



Atlantic County Utilities Authority

**Request for Proposals for
Pinelands Park Landfill Cost Cap Environmental Insurance & Closure/Post-Closure Plan
for the Atlantic County Utilities Authority**

Issued by:

Atlantic County Utilities Authority
Solid Waste Division

Date: June 23, 2010

Proposals Due: July 23, 2010

I. Introduction

The Atlantic County Utilities Authority (ACUA, the Authority) owns and operates a solid waste complex in Egg Harbor Township, Atlantic County, NJ, known as the Howard F. Haneman Environmental Park. The facility is home to an active landfill, a recycling center, composting site, and ancillary facilities. Also on site is the ACUA's primary administration building, constructed in 1992, which features a closed-loop geothermal HVAC system. The site is home to a 5.4 MW landfill methane gas to electricity project which provides 100% of the power needs of the Park. The ACUA's solid waste complex is located at 6700 Delilah Road, in Egg Harbor Township, New Jersey. The site consists of approximately 360 acres with approximately 102 acres representing the landfill footprint.

The ACUA also owns and operates a regional wastewater treatment facility in Atlantic City, New Jersey. The wastewater facility has been in operation since 1978 and services 14 communities in Atlantic County. It is home to the Jersey-Atlantic Wind Farm, a 7.5 MW wind farm that is privately owned and from which the ACUA purchases approximately 12 million kWh per year of electricity. In addition the facility also houses a 500 kW solar PV system.

Pinelands Park Landfill is a closed and capped landfill, located at Ocean Heights Road and Zion Road in Egg Harbor Township, NJ and owned and operated by Browning Ferris Industries (BFI). The ACUA is interested in investigating and evaluating the potential for the ACUA to take ownership over the post closure operations of the facility and acquiring title to the property on which the Pinelands Park Landfill is located for the benefit of the solid waste rate payers of Atlantic County with the concurrence and agreement with the owner of record BFI. The Authority is seeking consulting services including, but not limited to, assistance in acquiring environmental insurance for the facility, reviewing and updating the existing closure plan for the landfill, evaluating the adequacy of the existing closure funds, and providing required reports and statements related to the implementation of the closure plan that would be necessary for the ACUA's ownership of the facility. The ACUA is charged with implementing the County's Solid Waste Plan. In accordance with its duty to provide these solid waste services to the County, the Authority has an interest in the proper management of all solid waste services in the County, not just the facilities it operates. As the implementing agency the ACUA has significant experience in the field and, when applicable, is prepared to widen the scope of the services it provides. The Authority believes that taking over ownership of the Pinelands Park Landfill could be in the best interest of the solid waste ratepayers of the County.

The ACUA is responsible to the residents of Atlantic County to be financially prudent and environmentally responsible.

II. General Information

A. Issuing Office and Point of Contact

Brian Lefke, Vice President of Solid Waste/Board Secretary is the ACUA contact and can be reached at:

Email: blefke@acua.com
Phone: 609-272-6950
Fax: 609-569-7342
Mailing Address: PO Box 996, Pleasantville, NJ 08232
Street Address: 6700 Delilah Road, Egg Harbor Twp, NJ 08234

B. Limits of Liability

The Authority assumes no liability for any cost incurred by proposers in responding to this RFP or in responding to any further request for interviews, additional information, etc. prior to the issuance of the contract.

C. Type of Contract, Fees and Compensation

The ACUA intends to award a consulting contract to examine the costs, benefits, risks, and responsibilities resulting from the acquisition and ownership of the Pinelands Park Landfill. Additionally the services will include assisting with the evaluation of the existing closure plan and the adequacy of the existing closure funds, updating the closure plan, the procurement and evaluation of environmental insurance and the selection of potential insurers, as well as assistance and consultation on the required work to transition ownership of the landfill facility, including but not limited to, negotiations with the subject facility's ownership. Optionally, the ACUA may award the proposer with a contract for implementation and reporting of the closure activities after ownership is transferred.

Consulting services for acquisition and transition of ownership shall be a one time, performance contract. The optional implementation and reporting contract shall be for a period of two years, with renewal options.

D. Target Dates

The following schedule shows the target dates for performance of the work:

Event	Date
RFP Issued	06 / 23 / 2010
Questions Due	07 / 02 / 2010
Proposals Due	07 / 23 / 2010
Award Contract	08 / 19 / 2010
Start of Work	08 / 30 / 2010

E. Proposal Format

There is no restriction to length of proposals; however, proposers are encouraged to be as concise as possible. All proposals should include:

1. A letter of transmittal and proposal may be submitted to the ACUA via mail, fax, or email. Should a response be sent via mail two (2) copies of the proposal will be required.
2. Qualifications: The proposer shall submit the following information to demonstrate their qualifications to perform the services described in this RFP:
 - a. All pertinent company information including Name, Business Address, Type of Organization, Authorized Representative(s), Contact Information, etc.
 - b. Personnel including resumes or professional biographies of Key Officers and other Project Team Leaders.
 - c. Experience of the Firm(s) including years in business, years and type of experience in the solid waste and environmental consulting industry, etc.
 - d. Recent project history for similar facilities in the northeast region (if applicable).
 - e. Organization chart.
 - f. Financial qualifications.
 - g. Any prior dealings with BFI.
 - h. Any potential conflicts of interest.

3. Business Proposals:

In addition to qualifications listed in Section 2, proposals should also include detailed cost information and the selected approach for evaluation and cost benefit analysis of the ACUA taking ownership of the Pinelands Park Landfill, procurement of environmental insurance,

evaluation of potential environmental insurance options and selection of the potential environmental insurer. Proposals should also include detailed cost information for assistance in negotiations with the Pinelands Park's current ownership. Proposal shall include detailed costs for review and evaluation of the existing closure/post closure monitoring plan and closure funds and updating the existing closure / post closure monitoring plan for the subject facility, and all other related consulting services required for the transfer of ownership and responsibility of a closed landfill. Additionally, per the optional award of reporting services, cost information shall be provided for the closure plan reporting and associated services.

4. Meetings:

A major component of all tasks is cooperation and interaction with the Authority on an as necessary basis. This shall include but not be limited to an initial kick-off meeting to discuss the essential goals of the project and continuous update on the status of the project throughout the term of the contract.

5. Evaluation Criteria:

The ACUA has established an evaluation committee that will work together to develop a score card to evaluate proposals. The score card will be established and approved by the Officers of the Authority prior to proposals being received.

The following criteria will be rated by the committee for each proposal. The proposal with the highest overall score will be considered the most advantageous to the Authority.

- a. Cost
- b. Specialized Technical Competence
- c. Capacity and Capability
- d. Past Record of Performance (Management Criteria)
- e. Familiarity with the Contracting Agency
- f. Presentation and Understanding of the Proposal

The final score card will be released to the proposers, in written form by the ACUA, upon request. Any contract that is entered into by the ACUA will be required to be presented to our Board Members for approval.

If any of the evaluation criteria is incomplete or fails to address the questions in the proposal, the evaluation committee may reject the proposal. Each Proposer is responsible for reviewing technical and

cost proposal requirements and preparing their responses in a clearly organized submittal.

Each technical and cost proposal is required to be in accordance with the terms of the specific RFP and shall be signed by an executive officer of the proposing organization, and, where applicable, a corporate officer of the parent organization, recognizing that both will have authority to bind the proponent.

Technical and cost proposals shall consider and be reflective of all federal, state, and local laws, statutes, ordinances, regulations, and other applicable laws that may affect cost, permitting, progress, performance or furnishing of the project including, but not limited to, applicable regulations concerning minimum wage rates, nondiscrimination in the employment of labor, protection of public and employee safety and health, environmental protection, protection of natural resources, fire protection, solid waste handling facility standards and permits, other permits, fees, and similar subjects.

6. Clarification of the Proposal

- a. After the submission of proposals, unless requested by the ACUA, there will be no proposer contact permitted.
- b. After reviewing the proposals, the Evaluation Committee may ask one, some or all of the proposers to clarify certain aspects of their proposals. A request for clarification may be made in order to resolve minor ambiguities, irregularities, informalities or clerical errors.

7. After the Evaluation has been completed

- a. All materials are kept on file at the ACUA.
- b. The evaluation committee makes a formal recommendation to the ACUA officers and authorized staff.
- c. The most advantageous proposal will be chosen by the evaluation committee based on the score card evaluation.
- d. The ACUA Officers and authorized staff may at this point accept, reject or modify the recommendation of the Evaluation Committee.
 - 1) For any proposal that is recommended to be accepted, a resolution will be presented to ACUA's Board for their consideration.
 - 2) For all rejected proposals the proposers will be notified in writing.

F. Information and Questions

Questions must be in writing and addressed to Brian Lefke, Vice President of Solid Waste/Authority Board Secretary, by 4:30 pm EST on July 2, 2010.

There will be no preliminary site visit or meeting scheduled prior to the RFP due date. If a proposer wishes to visit the site arrangements can be made by request through the ACUA.

The ACUA has on record the Pinelands Park Landfill's Revised Financial Plan Updates (submitted biennially) and Cost Submission Reports (submitted bi-monthly), and the landfill's Closure & Post Closure Plan. After the contract is awarded these documents will be made available to the contractor to assist in the feasibility study and evaluation of acquiring the landfill.

III. Project Description

A. General Description

The ACUA is examining the possibility of acquiring ownership of the Pinelands Park Landfill in Egg Harbor Township, NJ. Pinelands Park discontinued waste receiving operations in 1990 and is a capped and closed landfill that currently houses gas and leachate collection systems. Pinelands Park Landfill is owned and operated by BFI and the site also leases portions of the site for a municipal golf course to Egg Harbor Township. The lease agreement with Egg Harbor Township would remain in effect after potential transfer of ownership.

As the operator of the only active landfill in Atlantic County and as the agency responsible for implementing the County's Solid Waste Plan the ACUA believes it could be in its best interest to provide the most comprehensive service to the rate payers as possible. The ACUA believes that taking over the post closure operations of the Pinelands Park Landfill may be in the best interests of the County, the ACUA, and the residents, based on the Authority's experience and responsibilities to the rate payers in Egg Harbor Township, and the County as a whole.

Proposers would be responsible for consulting services for all the aspects of acquiring the closed landfill, and potentially, should the ACUA choose to exercise the option, consulting and reporting services per the implementation of the closure plan.

B. Objective of and Benefit to the ACUA and Rate Payers

The Pinelands Park Landfill currently has a significant amount of funds in reserve which are solely dedicated to the cost of maintaining the closed landfill

in accordance with their NJ Department of Environmental Protection (NJDEP) approved closure plan. These funds can be utilized only for the closure plan implementation, and should there be sufficient additional funds, for the benefit of the solid waste service rate payers. The current ownership dedicates all funds to the landfill closure operations, and due to the scope of their services, is unable to utilize additional funds, when available, for the benefit of the rate payers.

As the agency responsible for executing the County's Solid Waste Plan the ACUA provides several waste related service to the rate payers in Atlantic County, and would be able to fully utilize the available funds for the benefit of rate payers, through many different means.

C. Responsibilities of Contractor/Scope of Work

Proposers will be obligated, but not limited to, provide the following services as part of a consultation contract with the ACUA:

1. Provide a feasibility assessment for the ACUA to acquire ownership of the Pinelands Park Landfill. The assessment will include the benefits, costs, risks, and responsibilities the ACUA will take on as a result of ownership of the landfill.
2. Based on the feasibility assessment proposers shall provide recommendations and consultation for subsequent actions the ACUA will be required to take should the Authority decide it prudent to move forward with the acquisition of the landfill, including but not limited to;
 - a. Development, support, and assist in the presentation and negotiation of a cost cap post-closure insurance policy for the Pinelands Park Landfill to replace remaining financial commitment of the escrow funds.
 - b. Technical support to the ACUA during the negotiations with the current ownership of the landfill and the NJDEP.
 - c. Evaluation and update of the latest Post-Closure monitoring plan and closure funds to reflect actual future expenditures as they relate to the remaining years of the 30 year post closure period.
3. (OPTIONAL) Proposal to supply yearly engineering services including but not limited to the preparation and submittal of the bi-monthly cost submission reports and bi-annual financial plan update for the period of two years to include 12 bi-monthly cost submission reports and 2 bi-annual financial plan updates. Proposal to include all activities relating to the preparation and submitting of the reports.

4. Proposal shall include personnel biographies of any and all individuals to be assigned to the project as well as hourly rates for any and all additional tasks deemed by the ACUA as additional services needed during the course of the initial contract period.

D. Permits and Licenses

The proposer should be prepared to assist the ACUA in all permitting and license matter related to the acquisition and operation of the closed landfill.

Additionally all proposers should be fully permitted and licensed to provide the services requested in this document.

IV. State Purchasing Law Requirements

- A. **Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C.17:27. The mandatory equal employment opportunity language includes the following:**

Goods, Professional Services and General Service Contracts

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability,

nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to **N.J.S.A. 10:5-31 et seq.** as amended and supplemented from time to time and the American and Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted county employment goals established in accordance with **N.J.A.C. 17:27-5.2**, or Good faith efforts to meet targeted county employment goals determined by the Division, pursuant to **N.J.A.C. 17:27-5.2**.

B. Business Registration

Note that all proposers must comply with the Business Registration requirements of the New Jersey Department of Community Affairs in accordance with **N.J.S.A. 25:32-44**. **Firms must submit prior to the award of the contract a copy of their New Jersey Business Registration Certificate. Failure to do so will be cause for rejection of the firm's Proposal.**

C. New Jersey Pay to Play Regulations

This contract will be subject to New Jersey Pay to Play regulations. Upon receipt of the current Candidate Committee List from the Atlantic County Clerk, the Authority will provide to the Contractor and the Contractor as soon as is reasonably possible will complete and submit a Business Entity Disclosure Certification which will certify that the Contractor has not made any reportable contributions to a political or candidate committee in the County of Atlantic (1) in the previous one year; (2) and from January, 2009 to the date of award; (3) that the contract will prohibit the Contractor from making any reportable contributions through the term of the contract.