



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
CAO

For the meeting of: February 27, 2018

Date: February 20, 2018

To: Board of Supervisors

From:  Thomas K. Mattson, Public Works Director

Subject: Humboldt Waste Management Authority (HWMA) Request for Proposal (RFP) for Processing and Marketing of Curbside Collected Recyclable Material and Recycling Flow Control Memorandum of Understanding (MOU) to Participate in a Regional Recyclable Materials Processing Agreement.

RECOMMENDATIONS:


That the Board of Supervisors:

1. Review the proposed Recycling Processing and Marketing of Regional Curbside Collected Materials Request for Proposals (RFP) (Attachment 1); and
2. Authorize the Chair of the Board of Supervisors to execute the proposed Recycling Flow Control Memorandum of Understanding (MOU) to participate in a Regional Recyclable Materials Processing Agreement (Attachment 2).

SOURCE OF FUNDING: Solid Waste (1100438)

DISCUSSION:

The goal of the Regional Curbside Material Recycling RFP effort is to provide committed participating agencies with comprehensive, stable and cost effective recycling processing and marketing services. Combining tonnage and recycling processing contract management responsibilities into the HWMA's system would reduce duplicative administrative efforts for

Prepared by Thomas K. Mattson CAO Approval 

REVIEW: Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
 Upon motion of Supervisor Wilson
 Seconded by Supervisor Bass
 And unanimously carried by those members present,
 The Board hereby adopts the recommended action
 Contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No. C-25; L-2

Meeting of: April 6, 2010; May 24, 2011

Dated: 2/27/18
Kathy Hayes, Clerk of the Board

By: 

member agencies to solicit and manage individual recyclable contracts and maximize leverage opportunities to secure competitive proposals for the combined tonnage in a transparent and equitable manner

A successful regional recycling RFP procurement process is dependent upon member agencies' commitment of their curbside collected recyclable tonnage. Under the HWMA Joint Power Agreement provisions, member agencies retained 'flow control' of recyclable materials and will need to determine whether to commit their recyclable tonnage in a regional effort. This means that each entity must decide whether to direct 'flow control' of their recyclable material tonnage to HWMA by entering into a Memorandum of Understanding (MOU) prior to a "Regional Recycling Processing and Marketing of Curbside Collected Materials" RFP being released.

The draft MOU (Attachment 2) will enable HWMA to solicit proposals (RFP, Attachment 1) as a Joint Powers Authority (Authority) acting on behalf of its member agencies and enter into an agreement for recyclable processing and marketing services with a contractor who will provide receiving and processing of recyclable materials at a regional processing facility. The Authority is currently under a services agreement with Solid Waste of Willits (SWOW), but this agreement will end in September 2018. Each participating agency will agree to direct their franchise collection haulers to deliver all recyclable materials collected to the Authority's designated processing facility. Representatives of member agencies met on August 17, 2017 to review the document, and reviewed revisions associated with updating tonnage information and minor document clarifications.

As of January 29, 2018, the following HWMA member agencies have expressed a willingness to commit and participate in the Recycling RFP process are as follows:

| Member Entity | Participate | Comments |
|----------------------|--------------------|-----------------|
| City of Arcata | Yes | |
| City of Blue Lake | Yes | |
| City of Eureka | Yes | |
| County of Humboldt | <i>Pending</i> | |
| City of Ferndale | Yes | |
| City of Rio Dell | Yes | |

The HWMA Board of Directors is scheduled to approve the solicitation of the RFP at their regular meeting scheduled March 8, 2018.

Proposed MOU to Participate in a Regional Recyclable Materials Processing Agreement:

The purpose of the proposed MOU, which was developed by HWMA, in coordination with member agency staff, is to establish the responsibilities and obligations of all the involved parties, with regard to flow control, reporting requirements, contract management, meeting and consultations, education and revenue distribution. The proposed MOU provides for the quarterly distribution of recycling revenue on the following basis: (1) HWMA shall retain for contract administration fifteen (15) percent of the agreed upon amount per ton base revenue received from all mixed-stream recyclable commodities; and (2) any revenue received from source-separated recyclable commodities shall be passed through to each participating member agency. The proposed MOU also provides that HWMA and each participating member agency will undertake coordinated educational and outreach activities to assist the recycling contractor in achieving a diversion rate of ninety-two (92) percent of all recyclable materials received. Pursuant to the proposed MOU, HWMA will provide quarterly and annual summary reports to each participating

member agency indicating the tonnage of recyclable materials processed for that period, a statement of revenues received from the recycling contractor and any other information concerning administration of the recycling contract.

The County of Humboldt currently has three operators holding solid waste franchises within the unincorporated area. The franchises held by Arcata Garbage Company (unincorporated Arcata area) and Eel River Disposal (Ferndale/Fortuna and Holmes Flat areas) have been purchased by Recology (unincorporated Eureka, Fieldbrook, Holmes Flat and Garberville areas). Recology and the Arcata area franchise have been directing their recyclable materials to SWOW pursuant to HWMA's current recycling contract. With the recent acquisitions by Recology, the Eel River Disposal franchises within the unincorporated county will now be directed to whoever is awarded the next contract by HWMA. The current estimate of available tonnage to be committed throughout the unincorporated county is approximately two thousand (2,000) tons per year.

Humboldt Sanitation (unincorporated area of northwestern Humboldt County) has internal methods for processing and marketing the recyclables within their franchise area. Accordingly, the recyclable materials pertaining to the above-referenced franchise area have been contractually committed to Humboldt Sanitation for the term of their franchise agreement.

Toms Trash (Willow Creek area) delivers its recyclables to Recology as part of Recology's purchase of Eel River Disposal. That material is included in the recyclables to be committed to HWMA through the RFP process.

Staff recommends that the Board of Supervisors participate in the proposed RFP process, and authorize the Chair of the Board to the proposed MOU with HWMA.

FINANCIAL IMPACT:

The requested actions have no financial impact to the General Fund. In addition, it is anticipated that participation in the proposed RFP process and execution of the proposed MOU, once revised as explained above, will provide the least expensive alternative for the operation and possible addition of curbside recycling to customers within unincorporated county solid waste franchise areas.

Participation in the proposed RFP process and execution of the proposed MOU, once revised, supports the Board of Supervisors' Core Role of managing county resources to ensure sustainability of services.

OTHER AGENCY INVOLVEMENT:

HWMA, City of Arcata, City of Blue Lake, City of Eureka, City of Ferndale and City of Rio Dell.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors may choose not to participate in the proposed RFP process or execute the proposed MOU, once revised as explained above. However, this is not recommended since participation in the proposed RFP process, and execution of the proposed MOU, once revised, may provide for lower costs to operate curbside recycling programs.

ATTACHMENTS:

Attachment.1: Recycling Processing and Marketing of Regional Curbside Collected Materials
Request for Proposals

Attachment 2: Recycling Flow Control Memorandum of Understanding to participate in a
Regional Recyclable Materials Processing Agreement

Humboldt Waste Management Authority (HWMA) Request for Proposal (RFP) for Processing and Marketing of Curbside Collected Recyclable Material and Recycling Flow Control Memorandum of Understanding (MOU) to Participate in a Regional Recyclable Materials Processing Agreement.

Attachment 1

Recycling Processing and Marketing of Regional Curbside Collected Materials Request for Proposals

REQUEST FOR PROPOSALS

FOR

**RECYCLING PROCESSING AND
MARKETING OF REGIONAL
CURBSIDE COLLECTED RECYCLABLE
MATERIALS**

ISSUED BY:



Humboldt Waste Management Authority

**1059 West Hawthorne Street
Eureka, CA 95501**

March XX, 2018

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1.0 General Information

The Humboldt Waste Management Authority (“HWMA or Authority”) is issuing this Request for Proposals to select a qualified Proposer to process curbside collected recyclable materials from Member Agencies and mixed stream material from the Authority’s Eureka Recycling Center. The Agreement will be between the HWMA and the selected Proposer for a ten (10) year period. The terms of this Agreement may be extended for a five (5) year period at the sole discretion of the Authority. The term of the Agreement is expected to commence September 5th of 2018, or unless otherwise directed by the HWMA Board of Directors. The Proposer will be responsible for securing property for a facility within the Authority’s Member Agency’s jurisdictions to receive recyclable material for transportation to the Proposer’s facility for processing, marketing and disposal of residual materials.

Proposals are being solicited from qualified Proposers, or a group of qualified Proposers, that form a team arrangement, for purposes of this 45-day solicitation. In the event a teaming arrangement is proposed, the Proposers should recognize that the team must be represented by a single prime Proposer that will be responsible for entering into this Agreement and serve as the primary contact and responsible party. The Proposal shall be submitted in accordance with the guidelines presented in this RFP. All data and information furnished by the HWMA or referred to in this RFP are provided for the Proposer’s convenience. The HWMA does not guarantee that such information or data is accurate and assumes no responsibility as to the accuracy of the information. Proposers are encouraged to independently verify the accuracy and interpretation of all such information or data.

1.1 Humboldt Waste Management Authority

The Humboldt Waste Management Authority is a Joint Powers Authority (JPA) consisting of the Member Agencies of the jurisdictions of Arcata, Blue Lake, Eureka, Ferndale, Rio Dell, and Humboldt County. The cities of Fortuna and Trinidad are not members of the HWMA JPA, although Trinidad has expressed interest in joining. The Authority was established in 1999 and acted as a regional focus point in a diverse waste management system. One of the primary goals of the Authority is to provide program support for cost-effective waste reduction, recycling, and solid waste programs to Member Agencies through their franchised collection providers and the public recyclers to meet and exceed the minimum 50% diversion mandated by California State Law, AB 939.

The Authority operates the Hawthorne Street Transfer Station, which includes the Eureka Recycling Center, located at 1059 West Hawthorne Street in the city of Eureka. The Hawthorne Street Transfer Station serves as a hub and central location in the area for drop-off of solid waste from the public and local franchise collection haulers. Solid waste collected at the Transfer Station is loaded and hauled by transfer trailer trucks to the Dry Creek Landfill located in Medford, Oregon.

The Hawthorne Street Transfer Station also accepts recyclable materials at its drop-off location from the public and commercial businesses. Household hazardous waste, E-waste, and Universal materials are also received and managed at the Eureka Recycling Center housed within this complex, as well as through mobile collection programs in the Humboldt County area. The Authority owns and manages the Cummings Road Landfill in Eureka. The Authority also manages through contractual means composting of organic materials at the Mad River Compost Facility owned and operated by third-party contractors.

1.2 Authority Goals and Objectives

The Authority is interested in receiving proposals from companies that have demonstrated experience providing transportation and processing of recyclable materials comparable to those described in this RFP, to ensure success of the services for the Authority and its Member Agencies. The Authority will place an emphasis on a Proposer who places a high priority on reliable, cost effective, and environmentally sound operations, and who has demonstrated measurable results through its on-going operations on other similar projects. The Authority's goals and objectives for future services include:

- Low-cost and efficient local recycling, receiving and processing services.
- Produce commodities for high value end market.
- Flexibility to adapt to market fluctuations and trends to secure most competitive price rates.
- A quarterly market value credit to the Authority based on the tons processed. The potential ability to accept additional materials.
- Maintain quarterly facility total residual disposal to less than 8% of inbound materials from the franchise haulers.
- Meet all current and future state and local regulations and permitting conditions, and have an Operations Plan approved by local regulatory authorities at the time the Processing Agreement goes into effect.
- Fair treatment of employees.
- Full cooperation with member agency franchise operators, as well as the Hawthorne Street Transfer Station.
- Maintain a high level of service (timely, courteous, and responsive) to the Authority and its Member Agencies.
- Ensure the cost competitiveness and effectiveness of the services provided; and
- Pursuant with CA Assembly Bill 32, minimize the carbon footprint; reduce greenhouse gas emissions and other adverse environmental impacts while maximizing the sustainability of the services.

1.3 Organization of the RFP

General information regarding the RFP purpose, process, and schedule are provided in the following.

- Section 1 contains General Information to assist Proposers in understanding the current and proposed services required, including general information about HWMA member agencies.
- Section 2 contains Proposal Considerations such as the rights of the Authority, consequence of Contract's submission of their proposal, costs to prepare a proposal, and the proposal schedule.
- Section 3 presents Background Information regarding recyclable material types to process and estimated quantities to be processed under this Agreement.
- Section 4, Scope of Services, defines the work and services covered by this RFP.
- Section 5 details the timeline to arrive at an Agreement, and terms and conditions for the requested services.
- Section 6 discusses the RFP Proposal Requirements to be submitted by the Proposer.
- Section 7 describes the Cost Proposal and Compensation required for submittal for this RFP and the Proposer's compensation and payment method to be employed by the Authority.
- Section 8 describes the Proposal Evaluation and Proposer selection process to be followed by the Authority.
- Section 9 presents the Proposal Submittal Instructions to be followed by Proposers for submittal of their RFP.
- Attachment 1 contains the Proposal Cost Forms required to be filled out by the Proposer.
- Attachment 2 contains a Form to calculate the distance from each Member Agency to the Proposer's Proposed Receiving and Processing Facility.
- Attachment 3 is the Anti-Collusion Form.

2.0 Proposal Considerations

2.1 Rights of the Authority

The Authority's rights include, but are not limited to, the following:

- Reissuing or modifying the RFP.
- Withdrawing the RFP at any time during the procurement process
- Issuing addenda to the RFP, including extending or revising the timeline for submittals.

- Requesting clarification or additional information from the Proposers at any time during the procurement process.
- Execution of an Agreement with the successful Proposer on the basis of the original proposals and/or any other information submitted by the Proposers during the procurement process.
- Rejection of any or all proposals, waiving irregularities in any proposals, accepting or rejecting all or part of any proposals, and waiving any requirements of the RFP, as may be deemed in the best interest of the Authority.
- Negotiating with more than one Proposer.
- Accepting a proposal that does not offer the lowest cost but offers the best overall proposal, which the Authority determined is in the best interest of the Member Agencies based on the Proposer's qualifications, operations proposal, financial strength, and willingness to accept the Agreement terms as well as its cost proposal.
- Discontinuing negotiations after commencing negotiations with a selected Contactor if progress is unsatisfactory in the sole judgment of the Authority, and commencing negotiations with another qualified Proposer.

2.2 Consequence of Submission of Proposal

- Proposal submission constitutes an incontrovertible representation and warranty by Proposer that the Proposer has investigated all aspects of the RFP.
- Proposer is aware of the applicable facts pertaining to the RFP process, its procedures and requirements.
- Proposer has read and understands the RFP, and complied with every requirement.
- Without exception, the proposal is premised upon performing and furnishing the services and equipment required by this RFP and Agreement and as such means, methods, techniques as may be indicated or required by this RFP and Agreement.
- Proposer submittal of an RFP, and/or any addendums, are sufficient in scope and detail to indicate and convey understanding of all the terms and conditions for performance and furnishing services of the project.

The submission of a proposal shall not be deemed an agreement between the Proposer and the Authority, and the following conditions apply:

- Authority shall not be obligated to respond to any proposal submitted, nor is bound in any manner by the submission of a proposal by a Proposer.

- Acceptance of a proposal by the Authority obligates the Proposer to enter into good faith Agreement negotiations on the proposal submitted.
- The Agreement shall not be binding or valid against the Authority unless and until it is executed by the Authority Board and the selected Proposer, and the Proposer's performance bond or other surety has been accepted.

2.3 Proposal Costs

Costs of investigating, preparing, and submitting a proposal is the sole responsibility of the Proposer and shall not be chargeable in any manner to the HWMA. The HWMA will not reimburse any Proposer for any costs associated with the preparation and submission of proposals or expenses incurred in making an oral presentation, participating in an interview, or negotiating an Agreement with the HWMA.

2.4 Proposal Schedule

The HWMA intends to adhere to the schedule provided in Table 1 during the selection process. This schedule may change at the HWMA's sole discretion.

Table 1: Proposal Procurement Schedule

| Task | Date |
|---|--------------------------|
| HWMA release RFP for 45-day Solicitation Period. | Pending |
| Deadline to submit written questions and comments by Proposers. | Pending |
| HWMA will issue to Proposers: response to written questions and RFP addendum if necessary. | Pending |
| PROPOSAL DUE | Pending |
| HWMA Evaluation Committee may request clarification of proposal information. | |
| HWMA Evaluation Committee may interview shortlisted Proposer(s). | |
| HWMA Evaluation Committee Recommends to Board a Proposer. | July 12, 2018 |
| HWMA conducts and completes negotiations with Contractor. Proposer commences providing services. | By August 1, 2018 |

*The Authority retains the rights to modify and/or amend dates as necessary.

2.5 Anti-Collusion Statement

A sworn anti-collusion statement is included as *Attachment 4* as part of the proposal package. The Authority requires that a non-collusion statement be made as a sworn affidavit executed and sworn before a person who is authorized to administer oaths by laws of the State. This certification is required as important evidence in the event that collusion or bid rigging is discovered at a later date. If any Proposer submits a false statement, sanctions could then be taken against the Proposer.

2.6 Conflict of Interest

The Proposer must disclose any contractual relationship that exists, or has existed, between the Proposer and a predecessor organization of the Proposer, or a sub-contractor included in the Proposer's response to this RFP, and the HWMA or its Member Agencies. Proposers must also disclose any existing business or personal relationship between the Proposer, its principals, or any affiliate or subcontractor, and the HWMA, its Member Agencies, or any other entity or person involved in the project that is the subject of this RFP.

Failure to disclose any such prior or existing contractual or personal relationship as described in this section may result in disqualification of the proposal. The Authority will make the final determination regarding the existence of a conflict of interest.

2.7 Limits on Disclosure of Proposals

The HWMA has determined that the public interest will be best served if proposals submitted by Proposers in response to this RFP are not made available for review by other companies participating in the competitive selection process. For that reason, proposals submitted during the RFP process will not be made available to other Proposers or the public earlier than the date on which the HWMA staff issues to the HWMA Governing Board a shortlist of a company or companies recommended for contract award. The HWMA may, at its sole discretion, release earlier select portions of the proposal(s) of the recommended companies that have not been identified as entitled to confidential treatment.

Conversely, public release may be deferred until after the Authority has completed contract negotiations with to one preferred Proposer. All materials received from that Proposer (other than those entitled to protection under California Public Records Act, Government Code Section 6250 et. seq. will be made available for public review at the same time it is forwarded to the Governing Board for consideration of the staff recommendation to award the Agreement to a selected company.

The HWMA will implement the following procedures:

1. All materials which a Proposer believes to be confidential and entitled to protection from disclosure under California Public Records Act Government Code Section 6250 et. seq. must be clearly marked on each page as "CONFIDENTIAL"; and
2. Prior to the date on which the Board of Directors selects its preferred Proposer, if HWMA receives a request to review and/or copy materials submitted by any Proposer, the Authority will decline release of those materials; and
3. If the person submitting the request files a legal action against HWMA seeking its release, the HWMA will notify the affected Proposer(s) and will not oppose a motion by such Proposer(s) to intervene in the action. The Proposer(s) must either intervene or agree to pay HWMA's and its agent(s) legal expenses in defending the action, including fees, if any, awarded to the plaintiff. Absent such an agreement, the HWMA will have no obligation to defend the action and may release the information sought without any liability whatsoever; and
4. Proposer will release ad hold harmless HWMA, its agents, or any Participating Agency

for recovery of all losses, including its costs, attorneys' fees as a result of any dispute related to the release or withholding, or the actual release or withholding of information submitted in response to this RFP.

2.8 Proposer Code of Conduct

The Proposer is required to follow the Proposer Code of Conduct as a result of submitting an RFP. The Code of Conduct for Proposers includes the following provisions:

1. Prohibits ex parte communications with HWMA Board members or elected officials of Member Agencies;
2. Prohibits giving any gift or monetary compensation to an HWMA Board member, staff member or its agents; and
3. Prohibits collaboration or discussion with other Proposers of the content of the proposal or rates proposed.

Failure to abide by the above will result in the bid proposal being disqualified.

3.0 Background Information

The HWMA, through its Member Agencies, has been tasked with the responsibility to contractually manage an agreement for processing and marketing of recoverable commodities, sale of the materials, and disposal of residuals. Recyclable materials within the Member Agencies are collected through a variety of methods including residential curbside collection programs in the cities of Arcata, Blue Lake, Eureka, and some unincorporated areas of Humboldt County, commercial recycling programs in some of the jurisdictions and drop-off materials at the Eureka Recycling Center.

For purposes of responding to this RFP, Proposers can expect to process mixed-stream residential material from commercial collection activities, commercial source-separated recyclables (e.g. cardboard), and other materials as directed by the Authority.

Commercial source-separated recyclables (i.e. cardboard) is an example of a commercial recycling program. Single-stream material is also collected by businesses and placed in designated bins and picked up by haulers.

Residential recycling curbside collection programs are set up as a mixed-stream system; residents set out containers with mixed-stream materials (for example, mixed paper, cardboard glass, plastic, and metal) for collection.

Recyclable Material Types

Table 2 lists the various types of acceptable materials collected from Member Agency jurisdictions.

Table 2: HWMA Member Agencies Recyclable Material Characterization

| Recyclable Material Category | Subcategory |
|-------------------------------------|--|
| Source-separated material | Corrugated cardboard Other |
| Mixed Fiber | Corrugated cardboard, chip board, office paper, computer paper, magazine, junk mail, envelopes, catalogs, brown paper bags, paper board, telephone books, paperback books, colored paper, construction paper, hard back books, and cereal and food boxes. |
| Newspaper | Inserts, coupons, and advertisements. |
| Glass | Clear, brown, green (all colors), CRV and non-CRV containers. |
| Plastics | <p>Materials identified as P.E.T. # 1-7 (includes examples)</p> <ul style="list-style-type: none"> • #1 PETE (Clear plastic containers) • #2 HDPE (Ridge Containers) • #3 V (Vinyl or PVC) • #4 LDPE (Various containers, bags) • #5 PP (Ketchup, syrup, yogurt containers) • #6 PS (Styrofoam) • #7 Other (Electrical wiring, CD/DVD cases, etc.) • Plastic bags and film plastic • All containers stamped with the Society for Plastics Industry (SPI) code #1 through #7. |
| Aluminum | Food and beverage containers, foil, foil containers, pots, pans and baking containers. |
| Metal | Steel, tin, and bi-metal containers; small pieces of scrap metal weighing less than 10 pounds. |
| Textiles | Old clothes and fabrics |
| Aseptic packaging | Milk, fruit juice, broth, soup, etc. containers. |
| Gable top | Milk and juice cartons |

The types of recyclable materials collected curbside are at the discretion of each individual Member Agency at this time. Materials are subject to change and decisions will be at the discretion of each Member Agency. Franchise haulers operating in the City of Eureka, and some unincorporated areas of Humboldt County including the Greater Arcata and Eureka areas are currently directed to deliver recyclable items collected to the Hawthorne Street Transfer Station.

Table 3: HWMA Member Agencies Recycling Programs

| Component/Program Name | Arcata | Blue Lake | Eureka | Ferndale | Humboldt, County | Rio Dell |
|---------------------------------------|--------|-----------|--------|----------|------------------|----------|
| Residential Curbside | ● | ● | ● | ● | ● | ● |
| Residential Drop-Off | | | ● | ● | ● | ● |
| Residential Buy-Back | | | ● | | ● | |
| Commercial On-Site Pickup | ● | ● | ● | ● | ● | ● |
| Commercial Self-Haul | | ● | ● | ● | | ● |
| Government Recycling Programs | ● | | ● | ● | ● | ● |
| School Recycling Programs | ● | ● | ● | | ● | ● |
| Special Collection Seasonal (regular) | ● | ● | ● | ● | ● | ● |
| Special Collection Events | ● | ● | ● | ● | ● | ● |
| Other Recycling | ● | | ● | | ● | |

HWMA has an existing agreement with Solid Wastes of Willits, terminating in September 2018, for the transportation, processing, and marketing of participating member agency franchise curbside collected recyclables and mixed stream recyclable materials received at the Authority. These materials do not include source-separated goods including cardboard, cans, CRV, white goods, scrap metal, electronic and household hazardous wastes received at the Eureka Recycling Center. Franchise collectors for Eureka, and the unincorporated areas of the Greater Arcata and Eureka area deliver recyclable materials and cardboard to the Hawthorne Street Transfer Station. The received materials are then loaded into Solid Wastes of Willits trucks for transportation to their processing facility located in Willits, CA.

The Eureka Recycling Center operated by the Authority receives mixed stream recyclable materials. Only this tonnage is included in the RFP. Recyclable materials from the cities of Ferndale and Rio Dell, and the adjacent unincorporated areas of southern Humboldt County area are currently processed at the privately-owned Recology Eel River MRF in Samoa. Since the respective franchise agreements are committed by contract to direct recyclable materials to the Samoa facility, their tonnage is not included into the RFP. Recyclable materials from Humboldt State University, City of Fortuna and its general area are also not included within recyclables material tonnage estimates to be considered for the purposes of responding to this RFP.

Humboldt Sanitation operates a privately owned transfer station in McKinleyville that collects source-separated and curbside collected recyclables and CRV from the unincorporated community of McKinleyville and surrounding areas, as well as the City of Trinidad. The Humboldt Sanitation tonnage is not included in the RFP estimates because existing franchise agreements direct recycling material to Humboldt Sanitation until 2021.

Recology recently acquired the Eel River Transfer facility located in Fortuna, and the Samoa Processing Facility, a MRF and permitted medium volume transfer station, located in the unincorporated community of Samoa, CA. The cities of Arcata, Blue Lake, Ferndale, Fortuna and Rio Dell direct their curbside collected material to this facility. These Member Agency

materials are included in the RFP. Humboldt State University is also directing source-separated recyclables to the Samoa facility, and the HSU tonnage is not included in the RFP estimates.

The recycling tons described herein **do not include** recycling material received by *open market drop-off* commercial recycling centers including Humboldt Sanitation, Recology Eel River, Popko Recycling, or the Redway Transfer Station, as these companies serve independently from Member Agency franchise collection agreements. Additionally, other materials received by HWMA (i.e. electronic waste, household hazardous waste, CRV recyclables, white goods and other material) will be processed and marketed by the Authority.

3.1 Recyclable Material Tonnage from Authority Member Agencies

Since processing of recyclables in the Authority region are non-regulated, precise measurement of recyclable tonnages generated within the HWMA is dependent on voluntary submission of data to the Authority. To the best of the Authority’s knowledge, as of August 2017 the total annual tonnage of recyclable materials is presented in Table 4. This tonnage is based on actual curbside collected materials received from the cities of Arcata, Blue Lake, Eureka, and satellite areas of unincorporated Humboldt County surrounding urban pockets of customers to nearby Arcata, Eureka, and Blue Lake areas.

Current and Future Recycling Tonnage

Based on anticipated commitment levels, recyclable tonnage could exceed a 10,000 ton/annual threshold. HWMA anticipates recycling tonnage could increase annually as a result of consumer participation, on-going educational activities and other franchise areas expanding to include curbside recycling. This could result in an estimated 11,244 tons of recyclable materials in 2017-2018, and 11,918 tons in 2018-2019. Additionally, with implementation of AB 341- 75% Statewide Diversion Goal (Chesbro) the Authority expects there will be an increase of materials collection to order to meet diversion goals.

Table 4 presents the past (5) years of mixed-stream recyclable material and source-separated commercial cardboard tonnage from the Authority’s Member Agencies, *not including Ferndale, Rio Dell and portions of unincorporated Humboldt County, nor Blue Lake (2015) or Arcata (2016)*.

Table 4: Material Tonnage Received in 2011-2017 from Participating HWMA Member Agencies

| Agreement Term (Year) | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|---------------------------------------|-------------|-------------|-------------|-------------|---------------|
| Mixed-Stream Recycling | 7646 | 7371 | 8126 | 8134* | 6452* |
| Source-Separated Commercial Cardboard | 855 | 1361 | 1459 | 1513 | 1030 |
| Total Annual Tons | 8501 | 8732 | 9585 | 9647 | 7482** |

*2015-17 excludes all tonnage from HSU and Blue Lake.

** 2016-17 reflects only tonnage from Eureka, portions of unincorporated County and HWMA.

Table 5: 2018 Annual Projected Material Tonnage based on Participating Entity Commitment

| Entity | Arcata | Blue Lake | Eureka | Ferndale | Humboldt County | Rio Dell | HWMA Mixed Stream |
|---------------------------------------|--------|-----------|--------|----------|-----------------|----------|-------------------|
| Mixed-Stream Recycling | 2785 | 152 | 3084 | 150 | 3926 | 152 | 995 |
| Source-Separated Commercial Cardboard | | | | | | | |
| Total Annual Tons: 11,244 | | | | | | | |

4.0 Scope of Services

Section 4 describes the scope of services that the selected Proposer will be required to perform as part of the Agreement with the HWMA. Proposers should carefully review the Agreement scope of services, terms, and conditions that will define the contractual arrangements between the HWMA and the Contractor selected through this RFP process. In the event of a conflict between the Agreement and this RFP, the language in the Agreement takes precedence. For all services required under the Agreement, the Contractor must provide all labor, supervision, equipment, and materials in conformance to all required permits and regulatory requirements.

Interested proposers will submit a proposal for a Regional Processing Facility located within an HWMA Member Agency's jurisdiction.

4.1 Recyclable Materials Receiving and Processing Facility

- Develop, secure and maintain a building with sufficient capacity to receive Authority's Member Agencies' recyclable materials and the Authority's Eureka Recycling Center's mixed recyclable material for loading and transfer to Contractor's facility for processing.
- Contractor is required to provide all necessary personnel, rolling stock equipment, and supplies necessary for operations of the facility, transporting the recyclables, and other obligations through the Term of this Agreement.
- Contractor's facility shall be open (business hours) to receive Authority's recyclable materials from 7:00 a.m. to 5:00 p.m., Monday through Friday, including all holidays. Member Agencies franchise collection haulers shall have key-card access to the receiving facility after normal business hours, 24 hours per day, and 365 days per year. The hours of operation of the facility may be changed upon mutual agreement between the HWMA and the Contractor.
- Contractor shall ensure that the traffic into the selected facility flows smoothly, that there are no delays in unloading, and that the unloading area is clear to receive recyclable materials at all times during operating hours.

- ❑ Contractor shall provide loader equipment and move the unloaded mixed-stream recyclable materials into the proper temporary storage area with fiber materials in an area separate from the container recyclable materials. Source-separated recyclable materials shall be kept separate from either of the mixed-stream recyclable materials and stockpiled within a temporary storage area or container until ready to transport to the Contractor's processing facility.
- ❑ The Proposer shall collect source-separated recyclable materials from the Authority's Hawthorne Street Transfer Station and transport to a local processing facility.
- ❑ For recyclable materials located at the Hawthorne Street Transfer Station, Contractor shall load the respective type of recyclables (either fibers or containers) into a transfer trailer truck when sufficient volumes of material are available to fully load the trailer.
- ❑ The Proposer must provide turnaround time at the receiving facility of less than 15 minutes for franchise haul trucks.
- ❑ Inbound and outbound franchise haul trucks must weighed, identify area of origin, and electronic files of the scale data must be submitted monthly to the Authority.
- ❑ Maintain sufficient personnel and equipment to process at the Contractor's facility all loads of recyclable materials from the Authority.
- ❑ Maximize cost-effective recovery of recyclable materials, including local markets, delivered to the Contractor's processing facility. Allowable exceptions will be made for value added services.
- ❑ A complete record of all commodity sales transactions shall be kept by the Contractor and shall be submitted for review according to the reporting requirements of the Agreement.
- ❑ Contractor is responsible for securing markets for recovered materials and maintaining accurate accounting of material quantities, types, pricing, and payments received on all recovered materials at the highest and best price available in the competitive market.
- ❑ Contractor will market materials to obtain the highest gross revenue from commodity sales.
- ❑ Following separation and recovery of Authority's recyclable materials, Contractor will dispose of residuals as approved by the sole discretion of the Authority. The disposal rate for residuals at no time will exceed the cost that would locally be provided by the HWMA.
- ❑ Contractor will provide monthly documentation in a form satisfactory to the Authority and as required by applicable law documenting the recyclable material tonnage received, processed, marketed and the disposal of residuals.

The Proposer selected will be expected to be flexible and proactive in working with the Authority in order to provide services in an efficient manner and to add or modify services as requested to improve such services throughout the Term of the Agreement.

Proposers are encouraged to provide alternatives in addition to the standard scope of services outlined in Section 4 if they can improve the efficiency, save monies, and/or reduce the disposal of residuals.

5.0 Agreement Arrangements

The procurement schedule in Table 1 designates the schedule to select a Proposer and to finalize the Agreement with the selected Proposer as the Authority's Contractor. The Agreement will provide Proposer required terms and conditions of the required services and the HWMA's roles, responsibilities, and obligations.

The HWMA is interested in selecting a Proposer that is willing to negotiate and execute an Agreement in a timely manner.

6.0 Proposal Submittal Instructions

Proposers must provide all information requested in this section and addendum items, if any, as part of their proposals. Attachments 2 and 3 contain the Cost Proposal Forms required to be completed by each Proposer. Failure to provide all required information as listed below may be grounds for rejection of a proposal. The proposal requirements have been separated into the following responses: Qualifications, Financial, Operational, Agreement Acceptance, and Cost Proposal.

6.1 Qualifications Response

- State the name and address of the company that will be signing the Agreement and the name, address, phone number, fax number, e-mail address, and title of person to be contacted regarding the proposal. Provide the names of any other company (ies) that will share significant responsibilities as team members in performing under the Agreement.
- Describe your company and staff qualifications as they relate to successfully providing recycling, processing and marketing and/or solid waste transfer station and permitted processing facility.
- Describe how the Proposer's material marketing sale programs result in obtaining superior market value.
- Describe how the company fosters innovation and high quality performance with proven examples.
- Describe any proposed partnerships that could support or enhance recycling diversion efforts.

- If companies are submitting as a team, describe any prior successful working arrangements involving similar types of services for similarly sized communities.

6.1.1 Company Information

At a minimum, provide a detailed description of your company and its qualification to provide the requested services in the RFP.

- Describe services provided currently, or in the past, to other jurisdictions that are directly relevant to services described in this RFP, including descriptions of relevant contracts and the dates the service was provided.
- Include a table that illustrates the distance (mileage) recyclables are transported and tonnage transported for each jurisdiction that utilizes the processing facility proposed to accept recyclable materials from the HWMA.
- Provide detailed information regarding the processing facility operations proposed for processing and sale of the Authority's recyclables. At a minimum, include permitting information; facility design and equipment in-use including a detailed flow chart of system operations; tonnage processed and recovered; residuals remaining as a percentage of tonnage received; and number of full time equivalent personnel employed at the facility.
- Provide the name, telephone number, and address for three (3) municipal clients serviced by the Proposer as references for your experience for the services requested in the RFP.

6.1.2 Key Personnel

Provide detailed information on the Company's personnel to enable the Authority to determine the Company's personnel qualification to implement the requested services in this RFP.

- Provide names and resumes of principal officers, partners, or other officials of the company who will perform significant responsibilities required under the RFP.
- Identify the names of individual(s) who will implement the Agreement, and include resumes for each key individual responsible for implementation of the Agreement.
- Describe relevant technical experience of key personnel, how long they have been with the company and their backgrounds in solid waste transfer, recycling materials processing and receiving, recyclable marketing services, and customer service.

6.1.3 Compliance, Litigation and Debarment History

- Provide detailed information regarding the Proposer's litigation history. Has any company, partner, or subsidiary proposing on this RFP or any corporate officer been involved within the past ten (10) years in litigation arising from:
 - Performance of solid waste contracts or recycling contracts;
 - Violation of environmental laws, regulations, permits, or federal antitrust laws; and

- Connection with allegation of corrupt practices.
- Has any company, partner, or subsidiary in this venture, or any corporate officer, been the subject of any enforcement action, order, decree, or notice of violation of any environmental laws, regulations, or permits? If an answer is "yes," please explain fully.
- Provide details of any past or pending litigation against the Proposer or its parent company or joint venture company (ies) by a governmental entity contracting with the Proposer or its parent for services relating to waste management services, or against such a governmental entity by the Proposer or its parent company or joint venture in the past five (5) years. Failure to disclose an accurate litigation history may result in disqualification of the proposal.
- Proposer must provide information detailing its worker safety record for the past five (5) years for the company and its affiliates in California or pertinent State(s) where it operates.
- The worker safety record information will include, but not be limited to, employee safety metrics commonly used in the industry such as the number of hours lost for individual injuries per employee and workers' compensation insurance ratios.

6.1.4 Environmental Compliance

List any environmental compliance-permit violations incurred by the company, partner or subsidiary in this venture, or sub-Proposer in the past five (5) years for similar types of facilities operated within Northern California.

6.2 Financial Response

- Provide support that the Proposer has financial resources sufficient to undertake the proposed services.
- Provide audited financial statements, including income and balance sheets for the contractually responsible party and any parent company and joint venture company (ies), for the most recent three (3) complete fiscal years and an audited statement through the most recently completed quarter of the current fiscal year.
- Provide a statement from the chief financial officer indicating that there has been no material change in the financial circumstances of the proposing entity (or its parent or owners if they are providing financial assurance of performance) since the date of the last audited statements.

6.3 Operations Response

Operations information supplied by the Proposer should focus on the methods of performing the services required under Section 4, Scope of Services. Proposers should describe in detail the proposed method for providing the following services requested in the RFP.

- Describe the number and nature of jobs created or retained for providing the services requested in the RFP over the life of the contract period, including location of jobs, pay scale and benefit package for each job category.
- Describe the safety and training plans at the facilities, and safety plans for the drivers and collection trucks using the facility.
- Provide a table showing the position and number as full-time equivalents (or partial FTE) of all company employees that will be involved with providing these services.

6.3.1 Recyclables Receiving and Processing

The Proposer will be required to locate and operate a recyclables receiving and processing facility to 1.) Receive recyclables from the Member Agencies franchise haulers; and 2.) Transport mixed-stream recyclable materials from the Authority's Eureka Recycling Center. The Proposer's facility must be located within any one of the Authority's Member Agency jurisdictions. Proposers are required to submit the following information on the facility:

- Address of the recyclables receiving facility. Provide a site map(s) showing the facility and its location to the surrounding area.
- Describe the facility layout and features in detail including the square footage of the building and the square footage of the recyclable receiving area.
- Describe the load receiving and inspection procedure proposed for use at the facility.
- Describe how the Proposer will collect and transport mixed sourced recyclable materials from the Authority's Eureka Recycling Center to a local processing facility.
- Detail the staffing levels and equipment requirements that will be employed by the Proposer to process the materials. Identify the location, function and work hours for the personnel.
- Complete Attachment 3 "Distance from Each Member Agency to the Proposer's Proposed Receiving and Processing Facility".
- Describe how the Proposer will maintain safe and efficient unloading procedures of Authority's recyclables.
- Describe how materials will be received and managed on the tipping floor of the processing facility.
- Proposer will provide a detailed Materials Marketing Plan as part of the proposal submission.
- The Marketing Plan shall include: 1) a materials specifications section that lists the materials specifications for the markets/vendors used by the Proposer, 2) a materials marketing contingency section that discusses how the Proposer will manage a change in

market conditions, 3) a list all of the Proposer's commodity buyers.

- Description of the experience, history, and volumes marketed by your materials marketing staff/agent.
- List the volumes and sale price by commodity types that will be produced by the Authority that have been sold by the Proposer (from Northern California) over the last 12 months.
- Provide a detailed description of a proposed revenue sharing program with the Authority for materials recovered and sold by the Proposer.

6.4 Agreement Acceptance Response

The HWMA is interested in selecting a Proposer that is prepared to negotiate and execute an Agreement in a timely manner.

7.0 Cost Proposal and Cost Form

Receiving cost effective and efficient recyclable processing and marketing services is a priority for the HWMA Member Agencies. The Proposer is required to submit its cost proposals using the Cost Forms in Attachment 2 for this submittal. The Attachment 2 Cost Form is divided into two (2) separate components:

Form #1, Standard Cost Proposal

- A. Receiving Facility Cost:** The determination of the cost per ton by the Proposer related to the operation of a recyclables material receiving and loading facility.
- B. Transportation Cost:** The determination of the cost per ton related to the transportation of the Authority's mixed recyclable materials from the Eureka Recycling Center to the Proposer's processing facility.
- C. Processing Cost:** The determination of the cost per ton related to the processing of the Authority's recyclable materials at the Proposer's processing facility.
- D. Summation of All Cost Components:** Proposers are required to sum Cost Components A, B and C into one (1) Total Cost per Ton Fee (\$) for the services requested by the Authority for this RFP. For future rate escalation and Proposer compensation purposes, the Total Cost per Ton Fee will be the unit cost value submitted by the Proposer.

Form #2, Cost Proposal with Revenue Sharing

The Attachment 2 Cost Form #2 with Revenue Sharing includes the Cost Components listed above less a share of the sale revenues of commodities per ton:

- A. Receiving Facility Cost:** The determination of the cost per ton by the Proposer related to the operation of a recyclables material receiving and loading facility.
- B. Transportation Cost:** The determination of the cost per ton related to the transportation

of the Authority's mixed recyclable materials from the Eureka Recycling Center to the Proposer's processing facility.

- ❑ **C. Processing Cost:** The determination of the cost per ton related to the processing of the Authority's mixed and source-separated recyclable materials at the Proposer's processing facility.
- ❑ **D. The Determination of the Revenue per Ton from the Sales of Recyclables Credited Back to the HWMA.** We understand that this will be based on the items included in the final agreement and revenue may vary in response to periodic market conditions. Proposer should propose a method for sharing revenue and demonstrate projected revenue at the date of the bid submittal and allow for annual market adjustments.
- ❑ **E. Summation of All Cost Components:** Proposers are required to sum Cost Components A, B, C less Component D into one (1) Total Cost per Ton Fee (\$) for the services requested by the Authority for this RFP. For future rate escalation and Proposer compensation purposes, the Total Cost per Ton Fee will be the unit cost value submitted by the Proposer

Section 8.0 Proposal Evaluation and Proposer Selection

8.1 Proposal Evaluation Procedures

The proposals will be evaluated based on their content, completeness, and clarity. Specific evaluation criteria has been developed that will focus on evaluating the information requested in the RFP. Proposals will be evaluated based on the extent to which they meet evaluation criteria.

Proposals will be evaluated by a RFP Evaluation Committee (RFP Committee) consisting of two (2) HWMA staff members, and a staff member from each of the Authority's member agencies who have agreed to be a "Participating Agency". The Authority's Executive Director will help facilitate the process and support the RFP Evaluation Committee. The Executive Director will be available to answer questions by the RFP Evaluation Committee as needed, but will not have any proposal scoring and ranking voting authority. Each evaluator will review all proposals received using a set of established evaluation criteria that will be applied to identify the relative strengths and weaknesses of individual proposals.

The ratings from the RFP Committee evaluators will be compiled to determine a preliminary ranking of the proposals based solely on the evaluation criteria. After initial evaluation of proposals and preliminary ranking, the RFP Evaluation Committee may prepare a shortlist of Proposers to be interviewed.

Invitations may be issued to Proposers on the shortlist to make oral presentations to and/or interviews with the evaluation team. Site visits to Proposer's representative facilities by RFP Committee members may also be conducted as part of the selection process.

Based on the contents of submitted proposals, the results of interviews and oral presentations and site visits, if conducted, along with any other information requested by the HWMA, the review

team will prepare a final ranking of the short listed Proposers and present its ranking to the HWMA Board of Directors. After the HWMA Board approval, HWMA staff will enter into negotiations with the selected Proposer to develop an agreement that provides the services outlined in this RFP. The final agreement will be presented to the Board for approval.

In the event the negotiations with the selected Proposer are unsuccessful, the HWMA may designate another Proposer from the list of shortlisted Proposers and enter into negotiations with that Proposer.

8.2 Proposal Evaluation Criteria

Proposals will be numerically scored and ranked using the criteria and weighting described in this section. The scores assigned will reflect the extent to which criteria is satisfied relative to other proposals. The evaluation criteria and maximum score that can be achieved for each criterion are presented in Table 6.

Table 6: Proposal Evaluation Criteria and Maximum Evaluation Score

| Proposal Evaluation Criteria | Maximum Evaluation Score |
|---|---------------------------------|
| Cost proposal | 40 |
| Operations proposal | 30 |
| Company qualifications and experience | 15 |
| Environmental enhancements, workforce compliance, litigation history and other considerations | 15 |
| Total Maximum Score | 100 |

The potential factors that may be considered by the proposal evaluation team when developing the score for each criterion are presented below. Proposer must be fully compliant with the RFP and procurement procedures as demonstrated by submittal of all elements required including completion of the proposal cost form and compliance with proposal submission process.

Cost Proposal (Maximum 40 points)

- Reasonableness of Cost Proposal: Logical relationship between proposed costs and operational assumptions for the cost proposal.
- Competitiveness of Cost Proposal: Cost competitiveness relative to other proposals submitted
- Location and distance of the Proposer's receiving facility to each of the Member

Agencies.

- Revenue Sharing Plan: Reasonable relationship between market conditions and potential revenue sharing.

Operational Proposal (Maximum 30 points)

- Approach: Reasonableness and reliability of the proposed services (e.g., technology, equipment, and staffing levels,); reasonableness of productivity and operating assumptions (operating metrics).
- The number and nature of jobs created or retained in Authority's Member Agency jurisdictions over the life of the contract period, including pay scale and benefit package for each job category.
- General Operations: Proposed methods of tracking and reporting operational activities such as productivity, staffing levels, and training programs.
- Diversion Plans: Proposed methods to increase diversion of materials at processing facility, plans, and transfer station diversion commitments that the company may guarantee.
- Processing System Design: The efficiency of the processing, sorting equipment layout, equipment, personnel and use of technology in the proposed sorting system for the Authority's recyclables. Scale software system capabilities, reliability, billing and reporting procedures. How the Proposer will handle the Authority's mixed-stream recyclables in combination with its other single-stream customers, if applicable. The functionality and capabilities of the sorting system including the tons per hour throughput, effectiveness at sorting materials, labor conservation, and employee working conditions.
- Separation Efficiency: Proven effectiveness of the sorting system to deliver clean and fully separated commodity types and the ability of the system to capture recyclables and reduce residual.
- Commodity Marketing Experience: Demonstrated ability to reliably market the Authority's commodities and obtain the best revenues from commodity sales including: descriptions of current and past materials marketing experiences and purchase contracts with buyers that demonstrate the company's future price/volume commitments.

Provide copies of all pertinent regulatory permits and contact names for regulatory agencies that monitor the facility's compliance with applicable local, state, and federal laws.

Company's Qualifications and Experience (Maximum 15 points)

- Company Experience: Demonstrated experience of the company in operating transfer stations, transporting waste and other materials, operation of recycling, processing and

related facilities.

- Past Performance Record:** Review of company's history with litigation and regulatory action (e.g., nature of past and pending civil, legal, regulatory, and criminal actions; history and nature of payments of liquidated damages); regulatory compliance related to equipment and facilities including compliance with land use permits, environmental permits, highway requirements, etc.
- Key Personnel Qualifications:** Extent and relevance of the qualifications and experience of key personnel proposed for the team and on-going management of the operations.
- Management:** Demonstrated capabilities of the company's existing management and its responsiveness to the ongoing needs and requests of customers including: reporting, providing new services, tracking and monitoring operational activities, regulatory compliance, safety record, general quality of operations, billing and collection, scale house performance and management, and administrative services.
- Financial Stability:** Financial strength and ability of company to acquire equipment and provide financial assurance of performance based on review of its audited financial statements and its proposed financing plan.
- Jurisdiction References:** Level of satisfaction of jurisdictional customers with Proposer services.

Environmental Enhancements, Workforce Compliance, Litigation History and Other Considerations (Maximum 15 points)

- Green-house Gas (GHG) Emissions:** Reduction in GHG through the use of alternative fuels in trucks and equipment; purchase or generation of renewable power in Proposer's buildings; the use of carbon offsets to counter atmospheric emissions, or other GHG emission reduction proposals.
- Market Enhancement:** Identify domestic markets for recyclable materials and propose a plan for maximizing reuse or recycling within the US.
- PROPOSER must provide** information detailing its worker safety record for the past five (5) years for the company and its affiliates in California or pertinent State(s) where it operates.
- The worker safety record information will include, but not be limited to, employee safety metrics commonly used in the industry such as the number of hours lost for individual injuries per employee and workers' compensation insurance ratios.
- Provide a table showing the position and number as full-time equivalents (or partial FTE) of all company employees that will be involved with providing these services.

- ❑ Describe any criminal proceedings in which the Proposer, and/or any director or officer of the proposer or affiliate and any individual identified as key personnel in the proposal has been named as a defendant that are either currently pending or were concluded within the past ten (10) years. For each proceeding, provide the name of the case, the court in which it was filed, and the docket number.
- ❑ Describe any civil lawsuit in which the Proposer has been named as a defendant or cross-defendant, either currently pending or were concluded within the past five (5) years. For each lawsuit, provide the name of the case, the court in which it was filed, and the docket number. Lawsuits which involved only claims for personal injury or property damage arising from vehicle accidents which resulted in defense verdicts or in judgments against defendant, or settlements of less than \$100,000, need not be disclosed.
- ❑ Describe any administrative proceedings involving the Proposer initiated by federal, state, or local regulatory agencies that are either currently pending or were concluded within the past ten (10) years. For each, provide the name of the regulatory Authority, the nature of the proceeding, and the amount of any fines or penalties assessed.

Section 9 Proposal Submittal Instructions

9.1 Authority Contact and Address

Proposers shall submit all correspondences, questions and the proposal submittal to the following contact individual:

Jill Duffy
Executive Director
Humboldt Waste Management Authority
1059 West Hawthorne Street
Eureka, CA 95501
Telephone number: 707.268.8464
Email: jduffy@hwma.net

9.2 Submittal of Written Questions

HWMA requires Proposer to submit all questions and requests for information in writing (email is acceptable) directly to HWMA at the address listed in Section 9.1. The deadline for submitting written questions and requests for information will be **Month Day, Year**. HWMA will **NOT** accept questions or requests for information after **Month Day, Year**.

9.3 Proposal Submittal Format

The Proposer shall submit (8) double-sided copies in three-ring binders of the complete proposal and one (1) single-sided signed original, no later than **2:00 p.m.** on **Month Day, Year** in a sealed package. In addition, a computer disk containing an electronic copy of the proposal in Adobe PDF (preferred) or Microsoft Word shall be submitted in a sealed package.

Proposals must be printed on 8½" x 11" paper with 30% or greater post-consumer recycled-

content paper. All pages shall be consecutively numbered.

The sealed package shall be clearly labeled:

**PROPOSAL TO HWMA FOR
“ RECYCLING PROCESSING AND MARKETING
OF REGIONAL CURBSIDE COLLECTED RECYCLABLE MATERIALS”**

Name of Proposer:

The proposal must be mailed or hand delivered to HWMA’s Business Office address as cited in Section 9.1. Proposals received late will not be considered and will be returned unopened to the Proposer. Postmarks will not be accepted as proof of receipt.

9.4 Clarification of Proposal Information

Proposer may be asked to clarify information through written communications and interviews or during site visits of the Proposer’s processing facility. The clarification process may be performed by HWMA staff, RFP Committee and/or Member Agency staff.

9.5 Presentation to HWMA Board

One or more Proposers may be invited to present their proposals to the HWMA Board and Member Agencies. Invitations to present will be based on evaluation of the proposals at a time to be determined.

9.6 Selection of Recommended Proposers

After the HWMA selects and approves a Proposer, Agreement negotiations will commence. Upon notification of being selected to negotiate a contract, the Proposer will have seven (7) calendar days to provide a surety made payable to the HWMA in the amount of \$100,000 and in the form of a cashier’s check or surety bond. The purpose of the surety bond is to guarantee that the Proposer will execute in good faith the Agreement. If the selected Proposer does not execute the Agreement within thirty (30) calendar days after receiving notice of its selection, the HWMA reserves the right to keep the surety to offset potential costs associated with identification of an alternate service provider(s) and schedule delays. Un-cashed checks will be returned to all proposers within ten (10) calendar days after an Agreement is executed.

9.7 Schedule

The schedule for the RFP procurement process is presented in Section 2.4, Table 1.

9.8 Proposal Content

Proposals must be submitted according the following format and include the following information:

1. Cover letter providing:

- Name, address, and telephone and fax number of Proposer and key contact person.
- Description of type of organization (e.g., corporation, partnership) submitting proposal.

- If teaming arrangement with is proposed, describe past working relationships on similar projects.
 - Name of entity that would sign the Agreement.
 - A statement that you have reviewed the requirements of the project as described in this RFP, its enclosures, and all addenda, by listing all addenda and dates received.
 - The cover letter and Forms must be signed by an officer or agent of the Proposer authorized to bind the Proposer. In signing proposal, the Proposer agrees that the terms of proposal and the cost as submitted by Proposer are firm for a period of one year from proposal due date and assures that a performance bond or other instrument as specified in the Agreement will be issued by the Proposer.
2. Executive summary (not to exceed two pages) that highlights the major topics of your qualifications and proposal and clearly states the services the proposal addresses.
 3. Responses to all information requested in Section 4. Organize your responses into topics, and address each element following the format outlined below so that all requested information can be readily found.

4. Proposal Outline

Each proposal must address the topics and scope of work as stated in Sections 6 and 7 of the RFP in the following format:

i. Title Page, Cover Letter, Table of Contents, Executive Summary

I. Company Description, Experience and Qualifications Element

1. Company Information
2. Company Qualifications
3. Key Personnel
4. Personnel and Experience
5. Litigation History
6. Environmental Compliance

II. Operations Element

1. Methods and Procedures for Operations of the Recyclable Receiving Facility
2. Transportation of Materials
3. Processing Facility (MRF) Operation
4. Materials Marketing Plan

III. Financial Background Element

1. Financial Stability, Materially Letter
2. Financing Method

IV. Proposed Environmental Enhancements Element

V. Agreement Acceptance Component Element

VI. Cost Proposals Element

1. Cost Proposal Form # 1
2. Cost Form #2

3. Anti-Collusion Affidavit Form
4. Distance from Proposer's Receiving/Transfer Facility to Member Agencies Form

Appendix, Additional Information – Other information or data relevant to your proposal is optional and may be included as an Appendix to the proposal.

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Attachment 1: Cost Proposal Form #1

Proposer Name: _____

| | |
|---|---|
| A. Receiving Facility Cost: (Cost per ton related to the operation of a recyclable's material receiving and loading facility.) | Receiving Facility Cost (\$) = \$ _____ /ton |
| B. Transportation Cost: (Cost per ton related to the transportation of the Authority's recyclable materials from the Eureka Recycling Center to the Proposer's processing facility.) | Transportation Cost (\$) = \$ _____ /ton |
| C. Processing Cost: (Cost per ton related to the processing of the Authority's recyclable materials at the Proposer's processing facility.) | Processing Cost (\$) = \$ _____ /ton |
| D. Summation of All Cost Components: (Sum Cost Components A, B and C into one (1) Total Cost per Ton Fee (\$): for the services.) | Total Cost Components (\$) = \$ _____ /ton |

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Attachment 2: Cost Proposal Form #2, Revenue Share

Proposer Name: _____

| | |
|---|--|
| A. Receiving Facility Cost: (Cost per ton related to the operation of a recyclables material receiving and loading facility.) | Receiving Facility Cost (\$) = \$ _____ /ton |
| B. Transportation Cost: (Cost per ton related to the transportation of the Authority's recyclable materials from the Eureka Recycling Center to the Proposer's processing facility.) | Transportation Cost (\$) = \$ _____ /ton |
| C. Processing Cost: (Cost per ton related to the processing of the Authority's recyclable materials at the Proposer's processing facility.) | Processing Cost (\$) = \$ _____ /ton |
| D. Revenue Share: (Revenue share related to the sales of HWMA recovered materials.) | Mixed Recycling Revenue Share (\$) = \$ _____ /ton Source-Separated Revenue Share (\$) = \$ _____ /ton Total Revenue Share (\$) = \$ _____ /ton |
| E. Summation of All Cost Components: (Sum Cost Components A, B, C less Component D into one (1) Total Cost per Ton Fee (\$), Component D for the services.) | Total Cost Components (\$) = \$ _____ /ton |

Attachment 3: Distance from Proposer's Receiving facility to Member Agencies Form

Proposer Name: _____

| Selected Centroid Location | Proposer's Receiving/Transfer Location | One Way Distance (Miles) From Each Centroid to Proposer's Receiving/Transfer Location |
|---|--|---|
| 30 South G Street, Arcata, CA 95521 | | |
| 111 Greenwood Road, Blue Lake, CA 95525 | | |
| 949 West Hawthorne Street, Eureka, CA 95501 | | |
| 965 Riverwalk Drive, Fortuna, CA 95540 | | |

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Attachment 4 Anti-Collusion Statement Form

The under signed Proposer has not divulged to, discussed, or compared his/her proposal with other Proposers and has not colluded with any other Proposer or parties to the proposal whatsoever. Proposer acknowledges that all information contained herein is part of the public domain as defined in the guidelines in Section 2.7 Limits on Disclosure of Proposals as stated in the RFP and as governed by the State of California.

I certify that this proposal is made without prior understanding, agreement or connection with any corporation, firm or person submitting a proposal for the same service, and is in all respects fair and without collusion. I agree to abide by all conditions of these proposal specifications and I certify that I am authorized to sign this proposal.

(Please type or print below)

Executed under penalty of perjury on this _____ day of _____, 2016 at _____.

SIGNED BY: _____

TITLE: _____

ORGANIZATION: _____

Subscribed and sworn to before me this _____ day of _____, 2015 at _____.

Notary Public

My Commission expires:

Humboldt Waste Management Authority (HWMA) Request for Proposal (RFP) for Processing
and Marketing of Curbside Collected Recyclable Material and Recycling Flow Control
Memorandum of Understanding (MOU) to Participate in a Regional Recyclable Materials
Processing Agreement.

Attachment 2

Recycling Flow Control Memorandum of Understanding to participate in a Regional Recyclable
Materials Processing Agreement

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
HUMBOLDT WASTE MANAGEMENT AUTHORITY AND ITS MEMBER AGENCIES
TO PARTICIPATE IN A RECYCLING PROCESSING AND MARKETING OF
REGIONAL CURBSIDE COLLECTED RECYCLABLE MATERIAL PROPOSAL**

This Memorandum of Understanding is entered into by and between the Humboldt Waste Management Authority (“HWMA”), a joint powers authority, and the undersigned participating member agencies (each, a “Participating Agency”) and is effective this _____ day of (“Effective Date”).

Recitals

- A. HWMA is a joint powers authority formed by the cities of Arcata, Blue Lake, Eureka, Ferndale, Rio Dell, and the County of Humboldt for purposes of efficient solid waste management.
- B. Based on the interests of its member agencies, HWMA is preparing to solicit a request for proposals for cost-effective regional recyclables materials processing services, evaluate said proposals and enter into an agreement for services.
- C. In order to solicit and secure a competitive proposal, member agencies are asked to commit their source-separated and mixed recyclable tonnage to HWMA.
- D. HWMA anticipates that said agreement with the Authority’s designated contractor for recyclable services will contain the following key components:
 - 1. Acceptance of source-separated or mixed recyclable materials from franchise haulers at either the HWMA facility (1059 W. Hawthorne Street, Eureka, CA), or other facilities approved by the HWMA and Contractor for purposes of implementing the Regional Recyclable Materials Processing Contract.
 - 2. A term of ten years, with a five-year extension option.
 - 3. Payment by the contractor for the recyclable materials at a rate to be determined through the negotiation process, with share of revenue distributed to member agencies based on contributed tonnage.
 - 4. Low-cost and efficient local recycling, receiving and processing services.
 - 5. Maximize commodities for high value end market.
 - 6. Flexibility to adapt to market fluctuations and trends to secure most competitive price rates.
 - 7. A quarterly market value credit to the Authority based on the tons processed.
 - 8. The demonstrated ability, and expressed interest, to accept and market additional materials.
 - 9. Maintain quarterly facility total residual disposal to less than 8% of inbound materials from the franchise haulers.

10. Meet or exceed all current and future state and local regulations and permitting conditions, and have an Operations Plan approved by local regulatory authorities at the time the Processing Agreement goes into effect.
11. Creation of good quality jobs and fair treatment of employees.
12. Full cooperation with member agency franchise operators, as well as the Hawthorne Street Transfer Station.
13. Maintain a high level of service (timely, courteous, and responsive) to the Authority and its Member Agencies.
14. Ensure the cost competitiveness and effectiveness of the services provided; and
15. Pursuant with CA Assembly Bill 32, minimize the carbon footprint; reduce overall greenhouse gas emissions and other adverse environmental impacts while maximizing the sustainability of the services.

The undersigned HWMA member agencies would like to participate in the HWMA Regional Recycling RFP process, and ensure combined recycling tonnage is committed for recyclables materials processing.

NOW THEREFORE, based on the terms recited above, the parties enter into this memorandum of understanding:

1. Recyclable Materials Processing Agreement. HWMA shall solicit proposals and enter into an agreement for recyclable processing and marketing services with the Authority's Designated Recycling Contractor ("Contractor") with basic terms as outline above ("Recyclable Materials Processing Agreement").
2. Recyclable Materials Flow Control. For the term of the Recyclable Materials Processing Agreement, each Participating Agency agrees to direct its franchise collection hauler to deliver all recyclable materials it collects under agreement with the Participating Agency to either the HWMA transfer facility located at 1059 W. Hawthorne Street, Eureka, or other facility approved by the HWMA for receipt by Contractor for purposes of implementing the Regional Recyclable Materials Processing Agreement, unless otherwise specified in existing franchise agreements.
3. Reuse in Value Added Product. Participating Agencies may request that HWMA divert specified recyclable materials for reuse in a value-added, local product.
4. Reporting. HWMA will provide quarterly and annual summary reports to each Participating Agency indicating the tonnage of recyclable materials processed for that period from the jurisdiction of each Participating Agency, a statement of revenues received from the Contractor, and any other information concerning contract administrator as the Participating Agency should request.
5. Contract Management. HWMA shall manage and administer the Recyclable Materials Processing Agreement based on direction from the HWMA Board of Directors.

6. Meetings and Consultation. HWMA staff agrees to meet as needed with Participating Agency staff to coordinate and discuss the ongoing management of the Recyclable Materials Processing Agreement.
7. Revenue Distribution. Revenue received by HWMA from the Contractor derived from the sale of recyclable commodities shall be disbursed to each Participating Agency quarterly on the following basis:
 - a. HWMA shall retain for contract administration 15% of the agreed upon \$ per ton base revenue received from all single-stream and source separated recyclable commodities;
8. Education. The HWMA and Participating Agencies shall undertake coordinated educational and outreach activities to assist the Contractor in achieving a diversion rate of 92% of all recyclable materials received. The HWMA and Participating Agencies will coordinate, prepare and implement an annual education campaign, including periodic collection route audits to identify excessive residuals in the recycling stream.
9. Additional Participation. HWMA member agencies not initially participating in this MOU shall be permitted to enter into this MOU and thereby participate in the Recyclable Materials Processing Agreement subject to modified terms and conditions, if any, acceptable to both the HWMA Board of Directors and Contractor.
10. Third Party Beneficiaries. Participating Member Agencies are not considered third party beneficiaries under the Recyclable Materials Processing Agreement.
11. Indemnity. Pursuant to the HWMA Joint Powers Authority Agreement, the HWMA shall indemnify each Participating Agency for any defense to claims, as well as cost of any judgments imposed for claims resulting from actions by the HWMA in relations to its management and implementation of the Recyclable Materials Processing Agreement.
12. Counterparts. This MOU may be executed in separate counterparts, and all counterparts when signed, shall constitute and enforceable agreement.
13. Humboldt County Nuclear Free Ordinance Compliance. The Contractor will certify to the HWMA that it is not a Nuclear Weapons Contractor, in that it does not knowingly or intentionally engage in the research, development, production, or testing of nuclear warheads, nuclear weapon systems, or nuclear weapons components as defined by the County of Humboldt Nuclear Free Humboldt County Ordinance. The Contractor will agree to notify HWMA if it becomes a Nuclear Weapons Contractor as defined above, and the HWMA retains the authority to immediate terminate the Recyclable Materials Processing Agreement if it determines that the Contractor's certification is false or if the Contractor becomes a Nuclear Weapons Contractor.

WHEREFORE, the governing bodies of each of the parties below has authorized and approved this Memorandum of Understanding on the date stated below:

HUMBOLDT WASTE MANAGEMENT AUTHORITY

Dated: 2-8-2018

By: Board Chair *[Signature]*

Attested to by:

Dated: 2-8-2018

Executive Director Signature: *[Signature]*

CITY OF ARCATA

Dated: 11-15-2017

By: *[Signature]*

Attested to by:

Dated: 3-14-2018

City Clerk Signature: *Bridget Dary*

CITY OF BLUE LAKE

Dated: 12-12-17

By: *Addene Jones*

Attested to by:

Dated: 3-22-18

City Clerk Signature: *[Signature]*

CITY OF EUREKA

Dated: 04-04-18

By: *[Signature]*

Attested to by: *Patricia J. Powell*

Dated: 4/21/2018

City Clerk Signature: *[Signature]*

CITY OF FERNDALE

Dated: 1/18/2018

By: *[Signature]*

Attested to by:

Dated: 3/13/2018

City Clerk Signature: *[Signature]*

COUNTY OF HUMBOLDT

Dated: 2/27/18

By: *[Signature]* Ryan Sundberg, Chair

Attested to by:

Dated: 2/27/18

County Clerk Signature: *[Signature]* Ryan Sharp, Deputy

CITY OF RIO DELL

Dated:

By: *[Handwritten Signature]*

Attested to by:

Dated:

City Clerk Signature: *Karen Dunham*

2-6-18