privatizing the City of Eloy Landfill and soliciting a Request for Proposals.

C. Presentation and discussion on proposed restrictions on Recreational Marijuana facilities as permitted with the voter approval of Proposition 207: Safe and Smart Arizona Act.

V. Adjournment

POSTED BY WEDNESDAY, DECEMBER 2, 2020, BY 5:00 P.M. AT ELOY CITY HALL, ELOY POST OFFICE, TROY THOMAS COMMUNITY CENTER, TOLTEC COMMUNITY/SENIOR CENTER AND CITY WEBSITE: www.eloyaz.gov

Mary Myers, CMC, CPM
City Clerk

INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT LORENA LaSALDE-RIOS, ADA COORDINATOR FOR THE CITY OF ELOY AT 520-466-9201 OR 520-466-7455 (TDD). IF POSSIBLE, SUCH

REQUESTS SHOULD BE MADE 72 HOURS IN ADVANCE. ONE OR MORE MEMBERS OF THE COUNCIL AND/OR STAFF MAY PARTICIPATE BY TELEPHONIC OR VIDEO MEANS.

CITY OF ELOY
REQUEST FOR COUNCIL ACTION

Agenda Item: IV.A.
Date: 12/7/2020

Date submitted: 11/09/2020 **Date requested:** 12/7/2020	**Action:** Other	**Subject: Council presentation of four cost estimates to be used in the determination of the existing Dust Bowl building reinvestment.**

TO: Mayor and City Council

FROM: Jeff Fairman, Economic Development Specialist

RECOMMENDATION:
Council to receive a presentation on four cost estimates to be used in the determination of the existing Dust Bowl building reinvestment. This item is for information only in order to support upcoming Council deliberations on disposition of Dust Bowl Theater.

DISCUSSION:
This Council item has been created at the request of the City of Eloy to prepare estimates of probable project costs to address the long-term intentions of the City of Eloy related to the determination of options for the Dust Bowl Theater, located at 100 N. Main Street in downtown Eloy, Arizona. A series of four estimates were requested and provided in this report.

Option 1 - Restoration to Basic Theater Standards
Option 2 - Restoration to Commercial Shell Space
Option 3 - Stabilize Building for Future Consideration
Option 4a - Demolition Of Existing Theater (Veteran's Center To Remain)
Option 4b - Demolition Of Existing Theater & Adjacent Veterans Center

The estimates are based upon:

- Measured quantities and built-up rates prepared from the site visit performed by RLB and City of Eloy staff.
- All contractors will be required to pay market wage rates.
- Unit pricing is based on September 2020 costs.
- Construction cost escalation has been included in the estimate and assumes a 2nd Quarter 2021 construction start.
- This estimate is for the sole use of providing budgets based on the site visit of existing conditions.

- The estimate is not to be used for comparison with actual bids received at any time.
- A design and estimating contingency has been included at 15%.
- A construction contingency of 5% has been included for the renovation options of the theater only.

FISCAL IMPACT:

These cost estimates are provided for Council information only. No funds are required or expected to be expended at this time.

Approved as to Form:

Stephen R. Cooper, City Attorney

Estimate of Probable Project Cost

CITY OF ELOY, ARIZONA DUST BOWL THEATER DEVELOPMENT OPTIONS

November 2020

RLB Rider Levett Bucknall

City of Eloy, Arizona Dust Bowl Theater Development Options
Estimate of Probable Project Cost

Project Overview & Summary

Basis of Estimate

This estimate has been prepared at the request of City of Eloy and is to provide a concept estimate of probable project cost to address the long-term intentions of the City of Eloy related to the final disposition of the Dust Bowl Theater, located on Main Street in down town Eloy, Arizona. A series of four estimates were requested and provided in this report.

Option 1 - Restoration to Basic Theater Standards

Option 2 - Restoration to Commercial Shell Space

Option 3 - Stabilize Building for Future Consideration

Option 4a - Demolition Of Existing Theater (Veteran's Center To Remain)

Option 4b - Demolition Of Existing Theater & Adjacent

Veterans Center Structure

The estimates are based upon:

· Measured quantities and built-up rates prepared from the site visit performed by RLB and City of Eloy staff.
· All contractors will be required to pay market wage rates
· Unit pricing is based on November 2020 costs.
· Construction cost escalation has been included in the estimate and assumes a 2nd Quarter 2021 construction start.
· This estimate is for the sole use of providing budgets based on the site visit of existing conditions.
· The estimate is not to be used for comparison with actual bids received at any time.
· A design and estimating contingency has been included at 15%.
· A construction contingency of 5% has been included for the renovation options of the theater only.

RLB sourced pricing for the following critical elements of the project:

· Demolition - RLB engaged Dickens Quality Demolition (DQD) to evaluate both options for demolition
  o Craig Snider (602)-258-8088

· Bird damage - RLB sourced pricing from Natïve Environmental for the following critical elements of the project:
  o Native Environmental provided rough order of magnitude pricing for the following scenarios:
  o If facility is to be renovated / restored the facility will have to be abated.
  o If facility is to be demolished the facility would have to be cleaned up to make it safe for demolition.
  o Randy Maddock (602)-373-7904

Items Specifically Excluded

. Renovation of adjacent Veteran's Center

City of Eloy, Arizona Dust Bowl Theater Development Options
Estimate of Probable Project Cost

Project Overview & Summary

. Salvage of existing materials
. Rock excavation
. Photovoltaics and other renewable energy resources
. Murals and works of art
. Work outside the site boundaries unless noted otherwise
. CMAR Preconstruction Services
. Land and legal costs. Items marked as "Excl." in the estimate
. Escalation beyond a 2nd Quarter 2021 construction start

Appendix - Line Item Cost Estimates

Code	Description	Page
O1	Option 1 - Restoration - Theater	6
O2	Option 2 - Restoration - Commercial Shell Space	12
O3	Option 3 - Stabilize Facility	17
O4A	Option 4A - Demolition of Existing Theater (Veteran's Center to Remain)	20
O4B	Option 4B - Demolition of Existing Theater & Adjacent Veterans Center Structure	23

City of Eloy, Arizona Dust Bowl Theater Development Options

Estimate of Probable Project Cost

Project Options - Summary - Total Cost

GFA: Gross Floor Area
Rates Current At September 2020

Location		GFA SF	Cost/SF	Total Cost USD
O1	OPTION 1 - RESTORATION - THEATER	5,000	1,040.00	5,200,000
O2	OPTION 2 - RESTORATION - COMMERCIAL SHELL SPACE	5,000	500.00	2,500,000
O3	OPTION 3 - STABILIZE FACILITY	5,000	220.00	1,100,000
O4A	OPTION 4A - DEMOLITION OF EXISTING THEATER (VETERAN'S CENTER TO REMAIN)	5,000	40.00	200,000
O4B	OPTION 4B - DEMOLITION OF EXISTING THEATER & ADJACENT VETERANS CENTER STRUCTURE	6,875	29.09	200,000

OPTION 1 - RESTORATION OF THEATER

Restore existing theater to a functioning theater.

RLB Rider Levett Bucknall

City of Eloy, Arizona Dust Bowl Theater Development Options
Estimate of Probable Project Cost

Option 1 - Restoration of Theater - Summary - Gross

GFA: Gross Floor Area

		GFA SF	Cost/SF	Total Cost USD
O1	**OPTION 1 - RESTORATION - THEATER**	**5,000**	**1,040.00**	**5,200,000**
	ESTIMATED TOTAL COST	**5,000**	**$1,040.00**	**$5,200,000**

City of Eloy, Arizona Dust Bowl Theater Development Options

Estimate of Probable Project Cost

Option 1 - Restoration of Theater - Estimate Detail

O1 OPTION 1 - RESTORATION - THEATER GFA: 5,000 SF Cost/SF: $1,040.00

Description	Unit	Qty	Rate	Total USD
A1010 Standard Foundations				
1 Foundation modifications to support existing structure	SF	5,000	16.41	82,037
Standard Foundations			***$16.41/SF***	***$82,037***
A1030 Slab on Grade				
3 Slab repairs	SF	5,000	11.72	58,598
Slab on Grade			***$11.72/SF***	***$58,598***
B1010 Floor Construction				
8 Mezzanine framing (assumed all new framing)	SF	1,000	117.19	117,192
Floor Construction			***$23.44/SF***	***$117,192***
B1020 Roof Construction				
6 Roof framing w/ sheathing (assumed replace roof structure w/ timber framing)	SF	5,000	58.60	292,982
Roof Construction			***$58.60/SF***	***$292,982***
B2010 Exterior Walls				
10 Structural reinforcing of existing concrete panels (assumed possible mix of structural steel / grouting / panel replacement / etc.)	SF	7,400	58.60	433,610
22 Exterior skin rehabilitation / restoration	SF	7,400	35.16	260,168
Exterior Walls			***$138.76/SF***	***$693,778***
B2020 Exterior Windows				
53 Exterior windows (Excluded)	Item			Excl.
Exterior Windows				***Excl.***
B2030 Exterior Doors				
51 Storefront doors at main entrance	EA	2	17,579.50	35,159
52 Back of house doors - assumed hollow metal doors w/ steel frames	EA	3	8,203.67	24,611
Exterior Doors			***$11.95/SF***	***$59,770***
B3010 Roof Coverings				
7 Membrane roofing	SF	5,000	30.47	152,354
Roof Coverings			***$30.47/SF***	***$152,354***
C1010 Partitions				
23 Interior partitions	SF	5,000	23.44	117,192
Partitions			***$23.44/SF***	***$117,192***
C1020 Interior Doors				
24 Interior doors	SF	5,000	8.20	41,018
Interior Doors			***$8.20/SF***	***$41,018***
C1030 Fittings				
25 Toilet partitions	EA	15	2,578.27	38,674
26 Restroom fittings & accesories (paper dispensing / waste receptacles / soap dispensers / changing stations / mirrors / grab bars)	Item			23,442

O1 OPTION 1 - RESTORATION - THEATER (continued) GFA: 5,000 SF Cost/SF: $1,040.00

	Description	Unit	Qty	Rate	Total USD
27	Miscellaneous rough carpentry	SF	5,000	1.17	5,860
28	Caulking & sealants	SF	5,000	1.76	8,791
29	Miscellaneous metals	SF	5,000	1.17	5,860
30	Room ID / code signage	SF	5,000	0.35	1,758
33	Exterior signage / marquee board	Item			117,192
	Fittings			***$40.32/SF***	***$201,577***
C2010	**Stair Construction**				
9	Stair construction	FT/R	12	3,515.83	42,190
	Stair Construction			***$8.44/SF***	***$42,190***
C3010	**Wall Finishes**				
54	Wall finishes - gypsum board furring / acoustical wall panels / tile to restrooms / etc.	SF	5,000	46.88	234,387
	Wall Finishes			***$46.88/SF***	***$234,387***
C3020	**Floor Finishes**				
56	Floor finishes - carpet / tile / walll base / etc.	SF	5,000	28.13	140,634
	Floor Finishes			***$28.13/SF***	***$140,634***
C3030	**Ceiling Finishes**				
49	Ceiling finishs	SF	5,000	35.16	175,792
	Ceiling Finishes			***$35.16/SF***	***$175,792***
D2010	**Plumbing Fixtures**				
14	Water closet	EA	10	15,235.40	152,354
15	Urinal	EA	2	15,236.00	30,472
16	Lavatory	EA	3	15,235.67	45,707
17	Mop sink	EA	1	15,234.00	15,234
	Plumbing Fixtures			***$48.75/SF***	***$243,767***
D2020	**Domestic Water Distribution**				
18	Domestic water distribution	Item			Incl.
19	Sanitary waste & vent piping including above & below grade piping	Item			Incl.
20	Water heater	EA	1	18,750.00	18,750
	Domestic Water Distribution			***$3.75/SF***	***$18,750***
D2040	**Rain Water Drainage**				
21	Rainwater drainage	Item			23,442
	Rain Water Drainage			***$4.69/SF***	***$23,442***
D3090	**Other HVAC Systems & Equipment**				
4	HVAC system w/ RTU's / distribution / controls / etc.	T	25.00	9,375.48	234,387
	Other HVAC Systems & Equipment			***$46.88/SF***	***$234,387***

City of Eloy, Arizona Dust Bowl Theater Development Options

Estimate of Probable Project Cost

Option 1 - Restoration of Theater - Estimate Detail

O1 OPTION 1 - RESTORATION - THEATER (continued) GFA: 5,000 SF Cost/SF: $1,040.00

Description	Unit	Qty	Rate	Total USD
D4010 Sprinklers				
40 Fire suppression system	SF	5,000	14.06	70,316
Sprinklers			***$14.06/SF***	***$70,316***
D5030 Communications & Security				
41 Structure cabling system - special systems / tel/data including backbone / rough-in / conduit / backboxes & jacks	SF	5,000	5.86	29,298
42 Head end equipment (allowance provided as part of FF&E in the Margins & Adjustments, assumed Owner Furnished Owner Installed)	Item			Incl.
Communications & Security			***$5.86/SF***	***$29,298***
D5090 Other Electrical Systems				
37 Electrical system - distribution / lighting / outlets / controls	SF	5,000	93.76	468,776
39 Fire alarm system	SF	5,000	7.03	35,159
Other Electrical Systems			***$100.79/SF***	***$503,935***
E1010 Commercial Equipment				
31 Projection equipment / specialty lighting / audio equipment	Item			585,962
32 Vending equipment / beverage lines / point of sale equipment	Item			292,983
Commercial Equipment			***$175.79/SF***	***$878,945***
E2010 Fixed Furnishings				
34 Theater seating (allowance)	EA	150	644.57	96,685
Fixed Furnishings			***$19.34/SF***	***$96,685***
E2020 Movable Furnishings				
35 Stage curtain	Item			17,580
36 Storage (racking / costume / equipment / etc.)	Item			8,205
Movable Furnishings			***$5.16/SF***	***$25,785***
F2020 Hazardous Components Abatement				
12 Hazardous material abatement - Bird remains / excrement	Item			35,159
Hazardous Components Abatement			***$7.03/SF***	***$35,159***
G2040 Site Development				
47 Miscellaneous site improvements (pedestrian paving / sidewalk repairs / seating nodes / etc.)	SF	5,400	58.60	316,416
Site Development			***$63.28/SF***	***$316,416***
G2050 Landscaping				
48 Landscaping at corner of Picacho Hwy. & Main St. - small plantings / irrigation / tree protection / tree replacement	SF	5,400	16.41	88,600
Landscaping			***$17.72/SF***	***$88,600***
G3090 Other Site Mechanical Utilities				
63 Miscellaneous site utility adjustments / repairs	Item			82,037
Other Site Mechanical Utilities			***$16.41/SF***	***$82,037***

O1 OPTION 1 - RESTORATION - THEATER (continued) GFA: 5,000 SF Cost/SF: $1,040.00

Description		Unit	Qty	Rate	Total USD
GR	**General Requirements**				
11	Structural survey (X-ray / materials testing / etc.)	Item			117,192
46	Temporary fencing	Item			8,205
68	Final clean	SF	5,000	3.52	17,580
	General Requirements			***$28.60/SF***	***$142,977***
	OPTION 1 - RESTORATION - THEATER			***$1,040.00/SF***	***$5,200,000***

OPTION 2 - RESTORATION / COMMERCIAL SHELL SPACE

Restore & repair existing structure. Existing space would be converted a core & shell that would enable the city to procure a vendor / operator of the existing space.

RLB Rider Levett Bucknall

City of Eloy, Arizona Dust Bowl Theater Development Options
Estimate of Probable Project Cost

Option 2 - Restoration - Commercial Shell Space - Summary - Gross

GFA: Gross Floor Area

		GFA SF	Cost/SF	Total Cost USD
O2	**OPTION 2 - RESTORATION - COMMERCIAL SHELL SPACE**	**5,000**	**500.00**	**2,500,000**
	ESTIMATED TOTAL COST	**5,000**	**$500.00**	**$2,500,000**

City of Eloy, Arizona Dust Bowl Theater Development Options

Estimate of Probable Project Cost

Option 2 - Restoration - Commercial Shell Space

O2 OPTION 2 - RESTORATION - COMMERCIAL SHELL SPACE GFA: 5,000 SF Cost/SF: $500.00

Description		Unit	Qty	Rate	Total USD
A1010	**Standard Foundations**				
1	Foundation modifications to support existing structure	SF	5,000	15.59	77,969
	Standard Foundations			***$15.59/SF***	***$77,969***
A1030	**Slab on Grade**				
2	Slab infill	SF	5,000	22.28	111,382
3	Slab repairs	SF	5,000	11.14	55,693
	Slab on Grade			***$33.42/SF***	***$167,075***
B1010	**Floor Construction**				
8	Mezzanine framing (assumed all new framing)	SF	1,000	111.38	111,382
	Floor Construction			***$22.28/SF***	***$111,382***
B1020	**Roof Construction**				
6	Roof framing w/ sheathing (assumed replace roof structure w/ timber framing)	SF	5,000	55.69	278,455
	Roof Construction			***$55.69/SF***	***$278,455***
B2010	**Exterior Walls**				
10	Structural reinforcing of existing concrete panels (assumed possible mix of structural steel / grouting / panel replacement / etc.)	SF	7,400	55.69	412,109
22	Exterior skin rehabilitation / restoration	SF	7,400	33.41	247,267
	Exterior Walls			***$131.88/SF***	***$659,376***
B2020	**Exterior Windows**				
53	Exterior windows (Excluded)	Item			Excl.
	Exterior Windows				***Excl.***
B2030	**Exterior Doors**				
51	Storefront doors at main entrance	EA	2	16,708.00	33,416
52	Back of house doors - assumed hollow metal doors w/ steel frames	EA	3	7,797.00	23,391
	Exterior Doors			***$11.36/SF***	***$56,807***
B3010	**Roof Coverings**				
7	Membrane roofing	SF	5,000	28.96	144,800
	Roof Coverings			***$28.96/SF***	***$144,800***
C1010	**Partitions**				
71	Interior partitions (Excluded)	SF	5,000		
	Partitions				
C1020	**Interior Doors**				
72	Interior doors	SF	5,000	2.78	13,924
	Interior Doors			***$2.78/SF***	***$13,924***
C1030	**Fittings**				
25	Toilet partitions	EA	15	2,450.47	36,757

O2 OPTION 2 - RESTORATION - COMMERCIAL SHELL SPACE (continued GFA: 5,000 SF Cost/SF: $500.00

	Description	Unit	Qty	Rate	Total USD
26	Restroom fittings & accesories (paper dispensing / waste receptacles / soap dispensers / changing stations / mirrors / grab bars)	Item			22,279
27	Miscellaneous rough carpentry	SF	5,000	1.11	5,570
28	Caulking & sealants	SF	5,000	1.67	8,356
29	Miscellaneous metals	SF	5,000	1.11	5,570
30	Room ID / code signage	SF	5,000	0.33	1,673
	Fittings			***$16.04/SF***	***$80,205***
C2010	**Stair Construction**				
9	Stair construction	FT/R	12	3,341.50	40,098
	Stair Construction			***$8.02/SF***	***$40,098***
C3010	**Wall Finishes**				
55	Wall finishes - gypsum boar furring / acoustical wall panels / tile / etc. (Excluded)	SF	5,000		Excl.
	Wall Finishes				***Excl.***
C3020	**Floor Finishes**				
57	Floor finishes - carpet / tile / walll base / etc.	SF	5,000		Excl.
	Floor Finishes				***Excl.***
C3030	**Ceiling Finishes**				
50	Ceiling finishes (Excluded)	SF	5,000		Excl.
	Ceiling Finishes				***Excl.***
D2010	**Plumbing Fixtures**				
14	Water closet	EA	10	14,479.90	144,799
15	Urinal	EA	2	14,480.50	28,961
16	Lavatory	EA	3	14,480.00	43,440
17	Mop sink	EA	1	14,479.00	14,479
	Plumbing Fixtures			***$46.34/SF***	***$231,679***
D2020	**Domestic Water Distribution**				
18	Domestic water distribution	Item			Incl.
19	Sanitary waste & vent piping including above & below grade piping	Item			Incl.
20	Water heater	EA	1	17,820.00	17,820
	Domestic Water Distribution			***$3.56/SF***	***$17,820***
D2040	**Rain Water Drainage**				
21	Rainwater drainage	Item			22,279
	Rain Water Drainage			***$4.46/SF***	***$22,279***
D2090	**Other Plumbing Systems**				
67	Natural gas piping	Item			11,137
	Other Plumbing Systems			***$2.23/SF***	***$11,137***

City of Eloy, Arizona Dust Bowl Theater Development Options

Estimate of Probable Project Cost

Option 2 - Restoration - Commercial Shell Space

O2 OPTION 2 - RESTORATION - COMMERCIAL SHELL SPACE (continued GFA: 5,000 SF Cost/SF: $500.00

	Description	Unit	Qty	Rate	Total USD
D3090	**Other HVAC Systems & Equipment**				
5	HVAC system - core & shell - RTU's w/ drops only to condition shell	T	25.00	3,341.52	83,538
	Other HVAC Systems & Equipment			***$16.71/SF***	***$83,538***
D4010	**Sprinklers**				
40	Fire suppression system	SF	5,000	13.37	66,830
	Sprinklers			***$13.37/SF***	***$66,830***
D5090	**Other Electrical Systems**				
38	Electrical system - distribution / code requirements	SF	5,000	26.73	133,660
39	Fire alarm system	SF	5,000	6.68	33,416
	Other Electrical Systems			***$33.42/SF***	***$167,076***
F2020	**Hazardous Components Abatement**				
12	Hazardous material abatement - Bird remains / excrement	Item			33,416
	Hazardous Components Abatement			***$6.68/SF***	***$33,416***
G2040	**Site Development**				
65	Miscellaneous site improvements (pedestrian paving / sidewalk repairs / seating nodes / etc.)	SF	5,400		Excl.
	Site Development				***Excl.***
G2050	**Landscaping**				
66	Landscaping at corner of Picacho Hwy. & Main St. - small plantings / irrigation / tree protection / tree replacement	SF	5,400		Excl.
	Landscaping				***Excl.***
G3020	**Sanitary Water**				
64	Grease waste interceptor	Item			22,279
	Sanitary Water			***$4.46/SF***	***$22,279***
G3090	**Other Site Mechanical Utilities**				
63	Miscellaneous site utility adjustments / repairs	Item			77,969
	Other Site Mechanical Utilities			***$15.59/SF***	***$77,969***
GR	**General Requirements**				
11	Structural survey (X-ray / materials testing / etc.)	Item			111,382
46	Temporary fencing	Item			7,797
68	Final clean	SF	5,000	3.34	16,707
	General Requirements			***$27.18/SF***	***$135,886***
	OPTION 2 - RESTORATION - COMMERCIAL SHELL SPACE			***$500.00/SF***	***$2,500,000***

OPTION 3 - STABILIZE FACILITY

Stabilize existing structure and provide new roofing framing & a roof membrane capable of keeping the facility free of water and bird damage.

RLB Rider Levett Bucknall

City of Eloy, Arizona Dust Bowl Theater Development Options
Estimate of Probable Project Cost

Option 3 - Stabilize Facility - Summary - Gross

GFA: Gross Floor Area

		GFA SF	Cost/SF	Total Cost USD
O3	**OPTION 3 - STABILIZE FACILITY**	**5,000**	**220.00**	**1,100,000**
	ESTIMATED TOTAL COST	**5,000**	**$220.00**	**$1,100,000**

City of Eloy, Arizona Dust Bowl Theater Development Options

Estimate of Probable Project Cost

Option 3 - Stabilize Facility

O3 OPTION 3 - STABILIZE FACILITY GFA: 5,000 SF Cost/SF: $220.00

Description		Unit	Qty	Rate	Total USD
A1010	**Standard Foundations**				
1	Foundation modifications to support existing structure	SF	5,000	15.07	75,345
	Standard Foundations			***$15.07/SF***	***$75,345***
A1030	**Slab on Grade**				
3	Slab repairs	SF	5,000	10.76	53,816
	Slab on Grade			***$10.76/SF***	***$53,816***
B1020	**Roof Construction**				
6	Roof framing w/ sheathing (assumed replace roof structure w/ timber framing)	SF	5,000	53.82	269,079
	Roof Construction			***$53.82/SF***	***$269,079***
B2010	**Exterior Walls**				
10	Structural reinforcing of existing concrete panels (assumed possible mix of structural steel / grouting / panel replacement / etc.)	SF	7,400	53.82	398,236
	Exterior Walls			***$79.65/SF***	***$398,236***
B3010	**Roof Coverings**				
7	Membrane roofing	SF	5,000	27.98	139,920
	Roof Coverings			***$27.98/SF***	***$139,920***
F1020	**Integrated Construction**				
58	Structural wall modifications to shared wall at Veteran's Center	Item			21,528
61	Renovation to existing Veteran's Center	Item			Excl.
	Integrated Construction			***$4.31/SF***	***$21,528***
F2010	**Building Elements Demolition**				
70	Demolition of existing roof structure	Item			53,816
	Building Elements Demolition			***$10.76/SF***	***$53,816***
F2020	**Hazardous Components Abatement**				
13	Hazardous material clean-up / make safe for demolition - Bird remains / excrement	Item			10,763
	Hazardous Components Abatement			***$2.15/SF***	***$10,763***
G1030	**Site Earthwork**				
45	Rough grading w/ ground cover to provide a clean site	Item			16,143
	Site Earthwork			***$3.23/SF***	***$16,143***
GR	**General Requirements**				
11	Structural survey (X-ray / materials testing / etc.)	Item			21,528
46	Temporary fencing	Item			7,535
60	Move management / temporary facility for Veteran's Center	Mth	3	10,763.67	32,291
	General Requirements			***$12.27/SF***	***$61,354***
	OPTION 3 - STABILIZE FACILITY			***$220.00/SF***	***$1,100,000***

OPTION 4A - DEMOLITION OF EXISTING THEATER WITH VETERANS CENTER TO REMAIN

Remove existing theater while preserving the existing veterans center. Theater footprint and adjacent landscaping would be rough graded and prepared to receive a new building.

RLB Rider Levett Bucknall

City of Eloy, Arizona Dust Bowl Theater Development Options

Estimate of Probable Project Cost

Option 4A - Demolition of Existing Theater (Veteran's Center to Remain) - Summary - Gross

GFA: Gross Floor Area

Location		GFA SF	Cost/SF	Total Cost USD
O4A	**OPTION 4A - DEMOLITION OF EXISTING THEATER (VETERAN'S CENTER TO REMAIN)**	**5,000**	**40.00**	**200,000**
	ESTIMATED NET COST	**5,000**	**$40.00**	**$200,000**

City of Eloy, Arizona Dust Bowl Theater Development Options

Estimate of Probable Project Cost

Option 4A - Demolition of Existing Theater (Veteran's Center to Remain) - Estimate Detail

O4A OPTION 4A - DEMOLITION OF EXISTING THEATER (VETERAN'S CENTER TO REMAIN)

GFA: 5,000 SF Cost/SF: $40.00

Description	Unit	Qty	Rate	Total USD
E1010 Commercial Equipment				
62 Equipment associated with potential commercial uses	Item			Excl.
Commercial Equipment				***Excl.***
F1020 Integrated Construction				
58 Structural wall modifications to shared wall at Veteran's Center	Item			23,392
61 Renovation to existing Veteran's Center	Item			Excl.
Integrated Construction			***$4.68/SF***	***$23,392***
F2010 Building Elements Demolition				
59 Demolition of Theater only (Veteran's Center to remain)	Item			115,787
Building Elements Demolition			***$23.16/SF***	***$115,787***
G1030 Site Earthwork				
45 Rough grading w/ ground cover to provide a clean site	Item			17,543
Site Earthwork			***$3.51/SF***	***$17,543***
GR General Requirements				
46 Temporary fencing	Item			8,189
60 Move management / temporary facility for Veteran's Center	Mth	3	11,696.33	35,089
General Requirements			***$8.66/SF***	***$43,278***
OPTION 4A - DEMOLITION OF EXISTING THEATER (VETERAN'S CENTER TO REMAIN)			***$40.00/SF***	***$200,000***

OPTION 4B - DEMOLITION OF EXISTING THEATER & ADJACENT VETERANS CENTER

Demolish both existing structures. Provide a rough graded site to receive a new building.

RLB Rider Levett Bucknall

City of Eloy, Arizona Dust Bowl Theater Development Options

Estimate of Probable Project Cost

Option 4B - Demolition of Existing Theater & Adjacent Veteran's Center
Structure - Summary - Gross

GFA: Gross Floor Area

Location		GFA SF	Cost/SF	Total Cost USD
O4B	OPTION 4B - DEMOLITION OF EXISTING THEATER & ADJACENT VETERANS CENTER STRUCTURE	6,875	29.09	200,000
	ESTIMATED TOTAL COST	6,875	$29.09	$200,000

City of Eloy, Arizona Dust Bowl Theater Development Options

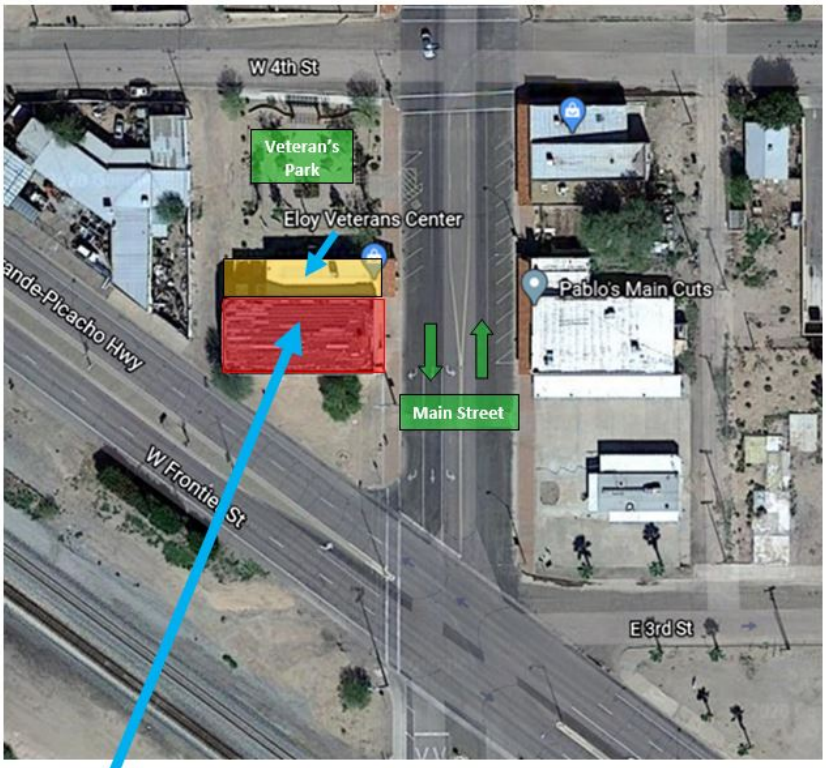
Estimate of Probable Project Cost

Option 4B - Demolition of Existing Theater & Adjacent Veterans Center Structur
- Estimate Detail

O4B OPTION 4B - DEMOLITION OF EXISTING THEATER & ADJACENT VETERANS CENTER STRUCTURE

GFA: 6,875 SF Cost/SF: $29.09

	Description	Unit	Qty	Rate	Total USD
F2010	**Building Elements Demolition**				
43	Demolition of Theater and Veterans Center - structure / foundations	Item			125,777
	Building Elements Demolition			***$18.29/SF***	***$125,777***
F2020	**Hazardous Components Abatement**				
13	Hazardous material clean-up / make safe for demolition - Bird remains / excrement	Item			10,309
	Hazardous Components Abatement			***$1.50/SF***	***$10,309***
G1020	**Site Demolition and Relocations**				
44	Utility removal w/ cap at property line	Item			41,236
	Site Demolition and Relocations			***$6.00/SF***	***$41,236***
G1030	**Site Earthwork**				
45	Rough grading w/ ground cover to provide a clean site	Item			15,462
	Site Earthwork			***$2.25/SF***	***$15,462***
GR	**General Requirements**				
46	Temporary fencing	Item			7,216
	General Requirements			***$1.05/SF***	***$7,216***
	OPTION 4B - DEMOLITION OF EXISTING THEATER & ADJACENT VETERANS CENTER STRUCTURE			***$29.09/SF***	***$200,000***



Dust Bowl Theater/
Eloy Veterans Center
300 N Main St.

N

CITY OF ELOY
REQUEST FOR COUNCIL ACTION

Agenda Item: IV.B.
Date: 12/7/2020

Date submitted: 11/25/2020 **Date requested:** 12/7/2020	**Action:** Other	**Subject: Council presentation to consider privatizing the City of Eloy Landfill and soliciting a Request for Proposals.**

TO: Mayor and City Council

FROM: Keith Brown, Public Works Dir./City Engineer

RECOMMENDATION:
Council presentation to consider privatizing the City of Eloy Landfill and soliciting a Request for Proposals.

DISCUSSION:
The City of Eloy Landfill has been in operation since the late 1940's, making it one of the oldest operating landfills in Arizona. Operating activities have varied throughout the life of the landfill. Currently the landfill serves the citizens of Eloy, surrounding County residents, and limited commercial waste. The landfill currently receives approximately 5,800 tons of waste annually, which is a relatively small amount compared to other landfills throughout Arizona that typically handle well over 100 tons annually.

On April 22, 2019 City staff and Alta Arizona (contractor) presented to Council a report prepared by Alta Arizona regarding the current use and operation of the landfill. The report evaluated many factors including equipment operation and maintenance costs, the volume of solid waste disposed at the landfill, current fees for residents and non-residents, and other factors related to this landfill and surrounding landfills. The report concluded that the rates and fees funding the landfill are not adequate to support the operation costs, future expansion costs, and ultimate closure costs of the landfill.

The report identified several operational options for the City to consider.

- Fill and Close
- Mothball and Transfer Station
- Expand the Landfill
- Partner with a private organization

City staff has further reviewed these options and recommends that the City advertise a

Request for Proposal (RFP) for a private company to take over the operations of the City landfill and to assume responsibility for all costs associated with further operations, expansion, permitting and closure of the landfill.

Several considerations to privatizing the landfill include, but not limited to, the following:

- The operator will assume all costs associated with the future operations of the landfill including permitting, monitoring, reporting, environmental issues, expansions, security, staffing, equipment purchases and maintenance, landfill closing costs, costs to monitor and maintain the landfill after the closure date, and any other costs and responsibilities associated with the landfill after closure.
- The operator will present a plan to provide the current landfill staff (3 persons) opportunities to remain working at the landfill. The current landfill staff will also have the option to transfer to another position within the City.
- The RFP will evaluate the proposers based on their past experience with operating and maintaining landfills, as well as their proposed plan to operate Eloy's landfill to ensure a competent company is selected.
- The operator should provide special consideration to the City of Eloy and its residents on the use of the landfill.
- The amount of projected revenue the City of Eloy can anticipate with privatizing the landfill operations.

The presentation to Council will discuss the considerations related to privatizing the landfill operations, and acceptance of proposals does not commit the Council to proceed with privatization.

FISCAL IMPACT:
This item is only for discussion and has no fiscal impact at this time.

Approved as to Form:

Stephen R. Cooper, City Attorney

City of Eloy

Notice of Request for Proposals (RFP)

RFP# 20-PWD-01

Solid Waste Facilities Operation (Landfill) Agreement

Issue Date: DATE

RFP Packets may be downloaded at: eloyaz.gov

or through

Eloy City Hall

Mary Myers, City Clerk

595 N. C Street
Eloy, Arizona 85131

RFP NO.: 20-PWD-01

RFP TITLE: SOLID WASTE FACILITIES OPERATION (Landfill) AGREEMENT

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EXHIBIT A – LANDFILL PERMIT

EXHIBIT B – LANDFILL MASTER PLAN

FIGURE 1 – SITE FEATURES

FIGURE 2 – REMAINING AIRSPACE DETAILS

SECTION A – PUBLIC NOTICE

City of Eloy, Arizona

RFP NO.: 20-PWD-01 **RFP CLOSING DATE: DATE**

RFP TITLE: Solid Waste Facilities Operation (Landfill) Agreement

RFP NOTICE: Notice is hereby given that sealed proposals shall be received by the **City Clerk's Office, 595 North C Street, Suite 104, City of Eloy, Arizona, 85131** until **3:00 p.m. Arizona Time on DATE**. All proposals received in proper form shall be publicly opened and read aloud on the same day at 3:00 p.m., City Hall, 595 North C Street, Suite 104, City of Eloy, Arizona, 85131.

City of Eloy may reject any proposal not in compliance with prescribed public competitive procurement procedures and requirements, and may reject for good cause any or all proposals if City of Eloy finds it is in the public interest to do so.

RFP DESCRIPTION: City of Eloy seeks to procure an operator for the City of Eloy Landfill. The City is soliciting proposals from Offerors, qualified and responsible to manage and operate the landfill and be responsible for any and all future regulatory and financial obligations associated with operation and closure of the landfill.

Pre-Proposal Conference (Non-Mandatory): DATE at 10:00 a.m. (Arizona time) located at City Hall at 595 North C Street, Suite 104, City of Eloy, Arizona, 85131, and will be followed by a site visit at the City of Eloy Landfill.

There is not an expressed or implied obligation for City of Eloy to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

RFP documents, specifications, and addenda may be obtained in the following locations:

City of Eloy Website: www.eloyaz.gov

Pursuant to the Americans with Disabilities Act (ADA), City of Eloy endeavors to ensure the accessibility of all of its programs, facilities and services to all persons with disabilities. If you need an accommodation for this meeting, please contact the City Clerk's office at (928) 453-4142 at least 24 hours prior to the meeting so that an accommodation may be arranged.

Publish: **DATE**

DATE

SECTION B – INTENT TO RESPOND NOTIFICATION

RFP NO.: 20-PWD-01

RFP TITLE: Solid Waste Facilities Operation (Landfill) Agreement

CLOSING DATE & TIME: DATE at 3:00 p.m. Arizona Time

LETTER OF INTENT TO RESPOND

This is to notify that it is our present intent to submit a proposal in response to the above referenced RFP.

The individual to whom all information regarding this RFP should be transmitted is:

Company Name: _____

Contact Name: _____

Street Address: _____

City, State, & Zip: _____

Phone Number: Fax Number: _____

E-Mail Address: _____

Submit this Letter of Intent by the deadline for requests for RFP clarifications which is to be electronically received by **DATE, 4:00 p.m., Arizona Time**.

Letter of Intent to Bid
RFP No.: 20-PWD-01
City of Eloy
City Clerk's Office
Attn: Mary Myers
Email to: mmeyers@eloyaz.gov

SECTION C – INSTRUCTIONS TO PROPOSER

1.0 IMPORTANT DATES SUMMARY

IMPORTANT DATES (Dates may be subject to change.)	
ACTIVITY (All times are in Arizona time.)	**DATE**
RFP Release/Advertisement	DATE
Pre-Proposal Conference (10:00 a.m. AZ time)	DATE
Pre-Proposal Site Visit (immediately after Pre-Proposal Conference)	DATE
Submittal of Written Questions (4:00 p.m. AZ time)	DATE
Proposal Must Be Submitted by (3:00 p.m. local AZ time)	DATE

2.0 SOLICITATION

City of Eloy (City) seeks to procure an operator for the City of Eloy Landfill. The City is soliciting proposals from Offerors, qualified and responsible to manage and operate the landfill and be responsible for any and all future regulatory and financial obligations associated with operation and closure of the landfill.

3.0 LANDFILL BACKGROUND INFORMATION

3.1 SITE OWNERSHIP HISTORY

The City has owned and operated the City of Eloy Landfill (COEL) since the late 1950's. The entrance and scale house are located off of South Toltec Road approximately 1,000 feet north of the intersection of South Toltec Road and West Alsdorf Road. The Landfill has received waste from residents and commercial haulers in the City and from within Pinal County. In 1985 the Landfill obtained ADEQ approval for a Notice of Disposal. In 1996 the Landfill obtained ADEQ approval for Groundwater Monitoring Suspension under the small landfill exemption. In 1997 the Landfill obtained ADEQ approval of a Facility Master Plan. In 2013 the Landfill obtained ADEQ approval of the current Master Facility Plan.

3.2 WASTE TONNAGE AND REMAINING LANDFILL AIRSPACE

Currently, the landfill accepts about 5,800 tons per year (TPY). The waste tonnage accepted at the site over the last 6 years is tabulated below. It is estimated that there will be 573,346 cubic yards of remaining landfill airspace (Gross Capacity) within the current 44 Acre active permitted area at initiation of the contract.

Reported Waste Tonnage City of Eloy Landfill	
Year	Tons Per Year
2014	21,940
2015	11,866
2016	11,491
2017	2,791
2018	4,454
2019	5,885

The landfill Master Facility Plan approved by ADEQ in 2013 includes a 74.64 Acre lateral expansion of the existing landfill. The planned expansion will increase the Gross Capacity by 8,872,650 Cubic Yards, per the Master Facility Plan, **Exhibit B**.

3.3 LANDFILL PERMIT

The current COEL permit, *Master Facility Plan Approval No. 11006100.03*, was issued by the Arizona Department of Environmental Quality on July 25,, 2013 (see **Exhibit A**), and contains an overview of the landfill's compliance and monitoring systems. **Figure 1** shows general site features of the facility, and **Figure 2** provides details about the remaining airspace.

3.4 TITLE V AIR PERMIT CONSIDERATIONS

Design capacity calculations were recently performed that compared the landfill's estimated total waste in-place at closure (2,424,125 megagrams (Mg)) to the 2.5 million Mg threshold found in the New Source Performance Standards (NSPS) in 40 CFR 60 Subpart WWW. The current estimate is below the 2.5 million Mg threshold that would trigger the requirement for Title V permitting and a landfill gas control system (LGCS). However, the proposer is strongly encouraged to include a description of planning considerations for the potential future need of a LGCS to be permitted and installed based on increases in landfill waste density and/or an expansion of the landfill causing the 2.5 million Mg threshold to be exceeded.

4.0 MINIMUM QUALIFICATIONS

Proposers are expected to have a minimum of 10 years of relevant and documented experience in landfill operations (a mandatory minimum of 10 years of continuous, documented experience). Experience in landfill gas-to-energy projects and the operation of community-level recycling programs (to include household hazardous waste, waste tires, and household recycling) will also be evaluated.

Documentation provided by the proposer to demonstrate the required years of experience in landfill operations must clearly indicate the name of each facility, the street address of the facility, and length of time the facility has been operated by the proposer. If a proposer fails to meet these minimum qualifications in their proposal, the proposal shall be disqualified and will not be evaluated.

5.0 CONTRACT TERMS AND CONTRACTUAL RELATIONSHIP

The successful proposer will be required to enter into a contract with the City to provide for the continued disposal of solid waste, fulfilling the City's legal obligation to provide a site for waste disposal to its residents. The terms of that contract shall be commercially reasonable and will be negotiated in connection with the agreement once a decision has been reached on the recommended proposal.

6.0 GENERAL DESCRIPTION

This Request for Proposals seeks and invites competitive proposals from qualified developers and landfill operators to operate COEL, including, but not limited to, the assumption of all future obligations associated with landfill closure and post-closure, and management of landfill gas emissions. The successful bidder should be prepared to enter into an ongoing business relationship with the City so that the City can satisfy its legal obligation to provide a site for waste disposal to its citizens.

7.0 MANDATORY PRE-PROPOSAL CONFERENCE

A Mandatory Pre-Proposal Conference will be held in Room 109 of City of Eloy Hall located at 595 North C. Street, City of Eloy, Arizona, 85131, on DATE at 10:00 a.m. (Arizona time) for the purpose of clarifying proposal requirements and answering the questions of Prospective Proposers. It is the responsibility of Prospective Proposers to familiarize themselves with all the requirements of the solicitation and to identify any issues at the conference. Attendance at the conference is optional.

8.0 QUESTIONS

All questions that arise relating to this RFP shall be directed in writing to **Keith Brown, Public Works Director (kbrown@eloyaz.gov)**. To be considered, written inquiries shall be received at the above-referenced email address by DATE at 4:00 p.m., Arizona time. Inquiries received will then be answered in an Addendum to the RFP. **Verbal Requests for clarifications or interpretations will not be accepted.** The City may not address questions received after this deadline.

9.0 SITE TOUR

The Mandatory Pre-Proposal Conference will be followed by a site visit at the COEL.

10.0 PROPOSAL FORMAT

The Proposal shall be a maximum of **thirty (30)** pages to address the Proposal criteria (excluding resumes and the required Forms, but including the materials necessary to address project understanding, general information, organizational chart, photos, tables, graphs and diagrams). Each page side (maximum 8 1/2" x 11") with criteria information shall be counted. A cover, a back, a table of contents and tabs may be used and shall not be included in the page count, unless they include additional project-specific information or Proposal criteria responses. The minimum allowable font for the Proposal is **11 pt.** although tables, charts, graphs and other diagrams may be smaller if legible. Failure to adhere to the page limit and font size may result in the Proposal being considered non-responsive.

11.0 PROPOSAL DELIVERY

At least one (1) signed original proposal, together with six (6) copies and one (1) electronic copy (in PDF format on a CD or thumb drive) of the proposal, must be submitted. Submittals must be clearly addressed to the City Clerk's Office, 595 North C. Street, City of Eloy, Arizona, 85131, and received no later than **DATE, 3:00 p.m., Arizona time**. Late submittals will not be considered under any circumstances. Submittals must be in a sealed envelope with the RFP Number and the Proposer's name and address clearly indicated on the envelope. RFP documents are available on City of Eloy's website at www.eloyaz.gov. For technical information, please contact Keith Brown, P.E., kbrown@eloyaz.gov. All questions that arise relating to this RFP shall be directed in writing to Harvey Krauss, City Manager, hkrauss@eloyaz.gov, by the Questions deadline above identified.

Proposals will be opened immediately after 3:00 p.m. (Arizona time) on DATE at the Eloy City Hall, located at 595 North C. Street, City of Eloy, Arizona, 85131.

12.0 SCOPE

Proposers are expected to assume all costs associated with operating and maintaining the landfill including, but not limited to, the following:

- Landfill operating expenses (fuel, maintenance, roads, etc.);
- Landfill capital expenses;
- Applicable taxes and administrative fees;
- Bonds;
- Insurance;
- Staffing;
- Payroll;
- Maintenance; and
- Regulatory Compliance (including any fines, penalties, or legal expenses).

The proposal must acknowledge that the operator of the landfill will be required to assume any costs required to comply with all environmental regulations.

The proposal must identify all aspects of the proposed operation of the COEL including, but not limited to, the following:

- Proposed structure of operational agreement for the COEL (including a description of payment to COE in the form of royalty per ton, percent of revenue, host fee or per month fee, or any combination of these);
- Continuation of Recycling, Household Hazardous Waste, Electronic Waste and Waste Tire Programs;
- Proposed future obligations of both parties with respect to the costs associated with the eventual closure of the landfill and associated post-closure activities, including an estimation of what the Proposer believes the impacts to the City would be (e.g., higher fees required to fund a landfill closure/post-closure trust) if financial responsibility for closure and post-closure of the landfill were to be shifted to the operator;
- Proposed future contractual relationship between Proposer and City for continued disposal of waste;
- Proposed waste diversion considerations to increase the life of the landfill; COE will pay particular attention to the diversion of waste from the landfill to extend the life of the facility. This might include increased rates for customers from outside COE limits and/or the recycling/re-use of materials slated for disposal (i.e. concrete road millings, palm fronds, etc.);
- Consideration of installing final cover on certain areas of the landfill that have reached final grades (as shown in the Landfill Master Plan, Exhibit B);

- Proposal for a commitment to achieving a 1,600 lbs/cy waste compaction density, defined as the weight of waste disposed of per cubic yard of total landfill airspace consumed;
- Proposal for a commitment to a certain number days of free waste disposal for COE residents;
- Proposal for a commitment to a certain up-time on equipment (e.g., compactor up-time will exceed 90%);
- Proposal for corrective actions or penalties if certain commitments are not upheld (e.g., implementation of a performance improvement plan, fines or credits to COE for lost airspace);
- The Proposer shall describe in detail its plan to transition service from the City to Proposer. The plan should include a timetable, detailing steps and milestones, customer outreach materials and methods; and
- Proposal to employ the three (3) current COE landfill employees, and potential obstacles or difficulties of the transition, including proposed solutions.

SECTION D – TERMS AND CONDITIONS

1.0 PROPOSAL TERMS

The terms of the proposal shall be commercially reasonable and will be negotiated in connection with the operations agreement. Proposals must include the following terms:

1. Operation of the COEL for a minimum of 20 years, preferentially the life of the site;
2. Preparation of semi-annual fill plans that are reviewed and approved by the City;
3. Beginning and completing Closure and Capping of areas within 18-months of reaching final grade as defined in the permit;
4. Operator will provide the City with a minimum of three years written notice of the pending final closure of the COEL, including any future expansions of the existing COEL footprint;
5. Operator will assume all permitting, reporting, and compliance activities for the COEL, with City of Eloy receiving the opportunity to review all documents prior to submittal to the proper regulatory authority;
6. Operator will assume and run the Recycling, Household Hazardous Waste (HHW), Electronic Waste and Waste Tire Programs for City of Eloy as currently operated;
7. Operator will provide proper notification and comment period for the public for any and all fee changes. This shall include a public -meeting with at least fifteen (15) days of published notice, thirty (30) days before the fee is to be changed; and
8. Operator shall only accept permissible wastes at the COEL, as defined by the landfill's facility plan approval (permit), originating from within City of Eloy and other jurisdictions agreed upon in writing by City of Eloy.

2.0 EVALUATION

City of Eloy will review and score the proposals based on the following criteria:

1. **Qualifications** – Up to 15 points for qualifications will count in the rankings and will be scored as follows:
   a. Up to 10 points for experience operating, maintaining, and running a landfill (5 points for minimum years of experience plus one point for every two years of experience above 10 years). NOTE: If Proposer does not have a minimum of ten years of experience, the proposal will automatically be disqualified;
   b. Up to 5 points for experience with landfill gas-to-energy projects (1 point for every two years of experience up to ten years);
2. **Proposal Values** – Up to 40 points based on the proposed value of the landfill, distributed and ranked as follows:
   a. Landfill Air Space Value/Waste Diversion Considerations: Up to 30 points;
   b. Waste Tire and HHW Programs Value: Up to 5 points; and
   c. Recycling and Electronic Waste Programs Value: Up to 5 points.
3. **Proposal Terms** – Up to 15 points for meeting each of the eight (8) listed terms for the proposals.
4. **Tipping Fees/Revenues** – Up to 30 points for the percentage of Tipping Fees and/or other measures to generate revenues to be paid to the City of Eloy over the life of the landfill.

Selected Proposal will have the highest score averaged from the scores of the reviewers, with 100 points being the maximum possible individual score.

3.0 ORAL INTERVIEWS: SCORING

Proposing firms selected for oral interviews will be invited to participate in discussions with the Selection Committee at such date as announced by the City and awarded points based upon the criteria as outlined below. Proposing firms may be given additional information for these oral interviews. These discussions will relate less to the past experience and qualifications already detailed in the Proposals and more to (i) identifying the Proposing firms' program approach and to an appraisal of the people who would be directly involved in the Services for this RFP, and (ii) exploring with the Proposer the scope and nature of the project, the Proposer's proposed method of performance and the relative utility of alternate methods of approach.

Oral Interview

General Information – up to 10 points

Experience and Qualifications of the Vendor – up to 30 points

Key Positions – up to 20 points

Proposal Value and Terms – up to 40 points

Total Possible Points for Oral Interview – up to 100

Total Points Possible for Proposal: 200

4.0 AWARD

Award Recommendations will be posted on the City of Eloy Website at https://www.eloyaz.gov. A file will be available for all proposers and the public for review, consisting of this RFP, all accepted proposals, memorandum to the City Council, advertising documents, and Conference attendance sheets. City Staff will present the recommendations to the City Council at a regularly held meeting. The City Council will take action to accept or reject the recommended proposal at that time, and to direct Staff to negotiate the final business terms with the successful Proposer, substantially conforming to the chosen proposal. The resulting contract will then be taken to the City Council for final approval and execution.

5.0 RIGHT TO DISQUALIFY

The City reserves the right to disqualify any Proposer who fails to provide information or data requested herein or who provides materially inaccurate or misleading information or data. The City reserves the right to disqualify any Proposer on the basis of any real or apparent conflict of interest that is disclosed by the proposals submitted or any other data available to the City.

6.0 CITY'S RESERVATION OF RIGHTS

In connection with the issuance of this RFP, the City reserves and may, in its sole discretion, exercise any one or more of the following rights and options that Proposers hereby agree to by submitting a Proposal to the RFP:

1. To reject any and all Proposals and to reissue this RFP at any time;
2. To issue a new RFP with terms and conditions substantially different from those set forth in this or a previous RFP;
3. To issue a new RFP with terms and conditions that are the same or similar as those set forth in this or a previous RFP in order to obtain additional Proposals or for any other reason the City determines to be in the best interest of the City;
4. To extend this RFP in order to allow for time to obtain additional Proposals prior to the RFP's Proposal deadline, or for any other reason the City determines to be in the best interest of the City;
5. To supplement, amend, substitute or otherwise modify or amend this RFP at any time;
6. To cancel this RFP at any time;
7. To waive any defect of deficiency in any proposal;

8. To enter into negotiations with any one or more Proposers regarding the terms of their proposals; and
9. To enter into simultaneous, competitive negotiations with multiple Proposers.

7.0 PREPARATION COSTS

Under no circumstances will the City be responsible for any costs incurred by anyone in: 1) responding to this RFP; 2) in any subsequent follow up to the proposal; or 3) in any subsequent negotiations of a contract.

8.0 PROPOSER CERTIFICATION

By submitting a proposal, each Proposer certifies it has not paid or agreed to pay any fee or commission, or any other item of value contingent on the award of a contract to any employee, official or current contracting consultant of the City. Any Proposer unable to comply with any required certifications may be disqualified.

In compliance with A.R.S. §§ 1-501 and 1-502, the City shall require any successful Proposer that submits its proposal as a sole proprietorship or as an individual to complete the Affidavit of Lawful Presence prior to the award of any contract resulting from this process.

9.0 COVENANT AGAINST CONTINGENT FEES PAID TO PROPOSER

By submitting a proposal, the Proposer and each member of the development team certifies that they have not employed nor retained any person or company, other than a member of the development team or a bona fide employee working solely for the Proposer or any member of the development team, to solicit or secure the contract described in this RFP, and that no agreement has been made to pay the Proposer or any member of its development team any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or execution of such contract. The Proposer certifies submission of the Proposal did not involve collusion or other anti-competitive practices.

10.0 NO GRATUITY

Proposer certifies it has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a City employee, officer or agent in connection with the submitted Proposal. It (including the Proposer's employees, representatives, agents, lobbyists, attorneys and subcontractors) has refrained, under penalty of disqualification, from direct or indirect contact for the purpose of influencing the selection or creating bias in the selection process with any person who may play a part in the selection process, including the Selection Committee, elected officials, the Mayor, City Council, City Manager, Department Heads and other City staff. All contact must be addressed to the City Representative listed on the cover of this RFP. Any

attempt to influence the selection process by any means shall void the submitted Proposal and any resulting Agreement.

11.0 APPLICABLE LAW

Any and all disputes arising under this RFP and any resulting contract shall be governed according to the laws of the State of Arizona, and the Proposer shall agree that the venue for any such action brought to enforce provisions of the contract shall be in the State of Arizona.

12.0 COMPLIANCE WITH LAWS

Proposers agree to fully observe and comply with all applicable Federal, State and local laws, regulations, standards, codes and ordinances.

13.0 ADDITIONAL TERMS AND CONDITIONS

By issuing this RFP, the City shall not create any contractual rights or obligations by and between the City and any person or entity responding hereto.

14.0 FAIR TRADE CERTIFICATIONS

By submitting a Proposal, the Proposer certifies 1) Independent Prices. The prices have been arrived at independently, without consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with anyone. 2) No Disclosure. Unless otherwise required by law, the prices which have been quoted in its Proposal have not been knowingly disclosed by the Proposer and will not knowingly be disclosed by Proposer prior to opening. 3) Influence on Competition. No attempt has been made or will be made by the Proposer to induce any other person or firm to submit or not to submit a Proposal for the purpose of restricting competition.

EXHIBIT A

LANDFILL PERMIT

FIGURE 1

SITE MAP

FIGURE 2

REMAINING CAPACITY TABLE

FOR CURRENT 44 ACRE

PERMITTED AREA

CITY OF ELOY
REQUEST FOR COUNCIL ACTION

Agenda Item: IV.C.
Date: 12/7/2020

Date submitted: 11/30/2020 **Date requested:** 12/7/2020	**Action:** Other	**Subject: Presentation and discussion on proposed restrictions on Recreational Marijuana facilities as permitted with the voter approval of Proposition 207: Safe and Smart Arizona Act.**

TO: Mayor and City Council

FROM: Jerry Stabley, Planning Manager

RECOMMENDATION:
Council to review and discuss proposed restrictions on Recreational Marijuana facilities as permitted with the voter approval of Proposition 207: Safe and Smart Arizona Act.

DISCUSSION:
Proposition 207, the Safe and Smart Arizona Act was passed by Arizona voters on November 3, 2020. This act allows potential marijuana establishments to apply for permits from the Arizona Department of Health Services as early as January 19, 2021. The City would be well served to have an ordinance in place to respond to potential new recreational marijuana businesses, and if approved, provide reasonable regulation guidance. The purpose of this work session item is to review staff's proposed regulations relating to the review and approval of recreational marijuana facilities within the City. The key provisions of the law include the following:

a. Individuals that are 21 years and older can grow no more than 6 marijuana plants in their house provided the plants cannot be viewed by the public and are in a lockable area.
b. The Arizona Department of Health Services will be developing rules and regulations not addressed in Prop. 207.
c. Proposition 207 does not allow the smoking of marijuana in a public place or open space, or the consumption of marijuana products while operating a vehicle.
d. An employer can impose a prohibition on its employees' use of recreational marijuana and marijuana products, and it is still a felony under Federal statutes to possess and use marijuana.
e. Anyone using or possessing marijuana according to Federal law is prohibited from possessing or owning a firearm (Chief Vasquez has already formally noticed his department that sworn and civilian staff are not permitted to use marijuana).

FISCAL IMPACT:

Recreational marijuana sales are subject to transaction privilege tax in the retail classification and use tax.

Approved as to Form:

Stephen R. Cooper, City Attorney

Recreational Marijuana Ordinance Overview

City Council

December 7, 2020

Community Development

Prop 207:
Safe and Smart Arizona Act

Passed by AZ Voters
November 3, 2020 Election

General Regulations

- Individuals that are 21 years and older can grow no more than 6 marijuana plants in their house:
  - Plants cannot be viewed by public
  - Plants are in lockable area
- The AZ Department of Health Services will be developing rules and regulations not addressed in Prop.
- Does not allow the smoking of marijuana in a public place or open space, or consumption of marijuana products while operating vehicle

General Regulations

- Employers can impose prohibitions on employees use of recreational marijuana and marijuana products
- Still a felony under Federal statutes to possess and use marijuana
- Federal law: anyone using or possessing marijuana prohibited from possessing or owning a firearm
- Chief Vasquez already noticed his department: sworn and civilian staff are not permitted to use marijuana

License Application Timing

Can apply for a License from AZ Dept. of Health Services (DHS) on January 19

DHS needs to act within 60 days

Marijuana Establishment

Includes all of the Following:

- Retail
- Cultivation
- Manufacturing Marijuana Products

Major Change from Medical Marijuana: Dispensary, Cultivation, Infusion

Act Restriction on Localities

Locality: City, Town or County

Text from Act:

> "A locality may not enact any ordinance, regulation or rule that: is more restrictive than a comparable ordinance, regulation or rule that applies to nonprofit medical marijuana dispensaries."

Eloy Regulation of Medical Marijuana Dispensaries

Requires a Conditional Use Permit

Only allowed to apply in:

- General Commercial District (C-2)
- Business Park (BP)
- Light Industrial (I-1)
- General Industrial (I-2)

Eloy Regulation of Medical Marijuana Dispensaries

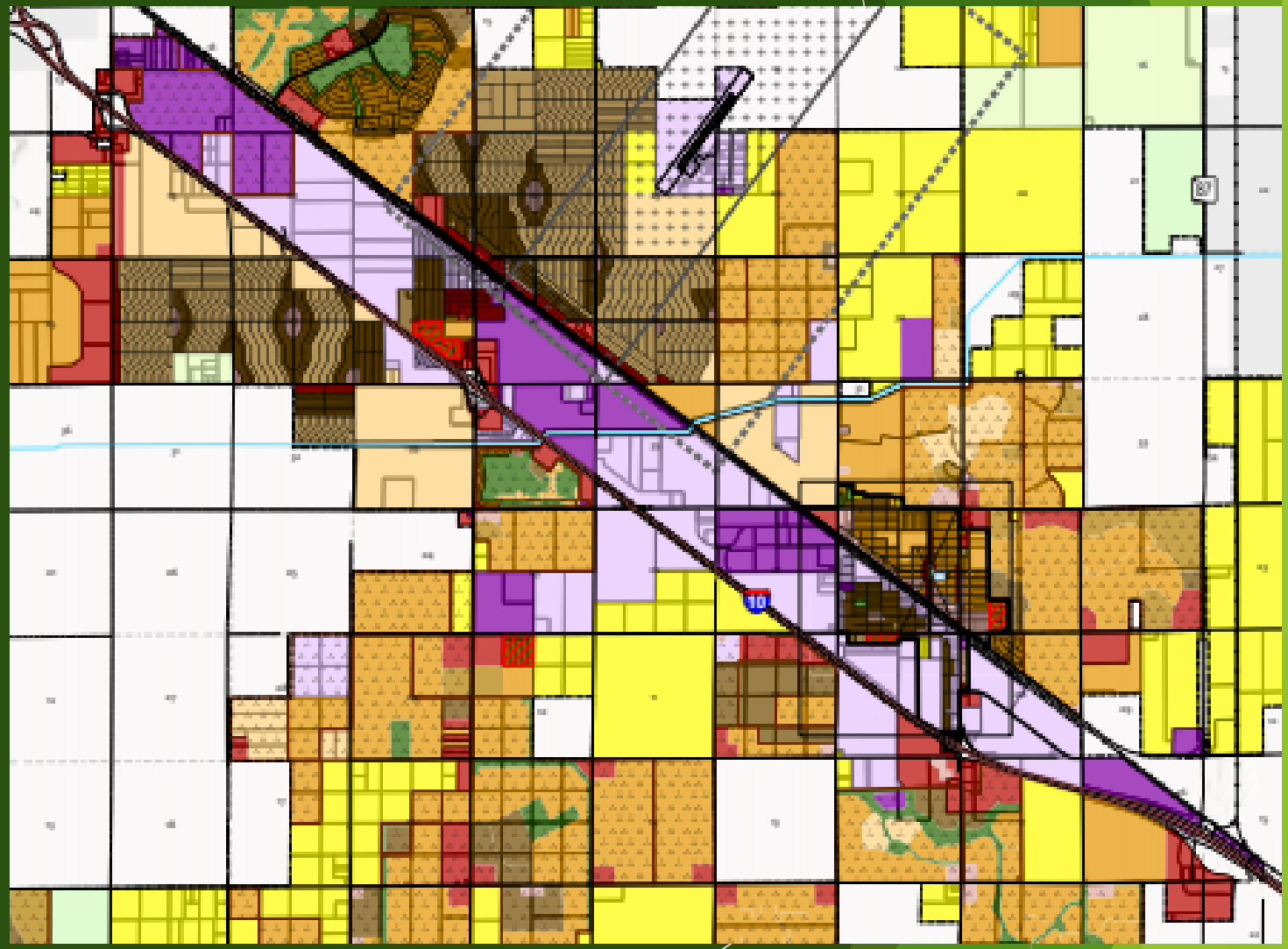
Shall not be located within 1,320 feet of:

- The same type of use
- Residentially zoned property
- A preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center

Zoning Map

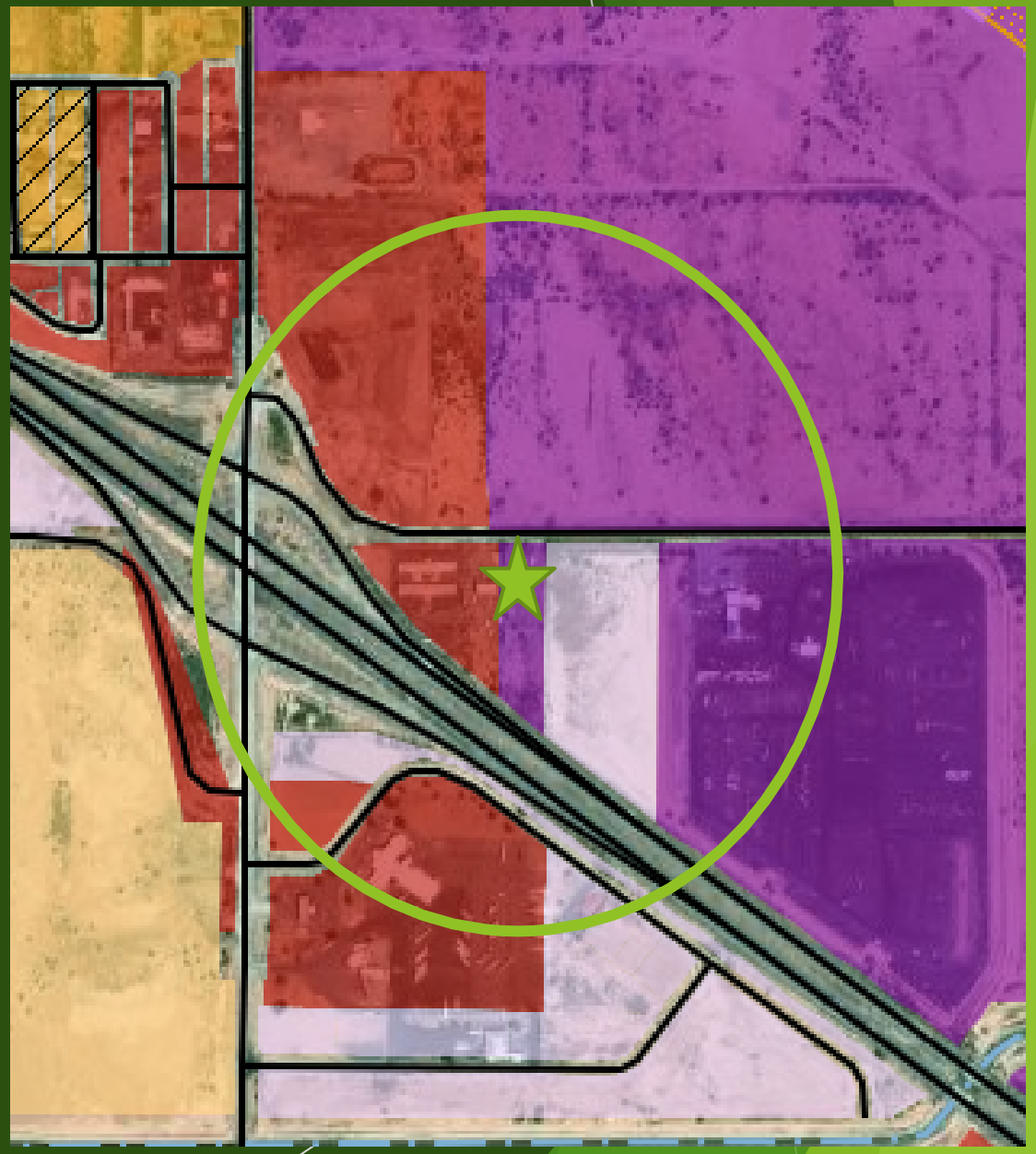
Few Commercial areas large enough

Will occur mostly in Industrial areas



Existing Medical Cultivation Facility

Houser Road,
east of Toltec Road



Revenues

- City can collect regular sales tax on sales made to consumers
- Will receive regular share of state shared transaction privilege tax
- City cannot impose an excise tax

Proposed City Timing

P and Z Commission Work Session: Nov 18

City Council Briefing: Dec 7

P and Z Commission Hearing: Dec 16

City Council Hearing : Jan 11, 2021

Declare an emergency so the Ordinance goes into effect after it is passed

Questions?

Recreational Marijuana

Community Development