



REQUEST FOR PROPOSALS

For Solid Waste Disposal

**The County must receive proposals for this RFP no later than 4:00 PM
MST, November 26th, 2021**

**Broadwater County Commission
Broadwater County Courthouse
515 Broadway St.
Townsend Montana 59644
(406) 266-9203
commissioners@co.broadwater.mt.us**

SCHEDULE OF EVENTS

Event County Solid Waste Disposal RFP

RFP Released: **October 25th, 2021**

Deadline for Receipt of Written Inquiries: **November 5th, 2021**

Written Responses Distributed: November 12th, 2021

Proposal Due Date: **November 26th, 2021 4:00 p.m.**

Vendor Interviews / Demonstrations: will be announced if required

Intended Date for Contract Award: January 3rd, 2022

NOTICE

From the issuance date of this RFP until a Contractor(s) is selected and the selection is announced, offerors are not allowed to communicate with any County staff or officials regarding this procurement, other than interviews, demonstrations, and/or site visits, except at the direction of Supervisor, or other Designee, of Broadwater County Solid Waste District.

SECTION 1

GENERAL INFORMATION

1.0

The Broadwater County Solid Waste District is pleased to invite you to submit a proposal for solid waste disposal/landfill, specified herein. Proposals submitted in response to the specifications contained herein shall comply with the following instructions and procedures.

1.1 Request for Proposal Standard Information

The RFP process is a procurement option allowing the award to be based on stated criteria and evaluation factors. The RFP states the relative importance of all evaluation factors. No other evaluation criteria, other than as outlined in the original Request for Proposal, will be used.

1.1.1 Receipt of Proposals and Public Inspection

Upon receipt of proposals they will be opened at a public meeting. The proposals will be provided to the evaluation committee members or persons participating in the contracting process. Pursuant to Article II Section 9 of the Montana State Constitution and §2-6-1003 of Montana Code Annotated, all proposal materials will be available for public inspection and copying. In addition, all meetings of the evaluation committee are open to the public for observation.

1.1.2 Initial Classification

All proposals will be initially classified as being responsive or nonresponsive.

1.1.3 Evaluation

All responsive proposals will be evaluated based on stated criteria and evaluation factors. Submitted proposals must be complete at the time of submission and may not include references to information located elsewhere, such as the internet websites or libraries, unless specifically requested in the Broadwater County Solid Waste District's RFP document.

1.1.4 Discussion/Negotiation

Although proposals may be accepted and a contract awarded without discussion, the Broadwater County Solid Waste District may initiate discussions should clarification or negotiation be necessary. Offerors should be prepared to send qualified personnel to Townsend, Montana to discuss technical and contractual aspects of the proposal.

1.1.5 Award

Award will be made to the proposal offered by a responsive and responsible offeror which is determined to best meet the evaluation criteria and is therefore the one most advantageous to the Broadwater County Solid Waste District.

1.2 Late Proposals

There are no exceptions to this deadline. Proposals received after the time specified for receipt of proposals will not be reviewed and may be destroyed or returned at the offeror's expense after consultation with the offeror.

1.3 Preparing a Response

This RFP contains the instructions governing the proposals to be submitted and a description of the mandatory requirements. To be eligible for consideration, an offeror must meet the all mandatory requirements. Compliance with mandatory requirement will be determined by the Broadwater County Commissioners. When imperative language (shall, will, must) appears in any section of the RFP, it is considered to be mandatory.

1.3.1 Offerors shall promptly notify the Broadwater County Solid Waste District of any ambiguity, inconsistency or error, which they may discover upon examination of this RFP.

1.3.2 Offerors requiring clarification or interpretation of any section or sections contained in this RFP shall make a written request to the Broadwater County Solid Waste District by the deadline described in the Schedule of Events. *All* written correspondence must be addressed to:

Broadwater County Solid Waste District
515 Broadway St
Townsend, MT
Phone: 406-266-5877 Fax 406-266-4491

1.3.3 Each offeror submitting written questions must clearly address each question by reference to a specific section, page and item of this RFP. **An official written answer will be provided to all questions received by 4:00 p.m. on November 5th, 2021.** Written questions received after the deadline may not be considered.

1.3.4 Any interpretation, correction, or change of this RFP will be made by **written Addendum**. Interpretations, corrections or changes of this RFP made in any other manner will not be binding and offerors shall not rely upon such interpretations, corrections, or changes.

- 1.3.5** The Broadwater County Solid Waste District will issue any necessary Addenda.
- 1.3.6** A point-by-point response to all numbered sections, subsections, paragraphs, subparagraphs and appendices must be submitted by each offeror in order to be considered for selection.
- 1.3.7** Offerors must organize proposals into sections following the format of this RFP.. If no exception, explanation, or clarification is required in the offeror's response to a specific subsection, the offeror shall indicate so in the point-by-point response with the following:

"(Offeror's Name)", understands and will comply.

- 1.3.8** Proposals should be complete to the degree that all of the information sought by this RFP is supplied in the order requested.

1.4 Submitting a Proposal

Offerors must submit one original and **5** copies to the Broadwater County Solid Waste District. **Proposals must be received prior to 4:00 P.M. local time, November 26th, 2021. Proposals received after this time will not be accepted for consideration. Facsimile copies are not acceptable.**

- 1.4.1** Each Offeror who submits a proposal represents that:
- 1.4.1.1** The proposal is based upon an understanding of the specifications and requirements described in this RFP.
 - 1.4.1.2** Costs for developing and delivering responses to this RFP and any subsequent presentations of the proposal as requested by the Broadwater County Solid Waste District are entirely the responsibility of the offeror. The Broadwater County Solid Waste District is not liable for any expense incurred by the offerors in the preparation and presentation of their proposals.
 - 1.4.1.3** All materials submitted in response to this RFP become the property of the Broadwater County Solid Waste District and are to be appended to any formal documentation, which would further define or expand any contractual relationship between the Broadwater County Solid Waste District and offeror resulting from this RFP process.
- 1.4.2** The proposals must be signed in ink by an individual authorized to legally bind the business submitting the proposal.

- 1.4.3** A proposal may not be modified, withdrawn or canceled by the offeror following the deadline for proposal submission.

1.5 Rights Reserved

While the Broadwater County Solid Waste District has every intention to award a contract as a result of this RFP, issuance of the RFP in no way constitutes a commitment by the Broadwater County Solid Waste District of Montana to award a contract. Upon a determination such actions would be in its best interests, the Broadwater County Solid Waste District in its sole discretion reserves the right to:

- a. waive any formality;
- b. cancel or terminate this RFP;
- c. reject any or all proposals received in response to this document;
- d. waive any undesirable, inconsequential, or inconsistent provisions of this document, which would not have significant impact on any proposal;
- e. not award, or if awarded, terminate any contract if the Broadwater County Solid Waste District determines adequate Broadwater County Solid Waste District funds are not available.

1.6 Offeror Interview / Product Demonstration

After receipt of all proposals and prior to the determination of the award, respondents may be required to make an oral presentation and product demonstration in Townsend, Montana to clarify their response or to further define their offer. Oral presentations and product demonstrations, if requested, shall be at the offeror's expense.

1.7 Subcontracting

The successful offeror will be the Prime Contractor and shall be responsible, in total, for all work of subcontractors. All subcontractors must be listed in the proposal. The Broadwater County Solid Waste District reserves the right to approve all subcontractors.

- 1.7.1** The contractor shall be responsible to the Broadwater County Solid Waste District for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors, and for the acts and omissions of persons employed directly by the contractor. Further, nothing contained within this document or any contract documents created as a result of any contract awards derived from this RFP shall create any contractual relationships between any subcontractor and the Broadwater County Solid Waste District.

1.8 General Insurance Requirements

The successful offeror shall maintain for the duration of the contract, at its cost, primary

insurance coverage against claims for injuries to persons or damages to property including contractual liability, which may arise from work performed under this contract. This insurance shall cover such claims as may be caused by any act, omission, or negligence of the offeror or its officers, agents, representatives, assigns, or servants.

The offeror must provide a certificate for Commercial General Liability and Commercial Automobile Liability (Occurrence Coverage), to include bodily injury, personal injury and property damage with combined single limits of \$750,000 per claim and \$1 million aggregate per year, from an insurer with a Best's Rating of not less than A-.

This certificate MUST name the Broadwater County Solid Waste District as an additional insured under the offeror's policy including the offeror's general supervision, products, premises and automobiles used.

A Certificate of Insurance, indicating compliance with the required coverages, must be filed with the Broadwater County Solid Waste District within ten (10) working days of Notice of Award. Contracts WILL NOT be issued to offerors that fail to submit this insurance certification.

1.9 Workers' Compensation Insurance/Independent Contractor's Exemption

The successful offeror is required to supply the Broadwater County Solid Waste District with proof of Workers' Compensation Insurance or Independent Contractor's Exemption covering the offeror while performing work for the Broadwater County Solid Waste District. Neither the offeror nor its employees are employees of the County. The proof of insurance/exemption must be valid for the entire contract period and must be received by the Broadwater County Solid Waste District within ten (10) working days of the issuance of a Notice of Award.

Contracts will not be issued to offerors who fail to provide the required documentation within the allotted time frame.

Coverage may be provided through a private carrier or through the State Compensation Insurance Fund (406) 444-6500. An exemption can be obtained through the Department of Labor and Industry, Employment Relations Division (406) 444-1446.

1.10 Contractor's Responsibilities

The successful offeror shall keep informed of, and shall comply with all applicable laws, ordinances, rules, regulations and orders of the County, State, Federal or public bodies having jurisdiction affecting any work to be done to provide the services required. The offeror shall provide all necessary safeguards for safety and protection, as set forth by the United States Department of Labor, Occupational Safety and Health Administration.

1.11 Offeror Competition

The Broadwater County Solid Waste District encourages free and open competition among offerors. Whenever possible, specifications, proposal requests, and conditions are designed to accomplish this objective, consistent with the necessity to satisfy the Broadwater County Solid Waste District need to procure technically sound, cost-effective services.

- 1.11.1** The offeror's signature on a proposal in response to this RFP guarantees that the prices quoted have been established without collusion of other eligible offerors and without effort to preclude the Broadwater County Solid Waste District from obtaining the best possible price.

1.12 Contract Provisions and Terms

- 1.12.1** The Broadwater County Solid Waste District will execute a contract with the successful offeror(s). The Broadwater County Solid Waste District requires that the RFP and the terms and conditions attached to it, the offeror's response, and any formal addenda to the RFP be included as part of any contract documents.

- 1.12.2** The initial contract(s) term is for a period of three (3) years beginning **January 3rd, 2022** and ending **June 30, 2025**. Renewals of the contract may be made at one (1) year intervals, not to exceed a total of five **(5) years**, at the option of the Broadwater County Solid Waste District and the successful offeror.

- 1.12.3** The offeror agrees that, through the term of the initial contract and any agreed upon extension that the Broadwater County Solid Waste District will be entitled to any price reductions at least equal to any lower prices made available to any other customer of comparable volume.

- 1.13** Broadwater County will not be responsible for costs, including attorney fees, for any issue arising from this Request for Proposal. Each party shall bear the costs of its own attorney fees and costs.

SECTION 2A

SCOPE OF PROJECT

2.1 The offeror shall have the full responsibility for the operation and maintenance for refuse disposal/land filling and shall see that the system complies with all county, state, and federal laws, regulations and special conditions, and has all applicable permits and licenses.

2.2 The offeror shall hold Broadwater County and the Broadwater County Solid Waste Board harmless and shall indemnify Broadwater County in full with regard to any type of occurrence or claim whatsoever arising out of the operation and maintenance of the offeror's waste disposal system.

2.3 At all times during the term of this contract, the offeror shall accept and dispose of, all municipal solid waste delivered to the disposal site.

2.4 The waste disposal site should be available to accept waste from the Broadwater County Solid Waste District during normal waste transfer hours, six (6) days per week, excluding all state legal holidays. Hours available must be included as part of the proposal.

2.5 Contract price charged, on a per ton basis, to the Broadwater County Solid Waste District shall be charged to the Broadwater County Solid Waste District, for all municipal solid waste delivered to the disposal site. All payments are based on actual quantities, verifiable by weigh scale receipts.

2.6 All refuse taken to the disposal site shall be weighed on the offeror's scale and properly recorded. A monthly invoice of all usage shall be compiled and submitted to the Broadwater County Solid Waste District. All disposal invoices must possess an invoice number for tracking purposes.

2.7 Payment will be made by Broadwater County Solid Waste District to the contractor within thirty days after the date of the monthly invoice.

2.8 The Broadwater County Solid Waste District shall provide, upon the condition that all other terms of this contract are met, Class II waste refuse collected by the Solid Waste District. Items that may be directed to other destinations include tires, yard waste, recycling, and **Class II** waste. The Broadwater County Solid Waste District shall bear the full cost and full responsibility of its refuse collection and recycling system.

2.9 Quantity - The estimated quantity used in the RFP selection schedule is based on the previous **three (3) year** averages for disposal at the City County Landfill of **4,700 tons/year**. The Broadwater County Solid Waste Board does not guarantee a minimum or maximum quantity that will be generated by the Broadwater County Solid Waste District. Options for waste disposal may or may not be limited to a single proposer.

2.10 The Broadwater County Solid Waste District will maintain a hazard waste screening program at the Transfer Station. No hazardous waste, as defined by Montana State Law and Administrative Rule, will be delivered, to the best of County's ability to screen this material.

2.11 For recycling/waste reduction purposes, the Broadwater County Solid Waste District may prohibit specific Class II waste from disposal at any landfill.

SECTION 2B

ALTERNATIVE SCOPE OF PROJECT

2b.1 In addition to the provisions of SECTION 2A above each Offeror may present an alternative pricing option for both the transportation and disposal of Broadwater County Solid Waste.

2b.2 The Offeror will need to supply equipment that is compatible with existing Broadwater County Solid Waste District equipment.

2b.3 The Offeror will submit a price per ton for any alternative option for handling Broadwater County Solid Waste district waste.

SECTION 3

VENDOR QUALIFICATIONS

3.0 The Broadwater County Solid Waste District may make such investigations as deemed necessary to determine the ability of the offeror to perform the services specified.

3.1 The Broadwater County Solid Waste District reserves the right to reject any proposal if the evidence submitted by, or investigation of, the offeror fails to satisfy the Broadwater County Solid Waste District that offeror is properly qualified to carry out the obligations of the contract.

In determining the capabilities of an offeror to perform the services specified herein, the following informational requirements must be met by the offeror and will be weighed by the Broadwater County Solid Waste District. **(Note: Each item must be thoroughly addressed. Taking exception to any requirements listed in this Section may disqualify the proposal):**

- 3.2.1 Offeror shall provide a minimum of two references that are using services of the type proposed in this RFP. The references should fall within the categories identified below. At a minimum, the offeror shall provide the company name, the location where the services were provided, contact person(s), customer telephone number, a complete description of the service type, and dates the services were provided. The Broadwater County Solid Waste District reserves the right to use any information or additional references deemed necessary to establish the ability of the offerors to perform the conditions of the contract. Negative references may be grounds for proposal disqualification.
- 3.2.2 Offerors shall demonstrate their financial stability to supply, install and support the services specified.
- 3.2.3 Provide financial statements, preferably audited, for previous year immediately preceding the issuance of this RFP.
- 3.2.4 Offerors shall specify how long the company submitting the proposal has been in business (doing similar projects).
- 3.2.5 Evidence that the proposer is licensed under the laws of the State of Montana to accept Broadwater County waste for disposal.

SECTION 4 RFP FORM

4.1 Proposer's name, address, telephone number:

4.2 Offeror to furnish a per ton disposal fee:

A. Class II regular waste Unit price: \$_____/ton

B. Class IV Construction debris \$_____/ton

C. List any special handling fees:

D. Detail description of Alternative Delivery Scope and Unit Price: \$_____/ton

4.3 List or attach hours site available for waste disposal/land filling.

4.4 List any special waste handling requirements.

4.5 Any additional information, requirements, suggestions or proposals that may be relevant to these requirements:

SECTION 5 EVALUATION CRITERIA

5.0 Evaluation Procedure

- 5.0.1 The evaluation committee will separate proposals into “responsive” and “non-responsive” proposals. Non-responsive proposals will be eliminated from further consideration. Items that are considered mandatory as part of the proposal include a completed RFP form, references, operating license, and hours of availability.
- 5.0.2 The evaluation committee will evaluate the remaining proposals and determine whether to award the contract to the best proposal. Selection and award will be based on the offeror's proposal and other items outlined in this RFP. Responses must be complete and address all the criteria listed. Information or materials presented by offerors outside the formal response will not be considered and will have no bearing on any award.

5.1 Evaluation Criteria

The evaluation committee will review and evaluate the offers according to the following criteria:

Technical/Operational Abilities: 20 of 100 points

- A. Facility design and compatibility with existing Broadwater County waste collection and transportation equipment.
- B. Flexibility of access to site, including specific proposal of hours of operation.
- C. Special handling requirements.

Cost Analysis: 80 of 100 points

- A. Cost Per Ton.
- B. Additional or special costs including but not limited to differential hauling costs between competing facilities.