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Trash haulers' plans to be released

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From staff reports

Jefferson Parish has reversed its position and agreed to release proposals from trash haulers competing for a five-year public contract expected to rank as the largest pact the current council will award in its two terms.

Parish Attorney Tom Wilkinson initially denied The Times-Picayune's public records request to examine the eight responses submitted Wednesday. He wrote that a parish ordinance prevented him from disclosing the proposals, so he intended to release only the winning proposal after the Parish Council voted to adopt it.

But Wilkinson backed down after Lori Mince, the newspaper's attorney, wrote a four-page letter demonstrating that the state Public Records Act requires the immediate release of all of the proposals. She wrote that there is no legal exemption to prevent the release of the materials and that the parish ordinance Wilkinson relied on is illegal.

The cost for residential garbage collection is expected to climb dramatically, given fuel prices and inflation. The lead-up to the award has also drawn attention because of a flurry of behind-the-scenes lobbying by haulers and the revelation of ties between the companies and council members or their aides.

Waste Management holds the current \$60 million contract, which expires in June 2009.

In arguing to keep the documents secret, Wilkinson wrote that releasing companies' confidential information submitted as part of their proposals would expose the parish to liability.

But Mince's letter pointed to the parish's own language in its request for proposals from trash haulers to argue that the companies have no expectation of privacy.

"The Parish is a government agency whose documents are open to public inspection," the parish's request for proposals says. It goes on to instruct companies interested in the contract that their proposals "should include no confidential material that cannot be released for review as part of public documentation."

Wilkinson promised Mince on Friday that the parish would release the proposals within the three business days required by the public records law, no later than 4 p.m. Monday.

He told her that any company that marked items in its proposal as confidential, proprietary or trade secret information would be contacted and allowed to defend that designation before those items will be released.

Garbage companies were asked to submit price quotes in sealed envelopes separate from the rest of their proposals. The six-member parish committee appointed to review the documents will not examine the prices until after it ranks the proposals on all other factors.

Wilkinson said he would provide the details on pricing when the committee unseals them, which is expected to occur Friday.

Parish Councilman Tom Capella, meanwhile, said he does not oppose making all the proposals public; a statement at odds with his earlier remarks.

Capella, a lawyer, on Wednesday had said he would defer to the parish ordinance.

"The parish attorney gave me a copy of the ordinance, and certainly we'll abide by the ordinance," Capella said at the time.

On Thursday, however, Capella said: "I have no issue with the public seeing the proposals now."

With that statement, Capella joined council members Chris Roberts, John Young, Louis Congemi and Byron Lee to favor full disclosure.

Councilwoman Jennifer Sneed has excised herself from the process because many of the competing garbage companies have ties to her husband, landfill owner Fred Heebe.

Councilman Elton Lagasse said Friday he had no problem with opening the proposals for public perusal, but not until the parish committee that is reviewing the documents has its first crack at them. His statement came before Wilkinson agreed to release the proposals.

The eight companies competing for the work are Allied Waste of Metairie; Coastal Waste Services of Slidell; Otto Environmental Systems of Charlotte, N.C.; Richard's Disposal of New Orleans; River Parish Disposal of Metairie; SWDI of Houma; Waste Management of Louisiana LLC of Covington; and Waste Pro USA of Longwood, Fla.

Richard Rainey contributed to his report.

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