

**Beaver County
Solicitation of Interest
for
Municipal Waste
Processing/ Disposal Capacity and
Integrated Waste and Recyclables
Management Program Support**

Prepared and Issued by:

L.R. Kimball

On behalf of

Beaver County, Pennsylvania

April 2013

Revised April 2014

Revised July 2015

Revised March 2016

**Beaver County Solicitation of Interest
For
Municipal Waste Processing/Disposal Capacity and Integrated Waste
and Recyclables Management Program Support**

1. BACKGROUND

The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Pennsylvania's "Act 101") authorizes Beaver County, as part of its Municipal Solid Waste Management Plan that is under development (the "Plan"), to provide capacity assurance for the processing and/or disposal of all municipal waste expected to be generated within the County for a period of at least ten (10) years, and to solicit support for an integrated waste and recyclables management program in the County.

A Consultant (L.R. Kimball) is providing technical assistance with the development of the Plan and this Solicitation of Interest (SOI). The County Plan was completed in July of 2015, and this SOI solicitation process is being issued after Approval of the Plan Update by the PADEP, but prior to commencement of waste disposal and support services associated with the Plan Update, intended to be initiated in July of 2016.

Act 101 expressly authorizes a county to require that all municipal waste generated within its boundaries be processed or disposed only at a specific facility or facilities designated in the county plan. (53 P.S. § 4000.303(e)). The County intends to require that all County municipal solid waste generators and transporters (for all waste categories covered by this SOI, including waste that passes through a transfer station) use only those Designated Facilities identified in the County Plan for processing/ disposal.

Act 101 requires that municipal waste plans look at ways to increase and maximize recycling, where practical, and to determine ways to make recycling programs sustainable. This goal is consistent with the County's clear planning mandate from the County Commissioners and the Solid Waste Advisory Committee (SWAC). The groups strongly recommended that the Plan identify ways to expand and enhance current recycling opportunities in the County and to find ways to support and sustain these programs. This SOI incorporates this public/ private mandate in the solicitation process.

2. PURPOSE OF THE SOLICITATION OF INTEREST

On behalf of Beaver County and its SWAC, the Consultant is releasing and distributing this Solicitation of Interest (SOI) to identify facilities interested in providing processing/ disposal capacity for municipal waste generated from within the County, and to solicit support for a County integrated waste and recyclables management program, beginning in 2016. This solicitation is for the proper documentation (by county of origin), processing and disposal of municipal solid waste (MSW), including: residential/ commercial/ institutional waste, construction/ demolition (C&D) waste, infectious/ chemotherapeutic

waste, asbestos, sewage sludge and other “special handling” municipal wastes as delivered to the gate of the facility.

This solicitation is also being conducted to identify and quantify potential support of the enhanced integrated waste and recyclables management program to be provided in the County, in accordance with goals and directives identified in the ongoing County planning process.

Respondents to this SOI will be evaluated in accordance with criteria listed in this SOI. Those that are determined to meet or exceed the minimum requirements of this SOI will be listed tentatively (until a disposal capacity agreement is executed) as Designated Facilities in the Beaver County Municipal Solid Waste Management Plan, and will be deemed Designated Facilities and permitted to accept MSW from the County (and to potentially provide or otherwise support integrated services in the County), upon the execution of an appropriate Standard Agreement with the County for provision of services. The format of this Agreement (form of Standard Agreement is included in this SOI) will have representatives of the County as signatories to one Agreement with each Designated Facility, for services by the Designated Facility to the County. Respondents tentatively identified as Designated Facilities that fail to execute an Agreement suitable to the County (in the opinion of the County Department of Solid Waste Management and the County Commissioners) will be removed from the list of Designated Facilities that are permitted to provide municipal waste processing/ disposal services to the County.

The purpose of the SOI process is to allow municipal waste from the County to be disposed of at one or more designated licensed/ permitted solid waste processing/ disposal facilities from 2016 through 2025, and to solicit and secure support for other related services. However, it is clearly stated here that the County **will not** guarantee municipal waste quantities to any one facility. The County intends to qualify and execute agreements with multiple facilities that meet or exceed all of the minimum qualifying criteria and are deemed acceptable through the County’s evaluation and interview/ negotiation process.

This process to identify and designate processing/ disposal facilities is being conducted in a fair, open, competitive and flexible manner. The SOI is being advertised publicly, and is open to submission by any MSW processing/ disposal facility that believes that it can comply with the minimum requirements of this SOI. No preference or bias will be given based on whether the facility is located in-state or out-of-state. The process is simple in that the facility need only complete and submit the Submittal Forms for Municipal Solid Waste Disposal and Related Services, indicate whether (and potentially how) they may propose to help support the sustainability of the County’s integrated waste and recyclables management program (these potential opportunities for support are to be identified in the Submittal Package and refined through the interview/ negotiation process), meet the other minimum qualifications and requirements of the SOI, and agree to the terms of an Agreement for Services to be executed with Designated Facilities that will be included in the Plan.

The process is flexible in that a hauler, a municipality, a business or a facility itself may petition the County for a processing/ disposal facility to be considered for inclusion in the

County Plan, after this initial SOI process has been completed. The County Plan will clearly define the process for adding an additional processing/ disposal facility to the Plan's list of Designated Facilities in the future. Facilities can be qualified and added to the County Plan in a reasonably expeditious timeframe.

3. SCOPE OF SERVICES

The work to be performed under this proposed Services Agreement shall consist of providing municipal waste processing and/or disposal capacity assurance and, optionally, support of sustaining an enhanced integrated waste and recyclables management program for Beaver County, in accordance with the provisions of this SOI. **All Respondents MUST be responsive to this SOI's request to 1) indicate whether (and include ideas how) it might support this County's integrated waste and recycling program enhancements, and to 2) confirm its willingness to enter good faith negotiations with the County Department of Solid Waste Management to work to identify ways in which Respondent may potentially support these enhanced integrated waste and recycling programs.** To be clear, the two steps listed here are mandatory components of any response to this SOI, and the County strongly encourages Respondents to support the recycling and integrated waste management programs of the County. **However, the inclusion of support for the County's integrated waste and recycling program enhancements is an optional component of the waste services contract ultimately executed by a successful Respondent; failure to provide such requested program support in the ultimate waste services contract will not be a basis for excluding a facility from eligibility to become a Designated Facility in the County Plan.**

Facility must also affirm its willingness to annually donate to the County municipal waste disposal capacity for non-profit activities, including, but not limited to, road cleanup adoptions and illegal dump cleanups.

Also included in this Scope of Services is a requirement that any municipal waste transfer station proposing to accept and transfer municipal waste from the County must enter an agreement with the County, committing to 1) deliver waste from the County only to Designated Facilities listed in the County Plan, and further, agreeing to 2) accurately track and report (to the disposal site that waste is delivered to, and to the County) the quantities and types of municipal waste accepted and transferred from the County, by county of origin from which the transfer station receives the waste. A standard form of this Transfer Station Agreement is attached to this SOI.

Each Respondent shall be responsible for providing and maintaining a permitted processing and/ or disposal facility, and all labor, equipment, materials, tools, insurance, permits, supervision and all other items necessary to process and/ or dispose of municipal waste in accordance with all applicable Pennsylvania Department of Environmental Protection (PADEP) and United States Environmental Protection Agency (USEPA) rules, regulations and guidelines, and all other applicable federal, state, and local rules, regulations, and guidelines, even if Respondent(s) is located outside of Pennsylvania.

4. PROCESSING/ DISPOSAL OPTIONS

Responses to this SOI shall be as described below. The County is requesting commitments for the processing/ disposal of MSW, including residential/ commercial/ institutional waste, construction/ demolition (C&D) waste, infectious/ chemotherapeutic waste, asbestos, sewage sludge and other “special handling” municipal wastes generated from within the County. The County requires that Respondents agree to accept the types of waste listed in this paragraph that are generated by the County only at facilities approved by and under agreement with the County, and listed as Designated Facilities in the County Plan.

Each Respondent must guarantee part or all of the disposal capacity identified as needed by the County for the period that is anticipated to run from 2016 through 2025. If only a part of the capacity needed is being offered, the Respondent must be very specific about the portion of the capacity being provided by the facility, the types of waste disposal capacity that are being provided, and the calendar year(s) of the guaranteed disposal capacity.

The County is requesting separate price information be provided on the SOI submittal forms for normal residential/ commercial/ institutional waste, C&D waste, and special handling waste disposal. Price information should be presented as not-to-exceed tipping fees for each calendar year and for each type of waste accepted, on a per-ton basis. Respondents should indicate each type of municipal waste that will be accepted from the County at Respondent’s facility.

It is anticipated that the Municipal Waste Processing/ Disposal Capacity and Integrated Waste and Recyclables Management Service Agreement will be for an initial term of five (5) years (starting with initial deliveries in 2016), with a 5-year contract renewal option (at the County’s option).

5. PROCESSING/ DISPOSAL TONNAGES

It is estimated that the County will require total disposal capacity for approximately 240,000 to 250,000 tons of municipal waste (including residential/ commercial/ institutional waste, C&D waste, infectious/ chemotherapeutic waste, asbestos, sewage sludge and other “special handling” municipal wastes, and Residual Waste) each year, during the ten-year planning period.

A breakdown of the historic quantities and types of waste that were generated and disposed of in the County are included in Chapter 3 of the Plan Update.

6. INTEGRATED WASTE AND RECYCLABLES MANAGEMENT PROGRAM SUSTAINABILITY

In addition to securing disposal capacity, the Commonwealth of Pennsylvania authorizes county waste management plans to include an integrated waste management approach, where waste and recyclables management is handled in a preferred waste management hierarchy, which first practices source reduction, then recycles and composts materials, and then recovers energy through combustion of waste at a waste-

to-energy facility and/ or places any remaining waste in a sanitary landfill. Such plans include provisions to address benefits to public health and safety, financial benefits to residents or local government, minimization of liability risk from improper disposal of municipal waste, and strategies to address how the plan will help increase recycling and assist the Commonwealth in achieving its goal of recycling 35% of the municipal solid waste stream.

The County Plan has identified the County's desire to implement an enhanced and sustainable Integrated Waste and Recyclables Management Program (IWRMP), which contains specific program tasks to improve recycling, expand recycling opportunities in the County, educate the public on proper waste management and recycling programs, properly handle/ recycle/ dispose of certain specialty waste items, support the cleanup of illegally disposed waste in the County, and similar measures. The provision of an enhanced and sustainable Integrated Waste and Recyclables Management Program envisioned in the County Plan will require expansion of integrated waste and recycling services currently offered in the County.

PADEP has recently reduced the amount of grant funding it provides to support recycling programs in the County (and throughout Pennsylvania). In addition, since about 2005, the courts have determined that county-legislated administrative fees supporting such programs are not specifically authorized under Act 101. With the loss of state funding and the loss of legislated county administrative fees, the sustainability and future expansion of the County's integrated waste management and recycling programs have been placed in jeopardy. It is anticipated that without alternative providers of integrated waste and recycling services, and/ or without alternate forms of support for publicly-provided programs, the County may be unable to offer/ expand/ sustain integrated waste and recyclables management programs that the new County Plan recommends.

Therefore, this SOI requires Respondents to consider, explain, and be willing to further discuss, options of how they may provide support for a sustainable integrated waste and recyclables management program serving the County, at least for the geographical portion of the County service area for which the Respondent's disposal site also provides disposal services. It is anticipated that the County's understanding of any Respondent-proposed steps to support an integrated waste and recycling program will be identified through both the mandatory responses on this topic in the Respondent's Submission Package, as well as through discussions during the followup interviews and negotiations with the County (that are also part of this SOI process).

The current annual cost estimate of an expanded sustainable program meeting the recycling and integrated waste management program needs and goals of the County, as recommended and documented in the County Plan, is approximately \$250,000. The County's proposed enhanced integrated waste and recyclables management programs that are recommended include, but are not limited to:

- Enhanced Existing Curbside Recycling Collection Programs
- Enhanced Existing Drop-Off Recycling Sites/ Programs
- Expanded Household Hazardous Waste (HHW) Collection Events
- Expanded Special Event/ Materials Collections

- Support for Education and Waste Minimization
- Support for New Recyclables Drop-Off Facilities
- Support for Expansion of Recyclables Bidding/ Data Collection Services
- Support for Illegal Dump Cleanups in the County
- Program Standardization and Sustainability Program Management
- Increased Organics Collection and Composting
- Other Targeted Sustainability Program Support

The County is seeking proposals from Respondents who share the philosophy that the preferred waste management hierarchy is to first practice source reduction; then reuse, recycle and organically process/ compost; and then to combust waste for energy recovery or place it in a sanitary landfill. Facilities who participate in a sustainable integrated waste and recyclables management program should recognize the following benefits to their operations by supporting such practices:

Potential Benefits to Disposal Facilities in Supporting an Enhanced County Integrated Waste and Recyclables Management Program
• Increased tonnage at processing/ disposal sites by assuring proper disposal of unrecyclable waste at Designated Facilities instead of being illegally dumped
• Diversion of banned materials such as tires, mercury thermometers & thermostats and yard waste from landfills
• Reduced delivery of toxic materials to processing/ disposal sites by providing recycling opportunities for electronics, mercury thermostats & thermometers, compact fluorescent bulbs, HHW, and similar types of materials
• Diversion of organic materials from disposal, through mulching, composting and composting education
• Conservation of landfill capacity through recovery of recyclable commodities

A discussion of the programs and cost items that are typically associated with the services provided by the County Department of Solid Waste Management, and the estimated annual costs associated with sustaining these recommended programs, is presented in Exhibit 1, attached to this SOI.

7. PREPARATION AND SUBMISSION OF RESPONSES

- All responses must be prepared and submitted on the Submittal Forms included in this Solicitation of Interest, with supplemental pages added as needed. The completed Submittal Forms and the other documents shall be submitted as a package.
- All responses must be legibly typewritten. All Submittal Forms must be completed in their entirety or the response may be subject to rejection by the County.
- Except where specifically allowed in the Submittal Forms, responses may not be considered which are **not** based on the attached Municipal Waste Processing/ Disposal Capacity and Integrated Waste and Recyclables Management Services Agreement contained herein, or that contain exceptions other than those allowed

by the response document, or that contain any letter or written memorandum qualifying the response, or that is not properly completed and signed in writing by an authorized official or representative of the Respondent(s).

- d) All responses must include an executed Non-Collusion Affidavit and executed Disclaimer Statement as provided in this request package.
- e) Responses shall be placed in a sealed envelope, with the following label on the outside: "Submission Package, Beaver County Municipal Waste Processing/ Disposal Capacity and Integrated Waste and Recyclables Management Program Support" and shall include three (3) copies of the submission, including one (1) original. The original copy must include original signatures of the authorized representative of the facility.
- f) Submissions should be delivered to (on behalf of the County Department of Solid Waste Management):
Dave Minnear, P.E.
Project Manager / Solid Waste Engineer
L.R. Kimball
615 West Highland Avenue
Ebensburg, PA 15931
- g) All submissions should be delivered to the offices of L.R. Kimball at the address listed above no later than 4:00 p.m., local prevailing time, on April 15, 2016.

8. REQUIREMENTS FOR SIGNING SUBMITTALS

- a) Any response that is not signed by the individual submitting the response must have attached thereto a power-of-attorney evidencing authority to sign the submittal in the name of the person for whom it is signed.
- b) Any response submitted on behalf of a partnership must be signed by all of the partners or by an attorney-in-fact. If signed by an attorney-in-fact, a power-of-attorney evidencing authority to sign the response executed by the partners shall be attached.
- c) Any response submitted for a corporation must include the following:
 - Designate the correct corporate name;
 - Be signed by the president or other authorized officer of the corporation; and
 - Be attested to by the secretary or other authorized officer of the corporation.

9. EVALUATION PROCEDURE

The information submitted in response to this Solicitation of Interest will be used to qualify the facility or facilities to provide the required processing/ disposal capacity needs for County-generated municipal waste, and will be used to help identify possible optional support by Respondents for the sustainability and enhancement of an integrated waste and recyclables management program in the County. **A primary factor in qualifying facilities is the willingness of the facility representative(s) to comply with all the terms and conditions of this SOI and the attached Municipal Waste Disposal Capacity and Integrated Waste and Recyclables Management Services Agreement.**

Submission and evaluation of the Respondent's Submission Package represents the first in a two-step process, potentially leading to the execution of an Agreement with the

County to provide waste disposal capacity assurance and, optionally, to support the sustainability and enhancement of integrated waste and recyclables management services in the County. The Consultant will initially review and evaluate each Respondent's Submission Package, and will report its findings and recommendations to the County's Evaluation Team.

Based on the Consultant's review and the County's acceptance of a favorable review of a Respondent's Submission Package, including confirmation of the Respondent's compliance with all of the requirements of the SOI (in the sole judgment of the County), Respondents will then enter the second-step interview and negotiation process. This second step in the procurement process will include any necessary or appropriate negotiations with a Respondent(s) to finalize the contract terms and details of Respondent's submission and will, at a minimum, include good faith discussions and negotiations with the Respondent on possible ways in which Respondent may be willing to support the integrated waste and recyclables programs of the County.

The public release or confidentiality of all data and materials submitted by Respondents is discussed in Section 11 of this SOI. Evaluation data generated by the County and its consultants may be retained, at the County's sole discretion, as confidential information by the County, unless it chooses to release such information.

Respondents participate in this SOI process with the express understanding that there will be no claims whatsoever for reimbursement from the County for the associated costs or expenses of any Respondent in responding to this SOI or in participating in the interview and negotiation process.

Submittal Packages received will be evaluated in accordance with the following evaluation criteria:

Step 1 - Base Criteria Evaluation - These requirements are evaluated on a pass/fail basis. Subject to the discretion of the County, submissions that fail to meet the following requirements will not be given further consideration. The findings of this base criteria evaluation may be released to the general public.

- Respondent must agree to comply with all requirements of the SOI.
- All required proposal forms and required supplemental information must be included in the Submittal Package, properly completed.
- Each Respondent **MUST** indicate in their Submittal Package whether (and include ideas how) it might support this County's integrated waste and recycling program enhancements. (It is not the County's intent that a negative response to this item will result in disqualification of the facility from being selected for the Plan.)
- The County wishes to establish good faith negotiations with Respondent, to work to identify ways in which Respondent may potentially support these enhanced integrated waste and recycling programs. (Again, it is not the County's intent that failure to reach satisfactory negotiated terms will result in disqualification of the facility from being selected for the Plan. The County is merely seeking the opportunity to conduct the negotiations.)

- Facility must affirm its willingness to annually donate to the County municipal waste disposal capacity for non-profit activities, including, but not limited to, road cleanup adoptions and illegal dump cleanups (a minimum of 0.5% of Respondent's daily commitment to accept County waste, or a minimum of 100 tons per year, whichever is less, is required).
- Facility must have a current state-issued waste disposal facility permit, and must have the ability to start accepting municipal waste from the County no later than July 1, 2016.
- Facility must have an operating history that evidences continuing compliance with all federal, state and local laws and regulations, both by the operating company and by any parent company, and should not have a repeated history of violations that in the aggregate can be regarded, in the opinion of the County, as significant or that may inhibit the future ability of the facility to accept waste.
- Facility must guarantee, at a minimum, processing/ disposal capacity for at least 5% of the County's anticipated MSW disposal need over the initial 5-year term of the ten-year planning period (i.e. a guaranteed AVAILABILITY of capacity or air space at the facility from the Respondent to accept, at a minimum, an average of at least 12,000 tons of municipal waste per year from the County over the first five years of the planning period); and, willingness of the Respondent to commit this capacity (with no minimum delivery guarantee) to the County through contract. Further, Respondent must have currently permitted and available processing/ disposal capacity to meet its minimum capacity commitments for at least the first term (first 5 years) of the waste capacity assurance agreement.
- Respondent must be willing to enter a five-year contract, with a County-optional 5-year contract renewal period, to provide the processing/ disposal capacity, optional integrated waste management and recycling program support (if so-opted), and other requirements as contained in this SOI document and proposed Service Agreement.
- If Respondent is a transfer station handling or proposing to handle municipal waste generated from the County, it must affirm its willingness to enter an agreement with the County stating that it 1) commits to deliver waste it receives from the County only to Designated Facilities listed in the County Plan, and 2) further agrees to accurately track and report (to the disposal site(s) that the waste is delivered to, and to the County) the quantities and types of municipal waste accepted and transferred from the County to the disposal site(s), based on the county(ies) of origin from which the transfer station receives the waste.

Step 2 - Interview and Negotiations - Respondents that "pass" the base criteria evaluation step will enter interviews and negotiations with the County and its representatives. These may be held, at the County's discretion, either by conference call, or in person at a location to be determined within the County. The interview and negotiation step of this process will be used to clarify and refine Respondents' Submittals, and to further identify and discuss ways in which Respondent may opt to support the enhancement and sustainability of Integrated Waste and Recyclables Management Programs in the County. In addition, the County may discuss and take into consideration such other factors that are deemed to be in the best interest of the County and its residents and businesses regarding waste management and recycling in the County. A

County Negotiation Score Sheet will be used as part of the negotiations with respondents, with the specific issues to be discussed provided to the respondents prior to the interview.

Subject to successful completion of the interviews and negotiations, each successful Respondent will be identified, tentatively (until contracts are executed) as a Designated Facility in the County Plan, and will be expected to commit to entering a long-term Municipal Waste Disposal Capacity and Integrated Waste and Recyclables Management Services Agreement with the County to provide the services so negotiated, beginning July 1, 2016. Final execution of contract(s) from successful negotiations may be contingent upon final County Plan approval by PADEP.

While the County intends to require that municipal waste from the County be delivered only to designated facilities, it reserves the right to enter into additional future contracts during the ten (10) year planning period with other sites or facilities meeting its criteria, including when such contract or contracts is/ are economically superior to contracts in place, when additional facilities are added to the County Plan in accordance with the Procedure to Add Facilities to the Plan, and/ or when such contract(s) is/ are necessary to assure disposal of one hundred (100%) percent of the County's wastes.

The County reserves the right, at its option, to waive any and all irregularities, defects, errors or omissions in submissions, and to reject any or all submissions if it so chooses.

10. QUALIFICATIONS AND COMPETENCY OF THE PROPOSERS

- a) The County and its consultants shall have the right to make such investigations as deemed necessary to determine the ability of the Respondent(s) to perform the services required under the Agreement. Upon request by the County, the Respondent(s) shall furnish and certify all such supporting data and information that the County may request to demonstrate the Respondent's qualifications and capabilities to perform the required services over the full term of the Agreement.
- b) Respondent(s) may be required to submit sworn statements of their financial responsibility, technical qualifications and performance record prior to the award of any Agreement.

11. CONFIDENTIALITY

It is noted that the County may, at its sole discretion, release and make public any and all information submitted by Respondents in response to this SOI, other than information which Respondent can clearly identify as confidential, or as having significant potential to cause damage to the Respondent, if released. Examples of the types of information that may be released by the County to the public include Respondent's answers to questions regarding potential support of the County's Integrated Waste and Recyclables Management Program, Respondent's ceiling tip fee commitments and escalators over the 10-year planning period, and similar information.

The process for Respondent's identification of confidential materials in its Submission Package is as follows. It is understood that submissions in response to this SOI may contain technical, financial, or other data whose public disclosure may cause substantial

injury to the Respondent's competitive position or constitute a trade secret. To protect this data from disclosure, the Respondent should specifically identify the pages of the Submission Package that contain such information by properly marking the applicable pages and inserting the following notice in the front of its Submission Package:

Notice: The data on pages _____ of this Submission Package, identified by an asterisk(*), stamped "confidential", or marked along the margin with a vertical line, contain technical or financial information which are trade secrets and/ or disclosure would cause substantial injury to the Respondent's competitive position. The Respondent requests that such data be used only for the evaluation of its qualifications, but understands that non-disclosure will be limited only to the extent that the County determines is proper under state and local law.

It is noted that it is unacceptable to label or note the entire Submission Package as Confidential. The County assumes no responsibility for disclosure or use of unmarked data for any purpose. In the event properly marked data are requested, or requested to be disclosed, the Respondent will be advised of the request and shall submit to the County within ten (10) days of notification a detailed analysis setting forth the basis for its belief that this information requested is exempt from disclosure under state and local law. The County will exercise care in applying this confidentiality standard, but will not be held liable for any damage or injury which may result from any disclosure that may occur.

12. TIMETABLE

The projected timetable for conducting this solicitation process is as follows (subject to change):

Advertisement of SOI Availability	3/21/16
Submission Packages Due	4 p.m. prevailing time, 4/22/16
Evaluations of Submittals	4/25/16 through 5/4/16
Respondents Notified for Interviews	5/6/16
Interviews and Negotiations	5/19/16 through 5/23/16
Designated Facility Determination (tent.)	6/1/16
Execution of SOI Service Agreements	TBD
Commencement of SOI Contract Services	7/1/16

13. INQUIRIES

Please contact Dave Minnear of L.R. Kimball, the County's designated point of contact for this solicitation and part of the Consultant Team on this project, at (814) 472-7700,

extension 1256; e-mail address dave.minnear@lrkimball.com; mailing address as listed in Section 7 of this SOI, to ask specific questions regarding this solicitation. All formal inquiries, questions and requests for clarification shall be submitted in writing to Mr. Minnear no later than April 8, 2016. Any requests for clarification requiring a formal response will be issued in the form of an addendum to this SOI, to all holders of record of the SOI documents.

Solicitation of Interest for Beaver County - Exhibit 1

Over the next 10 year period, the Beaver County Department of Waste Management (DWM) will incur costs associated with a large variety of tasks, including, but not limited to the following.

- The County Recycling Center at Brady's Run Park, in Brighton Twp., which provides facilities for recycling mixed paper, metals, glass, plastic bottles, corrugated cardboard, used ink cartridges, used oil and transmission fluid, used antifreeze, yard waste, electronics, used automobile batteries, used rechargeable batteries, polystyrene, plastic film wrap, textiles and fibers, and fluorescent bulbs.
- The Backyard Composting Educational Program and Annual Workshop
- The Municipal/Commercial Compost and Land Application Program, including the County Composting Facility and numerous processing and land application Sites
- Evaluation and assistance with municipal and private waste collection programs
- Provision of Educational Programs to municipalities, schools and the general public regarding various solid waste and recycling issues
- Annual Household Hazardous Waste Collection Events
- Paper shredding program
- Miscellaneous recycling efforts at annual events (Maple Syrup Festival, Cancer Walk, etc.)
- Annual River Sweep cleanup program
- Participation with the County Conservation District by providing compost during their annual Tree Sale
- Provision of materials to municipalities to assist with startup of local recycling programs
- Assistance to municipalities with Act 101/Section 902 Recycling Grant Applications
- Assistance to municipalities preparation of the Recycling Annual Report
- Periodic Newsletter and other Waste and Recyclables Information Literature

Historically, these costs have amounted to roughly \$250,000 annually, although costs are anticipated to increase with time.

Costs associated with these items have historically been partially offset by:

- Revenues generated by the sale of collected recyclable materials
- Revenues generated by the sale of compost material
- Grants received from the PADEP
- Grants received from other sources
- County contributions

Unfortunately, revenues from collected recyclables have been declining over the last few years, since many of the material generators have begun recycling the more profitable commodities themselves rather than allowing them to be collected by the County or municipality. In addition, the PADEP has indicated that grant money may be less readily available in the future, and that the County percentage of the total cost associated with the grants will increase. The Beaver County Commissioners have asked the County Department of Solid Waste Management to make the Department Sustainable, without County contributions, over the next few years. As a result, the Department will be responsible for either generating additional revenue to offset costs associated with the above activities, or reducing the level and number of services provided to the residents and businesses of the County.

SUBMITTAL FORM

**FOR MUNICIPAL WASTE PROCESSING/DISPOSAL CAPACITY
AND INTEGRATED WASTE AND RECYCLABLES MANAGEMENT
PROGRAM SUPPORT**

BEAVER COUNTY, PENNSYLVANIA

Date: _____

To: L.R. Kimball
615 West Highland Ave.
Ebensburg, PA 15931
ATTN: Dave Minnear, P.E., Project Manager
(on behalf of the County Department of Solid Waste Management)

Respondent: Company Name _____
Address _____

City _____ State _____ Zip _____
Contact _____ Telephone (____) _____

The undersigned has examined the **Solicitation of Interest (SOI)** document, including the **Municipal Waste Processing/Disposal Capacity and Integrated Waste and Recyclables Management Service Agreement**, and has completed fully this **Submittal Form for Municipal Waste Processing/Disposal Capacity and Integrated Waste and Recyclables Management Program Support** (including the **Disclaimer Statement, Non-Collusion Affidavit** and the **Processing/Disposal Facility Questionnaire**) contained in this Solicitation of Interest dated March of 2016.

This Response is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation. This Response is not submitted in conformity with any agreement or understanding with any other Respondents. Respondent has not directly or indirectly induced or solicited any other Respondent to submit a false submittal. Respondent has not sought by collusion to obtain for itself or to provide to any other Respondent any advantage over any other Respondent or over the County.

If selected by the County Department of Solid Waste Management to be listed as a Designated Facility (tentatively, subject to Agreement execution) in the Beaver County Solid Waste Management Plan (the Plan), the undersigned Respondent agrees to execute and deliver the **Municipal Waste Processing/Disposal Capacity and Integrated Waste and Recyclables Management Service Agreement**, including the required Certificate of Insurance, to the County Department of Solid Waste Management in accordance with all of the terms of this request.

1. TYPES AND ESTIMATED QUANTITIES OF WASTE TO BE ACCEPTED

a. Does this facility currently accept or intend to accept municipal waste from Beaver County sources?

- Currently accepts municipal waste from within the boundaries of Beaver County
Reported quantity received in 2012: approximately _____ tons of municipal waste
- Makes commitment to accept Beaver County’s municipal waste for at least the next five years (i.e. the first term of the service agreement)
- Makes commitment to accept Beaver County’s municipal waste for the second five-year renewal term of the service agreement, if the renewal option is selected by the County Department of Solid Waste Management

b. Please check type of facility.

- Landfill
- Municipal waste composting facility
- Waste Transfer Station
- Resource recovery facility
- Other (specify) _____

Facility Name _____

Facility Location: _____

State _____ County _____

Does this facility meet all applicable federal, state and local laws, rules, regulations and guidelines, and does Respondent believe this will continue in the future?

- Yes
- No
- If no, explain: _____

c. Specify the types and quantities of municipal waste generated in Beaver County that will be accepted for processing or disposal during the term of the agreement specified herein.

Waste Type	Will Accept (Y/N)	Permitted Daily Avg. Tonnage	Minimum Tons to be Accepted per Operating Day - from Beaver Co.*	Minimum Tons to be Accepted per Operating Week - from Beaver Co.*	Minimum Tons to be Accepted per Operating Year - from Beaver Co.*
Conventional Municipal Waste					
Construction/Demolition Waste (C&D)					
Municipal Sewage Sludge					
Infectious & Chemotherapeutic Waste (ICW)					
Other (specify) _____					
Other (specify)** _____					

* Please note "All" if there are no specified maximum limits.

** Attach additional pages if more types of waste need to be included

d. Minimum sludge characteristics required: % Solids _____
Other requirements?: _____

e. Will bulky wastes be accepted? Yes No
If yes, specify tonnage: _____ (tons/day or tons/year)

If yes, lists types and other requirements?: _____

f. Amount of municipal waste disposal capacity donated by the Respondent per year for non-profit activities, including, but not limited to, road adoptions and illegal dump cleanups (a minimum of 0.5% of your daily commitment to accept Beaver County waste, or a minimum of 100 tons per year, whichever is less, is required): _____(tons/day or tons/year)
(This does not apply to Waste Transfer Stations)

2. INTEGRATED WASTE AND RECYCLABLES MANAGEMENT PROGRAM

As noted in the SOI, Respondents are required to consider and share with the County Department of Solid Waste Management ideas on the manner in which they may be able to provide support for an enhanced and sustainable integrated waste and recyclables management program serving Beaver County, at least for the service area for which the Respondent's disposal site is also providing disposal services.

a. Does Respondent agree to indicate whether, and include ideas how (in the response area of this section of the Submittal Form, found below) it might support an enhanced and sustainable integrated waste and recyclables management program for Beaver County?

Yes
 No

b. Does Respondent affirm its willingness to enter good faith negotiations with the County Department of Solid Waste Management to work to identify ways in which Respondent may potentially support an enhanced and sustainable integrated waste and recyclables management program for Beaver County?

Yes
 No

Some of the integrated waste and recyclables management enhancement programs that are recommended in the Beaver County Municipal Waste Management Plan include:

- Enhance Existing Curbside Recycling Collection Programs
- Enhance Existing Drop-Off Recycling Sites/Programs
- Expand Household Hazardous Waste (HHW) Collection Events
- Expand Special Event/ Materials Collections

- Support Education and Waste Minimization
- Support New Recyclables Drop-Off Facilities
- Support Expansion of Recyclables Bidding/ Data Collection Services
- Support Illegal Dump Cleanups in the County
- Implement Program Standardization and Sustainability Management
- Increase Organics Collection and Composting
- Other Targeted Sustainability Program Support

The County Department of Solid Waste Management and various municipalities within the County currently offer various levels of integrated waste and recycling services to residents and businesses, at an undetermined cost. The Solid Waste Management Plan contains initiatives to expand and enhance the current offerings, as summarized above. The current annual cost estimate to expand and enhance a sustainable program meeting the integrated waste and recyclables management needs of Beaver County, as recommended and documented in the Plan, is approximately \$250,000. The County Department of Solid Waste Management is looking to Respondents to help identify ways in which it may support the provision of sustainable expanded programs for integrated waste and recyclables management in Beaver County. While provision of these services is an optional component of this SOI, the County strongly recommends and requests Respondents' support for provision of these services.

Respondents to this SOI shall describe below, and as needed on additional pages to be attached to this Submittal Form, ideas on how they may be able to support the enhancement and expansion of Beaver County's Integrated Waste and Recyclables Management Program, as further detailed on Exhibit I of the SOI and as further described in the Plan, at least for the service area for which the Respondent's disposal site is also intending to provide disposal services. Use as many pages as necessary to demonstrate the manner of optional support for the sustainability of these critical and important components of the Plan.

These optional ideas and concepts provided by Respondents will be further discussed and refined through the follow up interview and negotiation process with the County, as described in the SOI text.

Response: _____

(attach additional pages as necessary) _____

3. PROPOSED FEE SCHEDULE FOR WASTE PROCESSING/ DISPOSAL SERVICES

The proposed tipping fee schedule shall include all state and local fees as part of the Respondent’s maximum, not to exceed, per ton disposal fee provided in the following section. These fees shall be interpreted to be not-to-exceed tipping fees that the site will offer for processing/ disposal of municipal solid waste, including C&D waste and various “special handling” wastes from Beaver County.

PROCESSING/ DISPOSAL ONLY

Contract Year*	Municipal Waste		Construction/ Demolition Waste (C&D)		Municipal Sewage Sludge**		Infectious & Chemotherapeutic Waste (ICW)	
	Price/ Ton	Escalation Rate***	Price/ Ton	Escalation Rate***	Price/ Ton	Escalation Rate***	Price/ Ton	Escalation Rate***
2016								
2017								
2018								
2019								
2020								
2021								
2022								
2023								
2024								
2025								

* Anticipated first year of operation under this contract is 2016.

** Please specify the adjustment in unit cost for variations in sludge characteristics (if applicable): _____

*** May be left blank if fixed price/ton information is provided for all years.

For disposal of other types of wastes listed in Section 1.c, identify the tipping fee rate structure that would be used (first year cost with escalation rates, or future year fixed costs).

Waste Type	(list)		(list)		(list)	
Contract Year*	Price/Ton	Escalation Rate**	Price/Ton	Escalation Rate**	Price/Ton	Escalation Rate**
2016						
2017						
2018						
2019						
2020						
2021						
2022						
2023						
2024						
2025						

* Respondent acknowledges that the costs presented above reflect an anticipated first year of operation under the contract is 2016.

** May be left blank if fixed price/ton information is provided for all years.

Other not-to-exceed proposed rate schedules for materials from Beaver County, such as bulky waste fees (list item and provide or attach rate structure):

4. COMPANY EXPERIENCE AND OPERATING HISTORY

- a. A general processing/ disposal facility questionnaire is included at the end of this section. For each Respondent, this questionnaire should be completely filled out and returned as part of the Submittal Package.
- b. **Pending Legal/Regulatory Actions** - Provide information on past or pending lawsuits and regulatory actions against the Respondent which may have a material impact on Respondent’s ability to perform under this contract, and list any fines and/or penalties that have been imposed on Respondent by the PADEP, Federal or other State agencies on any solid waste facility that Respondent has had permitted over the past five years (attach separate sheets, if necessary).

- c. **Company Obligations** – List any obligations the Respondent has made which will commit processing and/or disposal capacity at the proposed site to parties other than Beaver County. Include host community disposal obligations which may be required under 25PA Code § 272, or other State and Federal regulations (attach additional sheets, if necessary).

- d. **Strength of Commitments and Contingency Plans** – Provide descriptive information on the following matters (attach separate sheets or include additional documents for response).
 - (1) Confirmation of available capacity at a processing/ disposal facility, which currently has and will maintain, through the contract period, proper processing and/or disposal permits.
 - (2) Confirmation of transfer trailer accessibility to the proposed processing/ disposal facility.
 - (3) Information on financial strength of the Respondent to support the operation of the processing/ disposal facility and back the obligations and commitments to the County as specified above.
 - (4) Position of the Respondent regarding specific reservation of air space or capacity at processing/ disposal facility for duration of the contract term.
 - (5) Acceptance of Marcellus Shale drilling residuals and materials, and the potential impact of disposal of these residuals on the processing/ disposal capacity commitments of Respondent to the County.
 - (6) Contingency plans for continued processing/ disposal of waste in the event of a reduction in waste processing/ disposal capacity at the proposed disposal facility.
 - (7) Ability and willingness of the Respondent to accept variations in rates of waste delivery from Beaver County.

- e. **Deviations or Exceptions to Contract Specifications** – The SOI has provided a standard agreement to each Respondent selected for negotiations. This standard agreement is intended to reduce the time period for negotiations. The County does not intend to deviate from this standard agreement except as necessary to incorporate specific provisions. If this submittal is premised upon any deviation, qualification and/or exception to the standard terms and conditions of the Municipal Waste Processing/ Disposal Capacity and Integrated Waste and Recyclables Management Services Agreement section of this Solicitation of Interest, the Respondent must cite such deviations and/or exceptions in the following section (attach separate sheets, if necessary).

- f. **Days and Hours of Operation** (Receiving Times, under the Municipal Waste Processing/ Disposal Capacity and Integrated Waste and Recyclables Management Service Agreement - attach additional sheets if necessary):

5. CONSIDERATION OF TERMS AND CONDITIONS OF SOLICITATION OF INTEREST

To: L.R. Kimball
615 West Highland Ave.
Ebensburg, PA 15931
ATTN: Dave Minnear, P.E., Project Manager
(on behalf of the Beaver County Department of Solid Waste Management)

From: _____ (Name of Firm)

_____ (Contact Person) _____ (Telephone Number)

- a. The undersigned having carefully read and considered the terms and conditions of the Municipal Waste Processing/ Disposal Capacity and Integrated Waste and Recyclables Management Service Agreement and other documents contained in the Solicitation of Interest package, and being familiar with the local conditions affecting the cost of the work, does hereby propose to furnish all labor, equipment, materials, tools, insurance, permits supervision and all other items necessary to provide municipal waste processing/ disposal services in accordance with the Municipal Waste Processing/ Disposal Capacity and Integrated Waste and Recyclables Management Service Agreement under the conditions and rates hereinafter set forth.
- b. In submitting this response, it is understood that the County reserves the right to reject any or all submittals, to waive any informalities in any submittal or the solicitation process, and to negotiate any final contract provisions based on the responses submitted.
- c. In submitting this response, undersigned agrees that no Price Proposal may be withdrawn for a period of fifteen (15) months after the date for receipt of responses and that all Price Proposals shall be valid for this entire period, subject to cost adjustment as identified, unless advance written consent for such withdrawal is granted by the County.

Date: _____

(Name of Firm)

By: _____

AFFIX CORPORATE SEAL

Title: _____

ATTEST:

**BEAVER COUNTY
MUNICIPAL SOLID WASTE MANAGEMENT PLAN
PROCESSING/DISPOSAL FACILITY QUESTIONNAIRE**

A. BACKGROUND INFORMATION

1. Date: _____

2. Name of Facility: _____

3. Owner of Facility: _____

4. Type of Facility: Landfill _____ Resource Recovery (Waste to Energy) _____
 MSW Composting _____ C&D Processing _____
 Waste Transfer Station _____
 Other (describe): _____

5. Address and Phone Number of Owner: _____

6. Address of Facility (if different from above): _____

7. Contact Person: _____ Title: _____ Phone: _____

8. Person Supplying Information: _____ Title: _____
Phone: _____

9. State where Corporation is registered _____

10. Approx. Road Mileage from Facility to the Borough of Beaver, Beaver County, PA:

B. PERMIT INFORMATION

Please complete the following for the portion of the site for which an approved PADEP municipal waste disposal permit or permit from state(s) outside of Pennsylvania has been obtained. For facilities other than landfills, describe the current permit conditions. Questions regarding proposed expansions are asked in a separate section of the questionnaire.

1. Permit Number _____
2. Permit Site Acreage _____ acres. Disposal Area _____ acres.
3. If a Landfill, Permitted Capacity _____ tons/cubic yards _____ years
If a Waste Transfer Station, Permitted Flow-Through Capacity _____ tons/day
4. Design Capabilities (if other than a landfill): Design Capacity _____ tons/day
Maximum Continuous Rating (MCR) _____ tons/day
Available Processing Capacity _____ tons/day _____ tons/year
5. Waste Types and Quantities (2013 or 2014, if available)
Please Identify:
 - a. the maximum and average daily permitted quantities (in tons) of each of the listed types of waste, (if not accepted, please use N/A)
 - b. the expected annual tonnage of each type of waste, and
 - c. current tipping fees charged for waste deliveries (approximate, or give a range)

Waste Type	Permitted Maximum Daily Tons	Permitted Average Daily Tons	Expected Annual Tons	Current Tipping Fee (specify ton or cubic yard)
Municipal Waste (except for types listed below)				
Construction/ Demolition Waste (C&D)				
Sewage Sludge				
Infectious/ Chemotherapeutic Waste (ICW)				
Incinerator Ash				
Asbestos				
Other MSW (please specify)				
Other MSW (please specify)				

Residual Waste – Marcellus Residuals				
Residual Waste - Other				

d. Minimum % Solids of Sewage Sludge _____%

6. If a landfill, for the area subject to the permit, what is the estimated total available disposal capacity between January 1, 2016 and final closure (as currently permitted)?

Approximately _____ tons over ____ years, or approx. _____ cubic yards of remaining air space.

C. EXPANSION PLANS

Please summarize your expansion plans in narrative form. Indicate status of design and permit requirements, and expected date of initial operation of expansion (attach response on separate sheet, if necessary).

1. Expected Waste Types

Expected Waste Types	Estimated Annual Quantity to be Processed or Disposed (specify tons or cubic yards)	Percent of Total Quantity
Municipal Waste (except for types listed below)		
Construction/ Demolition Waste		
Sewage Sludge		
Infectious & Chemotherapeutic Waste		
Asbestos		
Incinerator Ash		
Other (please specify)		
Other (please specify)		
Residual Waste		

2. Additional Capacity Plans

- a. If Landfill:
 - 1. Expected Total Capacity (tons or cubic yards) _____
 - 2. Expected Lifetime (yrs.) _____
- b. If Other Than Landfill:
 - 1. Design Capacity _____ tons/day
 - 2. MCR Rating _____ tons/day
 - 3. Available Processing Capacity _____ tons/day _____ tons/year
- c. Expected Start of Expansion Development _____
- d. Start of Operations Date _____

NON-COLLUSION AFFIDAVIT

STATE OF _____:

COUNTY OF _____:

I state that I am _____ of _____
_____(Name of firm) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for providing the pricing information and the reserved tonnages included in this response.

I state that:

1. The price(s) and tonnages contained in this response have been arrived at independently and without consultation, communication or agreement with any other contractor, Respondent or potential Respondent.
2. Neither the price(s) nor the tonnages contained in this response, and neither the approximate price(s) nor approximate tonnages in this response, have been disclosed to any other firm or person who is a Respondent or potential Respondent, and they will not be disclosed before the Submission due date and time, and opening of the Submission by the County’s Consultant.
3. No attempt has been made or will be made to induce any firm or person to refrain from responding to this Solicitation of Interest, or to submit a response higher than this response, or to submit any intentionally high or noncompetitive response or other form of complementary response.
4. The response of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive response.
5. _____ (Name of firm), its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last five (5) years been convicted or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to proposing on any public contract, except as follows (attach additional pages if necessary):

I state that _____ (Name of firm) understands and acknowledges that the above representations are material and important, and will be relied on by the County and its consultants in recommending the award of service agreements for which this Response is submitted, on behalf of Beaver County. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the County of the true facts relating to the submission of Responses for this contract. I understand and my firm understands that any fraudulent concealment will allow the County and/ or the Counties to pursue all applicable remedies at law or equity including, but not limited to, the right to reject this Response.

Sworn to and Subscribed before me

Name

This _____ day of _____, 2016.

Company Position

_____(Notary Public)

My Commission Expires: _____

DISCLAIMER STATEMENT

The Consultant Team that represents the Beaver County Department of Solid Waste Management has prepared the information contained in this Solicitation of Interest (SOI) from information received by them, and such information is believed to be accurate and reliable. However, by its receipt of this SOI, the party whose name appears below remises, releases and forever discharges the County and all others employed by and/or representing the County and associated with this project, from any and all claims which such person(s) has, have or may hereafter have arising out of any information contained in this SOI. Any party who intends to submit a response to this SOI is specifically invited to independently verify the accuracy of the information contained herein.

Name of Organization

Name

Title

Date