

**Request for Proposals
for
Solid Waste Management Master Plan**

for the City of Sioux Falls, South Dakota

Guidelines and Requirements for Submittal

Request No. 16-0013

Prepared by:
City of Sioux Falls
Landfill and Purchasing Division
December 17, 2015

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Section 1 Introduction and Instructions

1.01 Purpose of the RFP

This Request for Proposal (RFP) is issued by the City of Sioux Falls acting through its Landfill Division and Purchasing Office (hereinafter referred to as the "City"). The purpose of this RFP is to establish a contract with a qualified Firm to develop a comprehensive Solid Waste Management Master Plan (SWMMP) for the City. The services associated with this project will consist of, but not limited to, establishing a plan that further builds on the City's Sustainability Master Plan (SMP), evaluates the City's existing solid waste system, and proposes improvements to enhance the system. The following subject matter is very important to the City and the five (5) county region that uses the system: build and maintain an integrated, sustainable solid waste management system; continue to increase recycling and reuse opportunities; streamline collection practices; maintain the cleanliness of our region; protect the public and environment; enact pertinent ordinances that help reach our goals; facilitate public input on the system, and develop public education of the master plan; and integrated solid waste systems that result. Ultimately, the SWMMP seeks to optimize the solid waste system and enhance the sustainability, cost effectiveness, preservation of landfill airspace, and longevity of the system.

The City intends to use this SWMMP to set the vision and tone for its solid waste system for the next 10 to 30 years.

1.02 Contact Person, Telephone, Fax Number, and Email

David Dekker, Purchasing Specialist, Finance Department, is the point of contact for this RFP. Unauthorized contact regarding the RFP with other City employees may result in the Firm being disqualified.

David Dekker, Purchasing Specialist, Finance Department

Phone: 605-367-8833

Email: ddekker@siouxfalls.org

1.03 RFP Schedule of Events

This schedule of events represents the City's best estimate of the schedule that will be followed for this RFP. If a component of this schedule, such as the deadline for receipt of proposals, is delayed, the rest of the schedule will be shifted by the same number of days.

The approximate RFP schedule is as follows:

- RFP issued: December 28, 2015.
- Pre-Proposal Meeting: Monday, January 11, 2016.
- Deadline for questions: Wednesday, January 13, 2016.
- Proposals due: Thursday, January 21, 2016.
- Interviews, if necessary: February 2–4, 2016.
- City issues Notice of Intent to Award a Contract approximately: February 19, 2016.

- City issues contract approximately: March 1, 2016.
- Phase I Report(s) Due: 60 calendar days from the date of contract issuance.
- Phase II Report(s) Due: 120 calendar days from the date of contract issuance.
- Phase III Report(s) Due: 180 calendar days from the date of contract issuance.
- Phase IV (FINAL SWMMP) Due: 270 calendar days from the date of contract issuance.
- Phase V (Metrics, Measurement, and Updates) Due: 365 calendar days from the date of the final SWMMP.

1.04 Return Mailing Address and Deadline for Receipt of Proposals

Firms must submit one (1) electronic version in Microsoft Word or PDF format (on CD or USB drive) and six (6) hard copies of the proposal in a sealed envelope or package.

Cost Proposals is to be submitted in a separate sealed envelope or package clearly labeled “Cost Proposal with staff hours.”

Envelopes or packages containing proposals must be clearly addressed as described below to ensure proper delivery and to avoid being opened by the City before the deadline for receipt. Envelopes or packages must be addressed as follows:

City of Sioux Falls Engineering Office
 Attention: David Dekker
 Purchasing Specialist
 RFP No. 16-0013
 224 West Ninth Street
 P.O. Box 7402
 Sioux Falls, SD 57117-7402

Proposals must be received by the Engineering Office at the location specified no later than **2 p.m., Central Standard Time, on Thursday, January 21, 2016**. Proposals will not be publicly read at the opening.

Proposals may not be delivered orally, by facsimile transmission, by other telecommunication, or electronic means.

Offerors assume the risk of the method of dispatch chosen. The City assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt by the City. A Firm’s failure to submit its proposal prior to the deadline will cause the proposal to be rejected. Late proposals or amendments will not be opened or accepted for evaluation.

1.05 Questions and Addenda

Questions regarding this RFP shall be submitted in writing to David Dekker, Purchasing Specialist, 224 West Ninth Street, P.O. Box 7402, Sioux Falls, SD 57117-7402 or email to ddekker@siouxfalls.org. Answers to questions will be posted on the City’s website www.siouxfalls.org within 48 hours. The deadline for questions is 2 p.m. Central Standard Time, Wednesday, January 13, 2016.

If deemed necessary, addenda to the RFP will be issued and will be emailed to the proposers. No addenda will be issued after 5 p.m., Monday, January 18, 2016.

Responding Firms are expected to raise any questions, exceptions, or additions they have concerning the RFP document. If a respondent discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this RFP, they should immediately notify the above named individual of such error in writing and request modification or clarification of the RFP document.

Responding Firms are prohibited from communicating in any other manner about this project with any other City employee from the date of issuance of this proposal until the final selection, unless otherwise directed by the Purchasing Manager. Other means of communications or contact may disqualify the submitting Firm.

1.06 Notice Provided

The Request for Proposal and any amendments to the RFP will be posted on the following website: www.siouxfalls.org

1.07 Pre-Proposal Conference

A Pre-Proposal Conference will be held at City Hall, 224 West Ninth Street, Sioux Falls, SD 57104, First Floor Conference Room at 11 a.m. on January 11, 2016. Representatives of the City will be present to discuss the Request for Proposal. Vendors interested in submitting a proposal are encouraged to attend and participate in the conference. The City will issue such addenda as the City considers necessary in response to questions arising at the conference. Oral statements may not be relied upon and will not be legally binding or legally effective.

1.08 Letter of Interest

Vendors interested in receiving any notices related to this RFP are required to contact the Purchasing Specialist with the name of their firm, contact person, mailing address, telephone number, fax number, and email address. The sole purpose of the Letter of Interest is to provide the City with a contact person to receive any notices related to the RFP. Submission of a Letter of Interest is not a requirement for submitting a proposal to this RFP. The City must receive the Letter of Interest from the vendor by January 15, 2016.

Section 2 Scope of Work

2.01 Introduction

The City is requesting proposals for the development of a comprehensive SWMMP that focuses on the short- and long term future of the solid waste system for the City and the five county region, which includes the Sioux Falls Regional Sanitary Landfill, City-owned Household Hazardous Waste Facility, and private collection in the City of Sioux Falls. The services associated with this project will consist of, but not limited to, a comprehensive waste characterization study; forecast waste and recycling generation and disposal and recycling projections; investigate and recommend collection system alternatives; consider emerging technology solutions; evaluation of planned C and D MRF and consideration of the integration of other waste management operations into the C and D MRF including a mixed MRF; review and evaluate technologies that incorporate waste to energy, resource derived fuels, wet/dry recycling facilities, anaerobic digestion technologies, review and evaluate household hazardous waste, which includes residential and small quantity generators, and other problem materials management; identify innovative green projects; evaluate the need and location of a transfer station; evaluate long term Landfill Gas (LFG) or other energy alternative options; provide a Public Education Program; stakeholder involvement and engagement activities; identify key landfill operational issues and make recommendations for improvement; and provide a method for monitoring SWMMP implementation metrics that measures a variety of topics.

2.02 General Billing Requirements

The City seeks an efficient billing process. The City requires invoicing to each account, as requested, at no additional charge to the City. The billing format will be reviewed and approved by the contract administrator previous to the final contract agreement. Offeror must thoroughly describe their ability to accept and process orders using purchase orders or purchasing cards. Offerors must also discuss their ability to receive online payment via purchase card, receive an electronic funds transfer from the City, and/or a seamless electronic interface to City accounting systems.

The City **will not** accept fuel surcharges, delivery charges, or any other miscellaneous fees and/or surcharges.

Offerors are invited to provide any other information that they feel is relevant to this RFP process. For example, would the Offeror provide any additional services at no cost to the City or assist the City in evaluating its existing needs and future needs.

2.03 Background

The Sioux Falls Regional Sanitary Landfill (hereinafter referred to as the "Landfill") is located approximately five miles west of Sioux Falls, SD, and is the largest landfill in the state of South Dakota. The Landfill serves a population of approximately 260,000 in a five- (5-) county region, which includes, Minnehaha, Lake, Lincoln, McCook, and Turner Counties. The Landfill started accepting municipal solid waste (MSW) in 1979 and currently has a projected closure date of 2080.

The Landfill property encompasses approximately 709 acres; 260 acres permitted for MSW and 60 acres permitted for Construction and Demolition Waste (C and D). The Landfill currently

operates with numerous permits and has an active landfill gas collection and control system, in which LFG is collected and sold to a nearby ethanol plant.

The City's solid waste and recycling system is a private, open system and no City-owned collection is done. Haulers and recycling centers are licensed by the solid waste system. The most pertinent City ordinances are, but not limited to, Chapter 57, Chapter 92, Chapter 93, and Chapter 110, which may be found through the City's website.

In 2012, the City developed a Sustainability Master Plan (SMP) where a Solid Waste and Recycling Assessment was performed resulting in Waste Minimization Goals, Strategies and Tactics, and an associated Implementation Plan. This SWMMP will help build on the momentum of the SMP and continue to enhance and improve our system.

The Landfill is an enterprise fund, and its fees are based on cost of service. Landfill revenues fund the solid waste system, which includes the Landfill, public drop-off sites, household hazardous waste collection, public education programs, and Environmental Center-related expenses. No tax dollars are used to fund the solid waste system.

Firms are strongly encouraged to inspect the landfill site, landfill gas pipeline, Household Hazardous Waste Facility, collection system and associated documents, and permits and reports prior to submitting a proposal. Submission of the proposal shall be conclusive evidence that interested Firms have examined and are familiar with the existing system. Prior to any site inspections at the Landfill, interested Firms must contact Dustin Hansen, Landfill Superintendent, at 605-367-8166.

2.04 Scope of Work—General Specifications

The following shall be completed by the selected Firm as part of the comprehensive SWMMP.

1. Compliance Requirements

The City and its solid waste system are regulated by public law, statutes, and other federal, state, and local regulations. Unless otherwise specified, it shall be the Firm's responsibility to identify the applicable federal, state, and local laws and regulations and apply the procedures as required.

2. Health and Safety Plan and Site Specific Health and Safety Plans

i. Health and Safety (General)

In the course of conducting activities pursuant to this Scope of Work, the Firm may be required to perform on-site work, inspections, or observations. The Firm shall develop and implement health and safety and emergency response programs/plans for activities that involve employee exposure or the reasonable possibility for employee exposure to health and safety hazards. The Firm shall review all information provided and develop the necessary documents that contain the health and safety criteria, procedures, and practices sufficient to protect on-site personnel, the environment, and potential off-site receptors from chemical and physical hazards. The Firm shall be responsible for the health and safety of its employees.

ii. Safety Procedures

Waste sort samples obtained could contain constituents harmful to human health and the environment. Decomposing refuse generates methane gas, and many confined spaces may be

oxygen deficient and may contain harmful and/or explosive gasses. The Landfill has several areas considered to be confined space and collection of samples in confined spaces will be coordinated through the Landfill Superintendent, and safety procedures need to be followed in order to maintain a safe working situation.

The City makes no guarantee as to the composition of the samples taken. Firm and Landfill operators must use caution at all times when handling these samples.

All work, inspections, and observations conducted on City property will be completed in a safe manner in accordance with local, state, and federal laws. All contractors must wear proper PPE and notify the Landfill scale house when arriving and leaving the site. All contractors will need to provide the location of any work, inspections, and/or observations prior to commencing any work on City property.

3. Special Notifications

i. Health Risk

The Firm shall immediately report to the Landfill Superintendent, via telephone or in person, any data or results generated during this Scope of Work that may indicate any potential imminent health risk or violation of federal, state, or local laws. Following this notification, a written notice with supporting documentation shall be prepared and delivered within three (3) days. Upon request of the Landfill Superintendent, the Firm shall provide all pertinent data within three (3) weeks of the notification.

The Firm shall identify potentially significant health and safety problem areas as they arise while providing the technical support required by this Scope of Work.

ii. Questions from the Public

The Firm shall refer all questions from the public to the Landfill Superintendent.

iii. Scope of Work Guidance

The Firm is cautioned to take no guidance from any source during the course of this effort, which deviates from the requirements stated in the Scope of Work. The Firm shall immediately notify the Landfill Superintendent of any such requests.

4. Deliverables

All "hard copy" deliverables shall be submitted on recycled-content paper and printed double-sided unless otherwise specified. Unless otherwise specified, three (3) copies shall be provided to the Landfill Superintendent.

<u>Deliverable</u>	<u>Due Date</u>
Phase I Report(s)	60 calendar days after contract issuance
Phase II Report(s)	120 calendar days after contract issuance
Phase III Report(s)	180 calendar days after contract issuance
Phase IV Final SWMMP	270 calendar days after contract issuance
Phase V	365 calendar days after the Final SWMMP

i. Ownership of Deliverables

All data, reports, and material relative to this Scope of Work are the property of the City's and shall not be released by the Firm, subcontractors, or their employees without written authorization from the Landfill Superintendent or his designee.

2.05 Scope of Work—Tasks

Task 1: Waste Characterization

The City completed a waste characterization study in 2006. The City's waste management policies have changed since 2006 and may have impacted the characteristics of the waste stream. The selected Firm shall complete a comprehensive waste characterization study that includes actual material sorting at the Landfill. This will help map the entire waste stream and identify gaps to provide a more accurate assessment of the waste being directed to the Landfill and provide guidance as to areas of improvement for waste diversion. This will also be beneficial in the evaluation of technologies such as waste to energy, anaerobic digestion, LFG projections, and so forth.

As part of this task the Firm will:

- Notify the Landfill Superintendent or his designee a minimum of five working days prior to the Firm's anticipated sorting date to coordinate working hours and set up locations.
- Provide a work plan and site specific health and safety plan a minimum of five working days prior to the Firm's anticipated sorting date.
- Firm personnel will check-in and check-out with Landfill personnel at the landfill scale house.
- Firm personnel will need to make sure all employees and/or subcontractors follow all Landfill policies, local, state and federal laws as it pertains to this type of work.

This task shall be completed as part of Phase I.

Task 2: Waste Collection Alternatives

The City currently collects solid waste, recyclable materials, and yard waste through a public private partnership. Haulers are licensed by the City to collect these materials, and the City provides a regulatory framework and public outreach to support these services. The Sustainability Master Plan (June 2012) outlines potential enhancements for consideration to the waste collection system, including franchising or districting. The recently approved changes in the City ordinances regarding single-stream recycling will be incorporated into this review. Alternatives to and other changes for waste collection, including but not limited to City collection of municipal solid waste or franchising collection could potentially be evaluated for improving overall waste management efficiency and reducing customer rates.

This task shall be completed as part of Phase I.

Task 3: C and D MRF and Integrated Facility Options

The City completed a feasibility evaluation of developing a construction and demolition debris (C and D) material recovery facility (MRF) in 2011. Currently, the facility is planned for construction in 2017 and operations beginning in 2018. The study concluded implementation of such facility is economically feasible and would likely extend the useful life of the Landfill. Consideration of the integration of other waste management operations into the C and D MRF will be completed, including a mixed MRF. Evaluation of the location of the C and D MRF will also be reviewed as part of this task. This evaluation will consider the impact a mixed MRF would have on tipping fees and the life expectancy at the Landfill.

This task shall be completed as part of Phase I.

Task 4: Key Landfill Operational Issues

Waste management system changes and facility modifications will modify the types and methods waste is processed and handled. However, the staff operating the Landfill and other related facilities will determine the effectiveness of plan implementation. The following will be evaluated to assess and improve the landfill operations: scale house and traffic, public drop-off area, subtitle D landfill, new cell development, daily cover and alternatives, leachate management, surface and storm water management, litter control, landfill equipment, evaluation of eliminating the C and D landfill, and filling techniques. Other methods of managing the disposed waste will be evaluated, including mining of the C and D area, shredding MSW prior to disposal, and/or baling of the waste prior to disposal.

This task shall be completed as part of Phase I.

Task 5: Waste Generation and Disposal Projections

Current waste generation projections assume one percent annual increase. This value is used for projecting disposal capacity consumption and financial calculations. Over the last five years, actual waste generation and disposal values have varied significantly locally and throughout the United States. A revised projection is needed to accurately forecast the generation and disposal quantities based on planned economic and population growth into the future. This task shall be completed as part of Phase II.

Task 6: Pending Legislative and Regulatory Framework

Evaluate current and proposed rules at the local, state, and federal level will be reviewed and included in any evaluation completed as part of the Solid Waste Management Master Plan.

Review the existing City ordinances relating to solid waste management and submit draft revisions for consideration.

This task shall be completed as part of Phase II.

Task 7: Public Education Program

An evaluation of the City's existing public education program will be completed. As part of this evaluation, public outreach for solid waste and recycling programs for cities of similar size will be reviewed and the relating findings may be incorporated into the SWMMP. Evaluation of a City-owned and operated educational facility will also be included as part of this task.

This task shall be completed as part of Phase II.

Task 8: Emerging Technologies

Extending the useful life of the Landfill is one of the main goals of the SWMMP. Evaluate emerging and alternative technologies to landfilling waste. The SWMMP will provide a preliminary screening analysis to identify barriers to implementation and determine financial thresholds (e.g. energy costs and tipping fees). The overall alternative technology evaluation will include considerations of technical, environmental, regulatory, and financial issues, as well as potential public/private partnerships.

This task shall be completed as part of Phase III.

Task 9: Household Hazardous Waste and Problem Materials Management

The City currently manages household hazardous waste (HHW) at its dedicated HHW Facility and Environmental Center near downtown. This facility accepts electronics (other than appliances), paints, household and automotive cleaners/chemicals, mercury, fuels, batteries, and others. Accepting waste from small quantity generators will also be evaluated and how this would impact rates and if a fee for this waste would be charged. Other waste types (e.g. tires and appliances) are managed at the Landfill and require special handling. Carpet is disposed of in the Landfill; however, the City is currently considering establishing recycling drop-offs at the Landfill in order to divert this waste. The methods of managing these materials will be reviewed and, if applicable, alternative management options will be evaluated.

This task shall be completed as part of Phase III.

Task 10: Identify Innovative Green Projects

As it relates to the Landfill and recycling, the SWMMP will evaluate green initiatives for creating a more sustainable Landfill and waste management system, such as landfill gas (LFG) to compressed natural gas (CNG), pelletization of waste materials for fuel, solar and wind energy and others. The Sustainability Master Plan (SMP) outlines goals and objectives for developing a handful of innovative green projects.

This task shall be completed as part of Phase III.

Task 11: Transfer Station

The Landfill serves a five- (5-) county region. A majority of this service area is within a 30-mile radius that is generally considered a maximum distance for the direct haul of refuse. However, the city of Madison and most of Lake County are outside of this radius. An evaluation of the need for a transfer station and its potential benefits should be completed. The effectiveness of the existing transfer station in Lincoln County should be evaluated. Additionally, evaluate the viability of developing a transfer station in or around the City.

This task shall be completed as part of Phase III.

Task 12: Long-Term Landfill Gas Options

The landfill gas (LFG) generated at the Landfill is sold to POET in Chancellor, SD, under an agreement, which expires in 2019. However, LFG will continue to be collected at the Landfill after 2018. The City may need to consider alternatives to piping LFG to POET—diversifying its LFG reuse options as part of the process for potential renewal of the agreement. Review and

evaluation of other benefits of collecting and destroying LFG will be part of this task, such as renewable fuel credits and utilization of carbon dioxide gas. Additionally, projecting natural gas prices compared to LFG reuse projects should be completed.

This task shall be completed as part of Phase III.

Task 13: Stakeholder Input Process

Throughout the development of the SWMMP, a set of stakeholder involvement activities will be undertaken. The Firm will coordinate, in conjunction with the City, all public meetings and solicit input from the Planning Board as part of the planning process. The Firm will prepare agendas, meeting minutes, and provide a plan to the City on how the meetings will be facilitated and flow of each meeting.

This task shall be completed as part of Phase III.

Task 14: Monitoring the Master Plan Implementation

A method for monitoring the progress of the SWMMP implementation will be developed. It will measure a variety of metrics (e.g. financial, airspace utilization, emerging technologies, and others).

This task shall be completed as part of Phase III.

Task 15: Prepare Solid Waste Management Master Plan

The selected Firm shall prepare an all-encompassing document (Tasks 1–15) titled Solid Waste Management Master Plan (SWMMP).

The Firm shall provide to the Landfill Superintendent an electronic copy of the draft SWMMP for review. Within 30 days, comments will be returned to the Firm for incorporation and/or resolution. The final SWMMP is intended to be approved by the City after all resolutions have been incorporated. Six (6) hard copies and an electronic version of the SWMMP shall be provided to the Landfill Superintendent.

Additionally as part of this task, the Firm will be required to present the SWMMP findings to the Sioux Falls City Council.

This task shall be completed as part of Phase IV.

2.06 Federal Requirements

The Offeror must identify and comply with all known federal requirements that apply to the proposal, the evaluation, or the contract.

Section 3 Proposal Format and Content

3.01 Submittal Requirements

The submittal must contain the following information:

1. **Cover Letter and Table of Contents.** Provide name and address of the Firm and project contact person with address, telephone number, and email address. Acknowledge receipt of any addenda if applicable. In an **Executive Summary**, summarize your understanding of the project scope and services being required. Provide a statement indicating your ability to provide timely services for this project and to meet the requirements of the proposed schedule. Indicate your acceptance of the requirements of this RFP. Provide a one-page summary of the benefits you believe the City would receive from selecting your Firm.

The cover letter **must be signed** by a duly authorized official of the Firm. Consortiums, joint ventures, or teams submitting proposals must establish contractual responsibility rests solely with one company or one legal entity. Each submittal should indicate the entity responsible for execution on behalf of the proposal team. The Firm offer must be good for 90 days.

2. **Project Team Experience and Qualifications**

- a. Prepare an organizational chart showing your Firm's team.
 - b. Provide résumés or a listing of information for each person assigned to this project. State the educational background of each individual, years of experience, length of employment with your Firm, and experience providing solid waste management related services. For each person, list specific responsibilities in your Firm, experience with similar cities of similar size and type, and current work assignments and availability.
3. **References.** Firm shall provide a list with contact information of agencies that have requested your services to provide Solid Waste Master Planning Services.
 4. **Experiences.** Each Firm shall supply recent examples of similar projects in other landfills that the Firm was involved with. Include related past projects completed along with discussion comparing similarities with this proposed project.
 5. **Understanding of Project.** State your understanding of what the project entails.
 6. **Statement of Work and Project Approach.** Discuss how your organization will accomplish the scope of work. Include details of how and when you will interact with staff, the process to develop the SWMMP, how the Firm plans to complete each task, and ensure compliance with all applicable local, state, and federal regulations.
 7. **Project Schedule.** Provide your schedule for performing the work, including major milestones and deliverables.

Section 4 Review of Proposals and Selection of Finalists

4.01 Selection Criteria

Upon receipt of the proposals, an evaluation team will determine the best proposal deemed most qualified based on the below criteria. The evaluation team will rely on the qualitative information contained and presented in the proposals and reference checks in making the decision to select the most qualified Firm to provide services for the City. Selection criteria will be based on:

Evaluation Criteria (100 Point Potential Score)

- Degree that Firm demonstrates an understanding of City objectives and proposes a solution to accomplish the task(s) laid out in the RFP, and is able to meet these objectives and deadlines. Available resources to perform the work, availability of key staff to Sioux Falls area and ability to provide on-site response to issues during development of plan. **30 points**
- Project team experience and demonstrated knowledge and experience with similar assignments; past experience working with solid waste landfills; a satisfactory record of performance; knowledge of and ability to meet applicable federal, state, and local requirements. **20 points**
- Understanding of the project, proposed approach, methodology and ability of the Firm to create a SWMMP that meets the needs of the Landfill and complete each task in an effective and efficient manner. Project team's organization, chain of command, and ability to develop fact sheets, presentation materials, and memos during plan development. **30 points**
- Reasonableness of cost proposal **.20 points**

Upon review of the proposals, the Firms will be ranked. The highest ranking Firm may be invited in for an interview or start negotiations with the City. If an agreement cannot be reached with the highest ranked Firm, we will move to the second ranked Firm. The same process will be repeated with the other ranked Firms if no such agreement can be reached. The City reserves the right to not select a Firm as part of this process if an agreement cannot be reached with any Company.

Depending on the number of proposals received the City reserves the right to shortlist the proposals and eliminate the lowest ranking proposals for consideration.

4.02 Oral Presentations

Offerors determined to be reasonably acceptable for award **may** be required to provide an on-site presentation of the proposed solution for the evaluation committee.

If presentations are needed, the City will schedule a date, time, and location with each of the Offerors if necessary.

Offerors will be responsible for all costs associated with providing the demonstration.

4.03 Special Conditions

Excluding proprietary information, the successful Firm's proposal and contract are deemed public records and shall be available to the public upon request. In addition, the City shall maintain a "Register of Proposals for this Contract," which shall contain the names of company's who submitted a proposal and the name of the company who was awarded the contract; however, the proposals of the submitting Firms not awarded the contract are nonpublic records and will remain confidential.

Section 5 General Contract Information

5.01 Contract Type

This contract is a fixed price contract. The initial contract price will be based upon prices submitted by the Offeror, subject to contract negotiations with the City and shall be firm for the life of the contract.

5.02 Proposal as a Part of the Contract

Part or all of this RFP and the successful proposal may be incorporated into the contract.

5.03 Additional Terms and Conditions

The City reserves the right to add, delete, or modify terms and conditions during contract negotiations. These terms and conditions will be within the scope of the RFP and will not affect the proposed evaluations.

5.04 Supplemental Terms and Conditions

Proposals, including supplemental terms and conditions, will be accepted, but supplemental conditions that conflict with those contained in this RFP, or that diminish the City's rights under any contract resulting from the RFP, will be considered null and void. The City is not responsible for identifying conflicting supplemental terms and conditions before issuing a contract award. After award of contract:

1. If conflict arises between a supplemental term or condition included in the proposal and a term or condition of the RFP, the term or condition of the RFP will prevail; and
2. If the City's rights would be diminished as a result of application of a supplemental term or condition included in the proposal, the supplemental term or condition will be considered null and void.

5.05 Contract Approval

This RFP does not, by itself, obligate the City. The City's obligation will commence when the Mayor signs the contract. Upon written notice to the Contractor, the City may set a different starting date for the contract. The City will not be responsible for any work done by the Contractor, even work done in good faith, if it occurs prior to the contract start date set by the City.

5.06 Taxes and Taxpayer Tax Identification

The Contractor must provide a valid Vendor Tax Identification Number as a provision of the contract.

1. State and Use Taxes:

Work for this project is subject to state sales tax and use taxes on materials and equipment. Said taxes shall be included in the contract price. Refer to Supplementary Conditions for additional information.

2. Contractor's Excise Tax:

Contractor's excise taxes will be due and payable by the Proposer to the South Dakota Department of Revenue. To verify collection and reporting requirements, call 605-367-5800.

Section 6 Standard Proposal Information

6.01 Authorized Signature

An individual authorized to bind the Offeror to the provisions of the RFP must sign all proposals.

6.02 City Not Responsible for Preparation Costs

The City will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal.

6.03 Conflict of Interest

Offerors must disclose any instances where the firm or any individuals working on the contract has a possible conflict of interest and, if so, the nature of that conflict (e.g., employed by the City of Sioux Falls). The City reserves the right to cancel the award if any interest disclosed from any source could either give the appearance of a conflict or cause speculation as to the objectivity of the Offeror's proposal. The City's determination regarding any questions of conflict of interest is final.

6.04 Offeror's Certification

By signature on the proposal, the Offeror certifies that it complies with:

1. The laws of the State of South Dakota.
2. All applicable local, state, and federal laws, codes, and regulations.
3. All terms, conditions, and requirements set forth in this RFP.
4. A condition that the proposal submitted was independently arrived at without collusion.

5. A condition that the offer will remain open and valid for the period indicated in this solicitation, and any condition that the firm and/or any individuals working on the contract do not have a possible conflict of interest (e.g., employed by the City of Sioux Falls).

If any Offeror fails to comply with the provisions stated in this paragraph, the City reserves the right to reject the proposal, terminate the contract, or consider the Contractor in default.

6.05 Offer Held Firm

Proposals must remain open and valid for at least **30 days** from the deadline specified for submission of proposals. In the event award is not made within **30 days**, the City will send a written request to all Offerors deemed acceptable for award asking Offerors to hold their price firm for a longer specified period of time.

6.06 Amendments to Proposals and Withdrawals of Proposals

Offerors may amend or withdraw proposals prior to the deadline set for receipt of proposals. No amendments will be accepted after the deadline unless they are in response to the City's request. After the deadline, Offerors may make a written request to withdraw proposals and provide evidence that a substantial mistake has been made. The procurement officer may permit withdrawal of the proposal upon verifying that a substantial mistake has been made, and the City may retain the Offeror's bid bond or other bid type of bid security, if one was required.

6.07 Alternate Proposals

Offerors may not submit alternate proposals for evaluation.

6.08 Evaluation of Proposals

All proposals will be reviewed to determine if they are responsive to the requirements of this solicitation. An evaluation committee will evaluate responsive proposals. The evaluation will be based solely on the evaluation factors set forth in this RFP. The evaluation will consider information obtained subsequent to any discussions with Offerors determined to be reasonable for award and any demonstrations, oral presentations, or site inspections, if required in this RFP.

6.09 Right of Rejection

The City reserves the right to reject any proposals, in whole or in part. Proposals received from debarred or suspended vendors will be rejected. The Purchasing Office may reject any proposal that is not responsive to all of the material and substantial terms, conditions, and performance requirements of the RFP.

The Purchasing Office may waive minor informalities that:

- Do not affect responsiveness.
- Are merely a matter of form or format.

- Do not change the relative standing or otherwise prejudice other offers.
- Do not change the meaning or scope of the RFP.
- Are insignificant, negligible, or immaterial in nature.
- Do not reflect a material change in the work.
- Do not constitute a substantial reservation against a requirement or provision.

The City reserves the right to reject any proposal determined to be nonresponsive and to reject the proposal of any Offeror determined to be nonresponsive. The City also reserves the right to refrain from making an award if it determines it to be in its best interest.

6.10 Clarification of Offers

In order to determine if a proposal is reasonably acceptable for award, communications by the Purchasing Office or the proposal evaluation committee are permitted with any Offeror to clarify uncertainties or eliminate confusion concerning the contents of a proposal and determine responsiveness to the RFP requirements. Clarifications may not result in a material or substantive change to the proposal. The initial evaluation may be adjusted because of a clarification under this section.

6.11 Contract Negotiation

After final evaluation, the Purchasing Office may negotiate with the Offerors of the highest-ranked proposals. Negotiations, if held, will be within the scope of the request for proposals and limited to those items that would not have an effect on the ranking of proposals. If any Offeror fails to provide the necessary information for negotiations in a timely manner, or fails to negotiate in good faith, the City may terminate negotiations and negotiate with the Offeror of the next highest-ranked proposal.

If contract negotiations are commenced, they will be held at City Hall, 224 West Ninth Street, Sioux Falls, SD—a date and time to be determined.

If contract negotiations are held, the Offeror will be responsible for all costs including its travel and per diem expenses.

6.12 Failure to Negotiate

If the selected Offeror:

- Fails to provide the information required to begin negotiations in a timely manner.
- Fails to negotiate in good faith.
- Indicates it cannot perform the contract within the budgeted funds available for the project.
- If the Offeror and the City, after a good-faith effort, cannot come to terms.

The City may terminate negotiations with the Offeror initially selected and commence negotiations with the next highest-ranked Offeror.

6.13 Notice of Intent to Award—Offeror Notification of Selection

After the completion of contract negotiations, the Purchasing Office will issue a written Notice of Intent to Award and send copies to all Offerors. The Notice of Intent to Award will set out the names and addresses of all Offerors and identify the proposal(s) selected for award. The scores and placement of other Offerors will not be part of the Notice of Intent to Award.

Successful Offerors named in the Notice of Intent to Award are advised not to begin work, purchase materials, or enter into subcontracts relating to the project until both the successful Offeror and the City sign the contract.

Any bidder who is aggrieved in connection with the award of a contract may protest. The protesting bidder shall file a written statement with the Purchasing Office during normal business hours within seven calendar days of the date the Mayor signed the bid award document.