

Waste Corporation Of Missouri Files Suit Against City Of Trenton

News

Posted by : Randy

Posted on : 2013/12/9 10:20:00

Waste Corporation of Missouri has filed a suit in Division One of Grundy County Circuit Court asking for a restraining order, temporary injunction, and permanent injunction against the City of Trenton to prohibit the city from awarding the 2014 to 2018 residential sanitation collection and disposal contract to Rapid Removal.



The suit also asks for the City Council to be required to reconsider the contract using only factors specified in the City Code section called determining the lowest responsible bidder. Waste Corporation also asks that it be awarded other relief the court deems appropriate.

In addition, Waste Corporation is asking for a declaratory judgment declaring that the Trenton City Council violated a section of City Code by basing its decision to award the contract to Rapid Removal on factors not permitted in the section of City Code called determining the lowest responsible bidder.

The petition notes the Trenton City Council voted to award the contract to Rapid Removal, even though Waste Corporation of Missouri's bid was what Waste Corporation called significantly lower than Rapid Removal's bid.

The petition cites a section of Trenton City Code, titled determining the lowest responsible bidder. The petition says the section establishes a list of 7 exclusive factors the City of Trenton must take into account when determining who will receive a City contract that's been competitively bid. They include price and performance factors. The suit claims the decision to award the contract to Rapid Removal was based on considerations not included in the 7 factors.

Waste Corporation claims that based on public comments made by members of the City Council explaining their votes, the City selected Rapid Removal solely because it allegedly has a larger local presence in Trenton, notwithstanding the fact its bid was what the suit claimed to be significantly higher than Waste Corporation's bid. The suit said none of the factors of the City Code section authorize a decision based on such a factor.

Waste Corporation suit claims the City's awarding the contract to Rapid Removal was arbitrary, capricious, and illegal.

The suit says Waste Corporation of Missouri is a taxpayer within the City of Trenton, paying among other things, personal property taxes on containers used by its commercial customers within the City of Trenton.

Waste Corporation said it will suffer irreparable harm if an injunction is not granted, because once the 2014 to 2018 contract begins and is executed, Waste Corporation of Missouri would be excluded from providing waste disposal services to residents of Trenton.

The suit says preliminary and permanent injunctive relief in the case is in the public interest. It says the public has an interest in seeing contracts for public services are awarded to the lowest responsible or qualified bidder. It also says the public has an interest in seeing municipal

governments follow their own city ordinances to protect the integrity of the bidding process and to reduce the risk of arbitrary, fraudulent, and biased decisions these ordinances are meant to prevent.

Trenton City Attorney, Tara Walker, told KTTN she could not comment at this time.

Those 7 factors include bid price; the ability of the bidder to provide the services required; whether the bidder can provide the services within the required time periods; the quality of performance on previous contracts or services with the city and/or references provided; previous and existing compliance by the bidder with laws and ordinances of the city; financial resources and ability of the bidder to provide the service; and the quality, availability, and adaptability of the supplies or services.

The Trenton City Council, on 5 to 1 vote on November 25th, approved a bid from Rapid Removal Disposal to provide residential trash collection service during the next 5 years.

Rapid Removal had the middle bid of 3 received. Waste Corporation was the low bidder. Its bid---for the entire 5 year period--- was \$53.76 less per customer than Rapid Removal.

3 years ago, when a 3 year contract was awarded to Waste Corporation, Waste Corporation had highest bid among the 3 companies submitting quotes. Rapid Removal, which was new to this area, had the low bid 3 years ago. However, the City Council chose WCA because of public support for WCA to continue providing the service. Rapid removal's bid 3 years ago was more than \$32 less per customer than the WCA quote for the 3 year period.

The City of Trenton does have a policy elsewhere in its code that promotes local purchases to the greatest extent practical. Its generally to be within 5 percent, but the City Council or a Board has the final authority in applying the local incentive.