

# Addendum #1 to August 10, 2018 SBWMA RFP for Solid Waste Disposal and Other Material Handling Services

## Response to Proposer Questions and RFP Modifications

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This Addendum 1 to the August 10, 2018 SBWMA RFP for Solid Waste Disposal and Other Material Handling Services (RFP), issued on September 6, 2018, provides answers to questions submitted by prospective proposers and provides two modifications to the RFP. All terms and conditions of the RFP that are not addressed in this Addendum or in other formal addenda issued on behalf of the SBWMA remain unchanged.

### PROSPECTIVE PROPOSER'S QUESTIONS AND SBWMA ANSWERS

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- 1) **Q: What is the approximate tonnage of this organic material that would be available for grinding and processing? Is this material primarily yard trimmings and wood waste? As the requirements of AB 1594 come into effect, does the SBWMA anticipate this tonnage will decrease?**

A: The organic materials envisioned are primarily self-haul green wastes and wood wastes that do not contain food. Proposers providing grinding services should identify the destinations/markets for the ground materials and ensure that such uses/end markets for the materials will be considered “diverted” from a landfill under AB 1594. The approximate tonnage of clean green and wood would be 10,000 to 20,000 tons per year.
- 2) **Q: Section 3 of the RFP notes that the SBWMA may “contract with one or more companies for disposal services by splitting the solid waste tonnage between the disposal facilities.” Is it the SBWMA’s intent to contract with more than one company to ensure adequate disposal capacity?**

A: The SBWMA is simply reserving the right to contract with more than one company. This option may be considered for a variety of reasons such as ensuring adequate disposal capacity; having back-up disposal capacity; and having access to other material handling services.
- 3) **Q: RFP Section 5.4, Part E, Labor Arrangements notes that proposers must identify the collective bargaining agreements, “if any,” that represents its workforce. Will proposers be required to have a union represented work force to participate in this RFP? If not, will they be required to have a labor peace agreement?**

A: The SBWMA is not requiring that the work force be represented by one or more unions or that there be one or more labor peace agreement(s). The SBWMA is asking proposers to identify if any such arrangements are in place or are anticipated in the future.
- 4) **Q: Section 4.3.3 on page 12 of the RFP: To confirm, electronic proposal submissions are acceptable, correct?**

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- A: Yes, electronic proposal submission is acceptable. Please follow instructions in Section 4.3.3 when submitting the proposals electronically.
- 5) **Q: Section 5.1 on page 15 of the RFP: Is the length of responses to Sections 1-3 limited to 12 pages per section or for all three sections combined?**
- A: The 12-page limitation applies to all three sections combined (e.g., Sections 1 through 3 combined).
- 6) **Q: Section 5.5, item 8 on page 18 of the RFP: Is there a page limitation for the required five-year history of regulatory compliance reports?**
- A: No, the page limitation does not apply to this requirement.
- 7) **Q: Section 3.1 on page 7 of the RFP: Can you provide more information for which compaction technology will be used for “compacted solid waste” and the specifications of the finished product?**
- a. Will a baler be used for compaction?
  - b. How will compacted solid waste be delivered?
  - c. What equipment will be needed to off load it?
- A: The SBWMA is considering using a baler-like device to compress the waste prior to shipment to the landfill. The process is anticipated to yield at 5:1 compaction ratio. The compressed materials would be loaded into transfer vehicles in loose, non-baled form, and would be unloaded from the transfer vehicles at the landfill using landfill tipper(s). Beyond the need for landfill tipper(s), no additional equipment is needed to unload the waste. Because the material would be pre-compacted at the transfer station, the SBWMA anticipates that less compaction would be required at the landfill site.
- 8) **Q: Section 3.3, Table 4 on page 8 of the RFP: Can you describe in more detail the various organic waste streams generated by the member agencies by generator/material stream type?**
- a. Are food scraps comingled with residential yard trimmings?
  - b. Does the JPA have a commercial food waste recycling program? If so...
    - i. Is this waste stream source separated?
    - ii. Is this waste stream comingled with other organic waste streams either in the collection vehicle or at the transfer station?
  - c. Could you list the various organic waste streams currently collected, along with approximate volumes?
  - d. Could you estimate the contamination rates of each organic waste stream?
  - e. Does the JPA currently conduct any mixed MSW organics recovery? If so could you provide details on this operation including volumes and characterization?

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A: The SBWMA operates a residential organics collection program that includes food waste. Residents are encouraged to put food scraps in the green bin along with yard waste. The SBWMA has a commercial source separated organics (SSO) program, which has been in place since 2004. The commercial SSO program is being expanded to comply with SB 1383. The residential and commercial organics streams can be kept separate or combined at the transfer station to suit the processor's needs. Currently, there is no on-site organics or solid waste processing at the SBWMA's Shoreway facility, but the SBWMA is considering anaerobic digestion technologies and is interested in developing these systems to meet CalRecycle requirements. Please see table below for additional data on these organic streams.

Material Type	2017 Tonnage	Contamination Level
Self-haul clean green	10,000	1.7%
Residential organics	78,600	2.5%
Commercial SSO	30,080	5.0%
Total Franchise Organics	118,680	

9) **Q: Section 1.2, Table 1 on page 3 of the RFP: Would the SBWMA consider extending the proposal submission deadline to Friday, November 2, 2018?**

A: No.

10) **Q: Since the RFP envisions at least two phases of receiving competitive bids, will the Authority keep all proposals confidential until a final award is made? How will it ensure confidentiality? If the proposals are shared with Board members, does SBWMA counsel opine that the proposals will be kept from disclosure despite the Authority possibly receiving Public Records Act requests for other competitors' proposals?**

A: While contracts with local agencies are generally disclosable public records due to the public's right to determine whether public resources are being spent for the benefit of the community as a whole or the benefit of only a limited few, the Public Records Act contains an exception for proposals submitted as part of a competitive process leading to the award of a contract. Proposals submitted by interested parties that are evaluated by the local agency and used to negotiate a contract are confidential during the negotiation process because the ability to negotiate the best possible contract terms would be greatly impaired if proposers had access to one another's proposals. Once negotiations have concluded, this exemption is no longer applicable.

11) **Q: The RFP states that proposers may present "an approach that relies on a landfill expansion plan". Please clarify what phase of an expansion plan will be considered**

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acceptable as expansion plans can take several years and do not necessarily guarantee that they will be approved if it is early in the process.

A: The SBWMA understands that there are uncertainties associated with planned landfill expansions and that such uncertainties vary depending on many factors, including the stage of the landfill expansion plans, permitting, development, etc. The SBWMA anticipates considering these uncertainties when evaluating proposals in which landfill capacity is dependent on a landfill expansion.

12) **Q: The RFP envisions that in the future the Authority may use methods that result in the compaction of solid waste prior to delivery to the landfill. Please clarify compacted solid waste and why it anticipates the potential for the proposer to offer a financial benefit to the SBWMA.**

A: With regard to the type of compaction, see response to Question 7 above. In terms of a financial benefit, the SBWMA stated in Section 3.1 of the RFP that it would like to “know if the proposer would provide a financial benefit”, because it is hopeful that there would be some operational savings for delivery of pre-compacted waste. SBWMA recognizes that this may not be the case for all operations. On the Rate Proposal Form in Attachment A, proposers shall present its rate for disposal of compacted waste.

12) **Q: 8.12: (A.vi): Why would a Change in Law adopted by the Authority (which is not mandated by the State or federal law) not be an Uncontrollable Circumstance, entitling the landfill to a rate adjustment if the Authority’s change in law increased the landfill’s costs? What control would the landfill have over the ordinances and resolution adopted by the Authority Board?**

A: Section 8.12.A.vi indicates that if the SBWMA adopts a new ordinance/resolution, it will be viewed as an Uncontrollable Circumstance only if the Change in Law is mandated by State or Federal law. All other Changes in Law would not qualify as an Uncontrollable Circumstance.

Note that if the SBWMA were to consider a new or amended resolution or ordinance in the future, the owner or operator of the landfill could provide its comments/opinions to the Board regarding any resolution/ordinance prior to the Board’s approval of the resolution/ordinance. It may do so in the same manner as any other individual/entity who has an interest in the proposed resolution/ordinance, but the ultimate decision on whether or not to adopt/approve proposed resolutions/ordinances would rest with the SBWMA Board.

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### RFP MODIFICATIONS

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- A. **Change to Registration Date for Interested Parties.** The registration date for interested parties as stated in the RFP on the page following the RFP title page, in Table 1, in Section 4.3.1, and in Section 4.3.2 shall be changed from August 31, 2018 to September 10, 2018.
- B. **Change to RFP Attachment B, Future Disposal Agreement.** The SBWMA reviewed the insurance requirements in Exhibit 6.02 of the Future Disposal Agreement (which is provided as Attachment B to the RFP) and is not proposing any insurance modifications. As a result, Exhibit 6.02 shall be amended to strike the following sentence: ~~[Note to proposers: The insurance requirements are undergoing review by the Authority's insurance broker; therefore, the Authority reserves the right to modify the requirements, including increasing limits.]~~.