



Procurement Management Department
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Posted Date: November 7, 2024

Solicitation No.: RFP240453BJB

Solicitation Name: Landfill Operating Agreement

Subject: Addendum Number 7

The following represents clarification, additions, deletions, and/or modifications to the above referenced bid. This addendum shall hereafter be regarded as part of the solicitation. Items not referenced herein remain unchanged, including the response date. Words, phrases or sentences with a strikethrough represent deletions to the original solicitation. Underlined words and bolded, phrases or sentences represent additions to the original solicitation.

1. ATTACHMENTS

Attachment # 1 – Corrected Lee-Hendry Landfill Historic Densities Chart

2. QUESTIONS/ANSWERS

1.	Please confirm that for Form 4 and the non-performance history section, with respect to civil actions, the County does not require a list of motor vehicle or employment lawsuits (as those do not relate directly to a solid waste services contract)?
Answer	Proposers shall submit Form # 4 providing details for each incident of alleged negligence, breach of contract or non-compliance with governmental regulations that has occurred over the past 10 years related to the scope of work provided.

2.	The amounts listed in the Landfill Historic Densities chart from Appendix 3 of the draft agreement, do not match information that is on Attachment 4 Historical Data, Numbers and Additional Information pdf. Can the County validate which chart will be used to measure vendor performance?
Answer	To clarify, Appendix 3 provides historic densities based on the period between surveys. Attachment 4 provides historic tonnages based on calendar month. The Vendor’s performance will be measured by Operational Density which can be found in Table 3.2 of the draft agreement.

3.	Can the County supply the current gate rate for Class I and Class III material to be used in the performance incentive/penalty calculation.
Answer	Current gate rates are as follows: C&D/Class 3: \$67.78 / ton MSW: \$67.73 / ton

4.	Draft Agreement Appendix 3 Standard & Performance- The County provides an example of the calculation on how to determine the Annual Operation Density to be used in the performance calculation. Can the County please provide a performance bonus example and performance penalty example that provides the calculations through the entire process.
Answer	Examples of Base Fee, Tonnage Fee and Performance Incentive / Penalty Calculation has been provided in the last two pages of Appendix 3 of the draft agreement.

5.	Does the required Class I operational density assume a certain percentage of ash tonnage in that year, or does it assume zero ash?
Answer	See answer to question # 11 within Addendum # 6

6.	<p>On the Landfill Historic Densities chart from Appendix 3, please see below the numbers circled in red appear to be duplicated for the Class I MSW landfill and the Class III landfill for the same time period. Can the County verify if these numbers are correct.</p> <p style="text-align: center;"><u>Lee-Hendry Landfill Historic Densities</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="11" style="text-align: left; background-color: #f2f2f2;">Class I MSW Landfill</th> </tr> <tr> <th>Period Start</th> <th>Period End</th> <th>Remaining Volume (CY)</th> <th>Period Airspace Used (CY)</th> <th>Tons Landfilled</th> <th>Period Density (lb/cy)</th> <th>Total Waste Accepted (tons)</th> <th>Total Volume Filled (cy)</th> <th>Historic Apparent Density (lb/cy)</th> <th>Built Footprint (AC)</th> <th>% Ash for related FY</th> </tr> </thead> <tbody> <tr><td>11/21/2016</td><td>12/4/2017</td><td>1,094,148</td><td>33,459</td><td>24,733</td><td>1,478</td><td>1,664,025</td><td>1,676,343</td><td>1,985</td><td>38</td><td>0%</td></tr> <tr><td>12/4/2017</td><td>12/23/2018</td><td>980,936</td><td>130,210</td><td>110,441</td><td>1,696</td><td>1,758,133</td><td>1,793,449</td><td>1,961</td><td>38</td><td>51%</td></tr> <tr><td>12/23/2018</td><td>12/5/2019</td><td>908,455</td><td>76,779</td><td>71,891</td><td>1,873</td><td>1,831,977</td><td>1,870,228</td><td>1,959</td><td>38</td><td>43%</td></tr> <tr><td>12/5/2019</td><td>10/1/2020</td><td>860,209</td><td>53,542</td><td>51,352</td><td>1,918</td><td>1,878,111</td><td>1,923,770</td><td>1,953</td><td>38</td><td>37%</td></tr> <tr><td>10/1/2020</td><td>10/5/2021</td><td>650,640</td><td>160,743</td><td>162,295</td><td>2,019</td><td>2,040,396</td><td>2,084,513</td><td>1,968</td><td>38</td><td>45%</td></tr> <tr><td>10/5/2021</td><td>10/3/2022</td><td>821,189</td><td>208,068</td><td>185,724</td><td>1,777</td><td>2,226,130</td><td>2,293,601</td><td>1,941</td><td>38</td><td>37%</td></tr> <tr><td>10/3/2022</td><td>10/4/2023</td><td>7,831,087</td><td>326,678</td><td>232,405</td><td>1,423</td><td>2,459,357</td><td>2,620,279</td><td>1,877</td><td>38</td><td>3%</td></tr> </tbody> </table> <table border="1" style="width: 100%; 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7.	As the County is aware that ash impacts the density will the County consider implementing a sliding scale on the density penalty requirement with varying ash percentages. (e.g. minimum operational density is 1,550 lb/CY for 20% ash measured in period, minimum operational density of 1,400 with 0% ash, etc.).
Answer	See answer to question # 11 within Addendum # 6.

8.	Does the required Class I operational density assume a certain percentage of Class III tonnage in that year, or does it assume zero Class III tonnage?
Answer	Table 3.2 Class I Landfill density expectations are independent of the percentage of Class III waste to be landfilled in this area. Future expectations for Class III percentage is de minimis, but the density expectations will not be adjusted.

9.	As the County is aware that Class III tonnage impacts the density the Class I waste, will the County consider implementing a sliding scale on the density penalty requirement with varying Class III percentages. (e.g. minimum operational density is 1,550 lb/CY for 20% Class III tons measured in period, minimum operational density of 1,400 with 0% Class III tons, etc.).
Answer	No. The County will not consider implementing a sliding scale on the density penalty requirement with varying Class III percentages.

10.	As the County is aware of the MSW exclusion zone that exists in cells 11A & 11B, where a lower operational density will likely exist due to C&D/Class III disposal. This area just came into service this year therefore the historical Class I landfill densities are not reflective of this new limitation. Is this area being excluded from the density calculation for the Class I landfill?
Answer	The County will use the Class III Landfill bonus / penalty parameters for the MSW Exclusion area if the Vendor demonstrates the density for this area was appropriately calculated. The MSW exclusion area is anticipated to be nearly filled at the time the contract starts. Please note that the density goals are operational for waste placed during the annual calculation, not site wide life-of-site numbers.

11.	Please confirm Section 30.6.4. (Termination for Convenience) is not applicable to this RFP?
Answer	Section 30.6.4 (Termination for Convenience) that you reference is the County’s standard terms and conditions. The language provided on page 39 of the Draft Agreement Section 4.5 TERMINATION. Section D – Termination for Convenience will be used for this project. It states: Either party may terminate this Agreement for its convenience at any time upon providing 180 calendar days’ written notice to the other party, with or without cause. If either party elects to terminate this Agreement for its convenience, then County is entitled to a pro rata refund of the funds paid by County to Vendor which is applicable to the portion of the term subsequent to the effective date of termination.

12.	With respect to Section 2.3E of the Draft Contract, would the County be willing to add language that the Contract Administrator’s approval of replacement of Key Personnel shall not be “unreasonably withheld”?
Answer	This is a draft agreement. The County will consider proposed term language during negotiations with the selected vendor prior to finalizing the agreement.

13.	Section 2.5(B) – Termination for Labor Unrest – Would the County be willing to add “after 10 days’ notice” at the end of this section?
Answer	This is a draft agreement. The County will consider proposed term language during negotiations with the selected vendor prior to finalizing the agreement.

14.	Section 4.5(I) – Exclusive Remedies -- Would the County be willing to add language that neither party shall be liable to the other for incidental, consequential or punitive damages?
Answer	This is a draft agreement. The County will consider proposed term language during negotiations with the selected vendor prior to finalizing the agreement.
15.	Section 5.1(A) – Indemnification – Would the County be willing to remove the word “solely” before “by the negligence”?
Answer	This is a draft agreement. The County will consider proposed term language during negotiations with the selected vendor prior to finalizing the agreement.
16.	Can you provide the current contractors heavy equipment fleet?
Answer	The current Vendors heavy equipment and hours are located within the five year invoicing history as provided in Attachment 3 of the solicitation.
17.	Can you clarify the extent of a localized seep/leachate outbreak that is referenced in the solicitation?
Answer	See Section 2.13 (D) of the draft agreement.
18.	Can you please explain the closure/partial closure schedule as it pertains to the amount of non-finalized slopes that the successful bidder would be responsible for?
Answer	Presently, there is no schedule. A schedule will be coordinated with the Vendor.
19.	If the bidder suggests the installation of sod/seeding on a non-finalized slope as part of the slope maintenance, is this the financial responsibility of the bidder or the County?
Answer	The Vendor is responsible for maintaining slopes and controlling erosion. Historically, the current landfill contractor has spread an approximately 2” layer of on-site compost over slopes and obtained volunteer vegetation for slope stabilization. Should the Vendor choose to sod or seed to maintain slopes, it shall be at the Vendor’s expense.
20.	Are there existing fuel tanks that the bidder can utilize, and if not, where are they allowed to be installed/placed?
Answer	There are no existing fuel tanks that the Vendor can utilize. Locations for any Vendor-owned fuel tank locations will be coordinated with the County. As examples, tanks may be placed at the shop, or mobile tanks on lined areas.
21.	Can the local vendor preference be removed from the bid evaluation?
Answer	No. See section 36 of the terms and conditions within the solicitation. The County will adhere to Lee County Ordinance No. 22-06 & 23-21. Local Vendor Preference remains and will not be removed from evaluation for this solicitation.
22.	Can you provide a history of the achieved compaction within each landfill?
Answer	The historic densities chart has been corrected. See attachment # 1 to this addendum.

23.	Is the available front office space only for the managers and administrative staff, or is there a break area for the field employees as well? If not, is there another area available to the field employees, or is the successful bidder required/allowed to bring in an area?
Answer	Space is available for any employees as the Vendor sees fit. Additional areas may be established by the Vendor. Refer to Section 2.6 (A) (3) of the draft agreement.

24.	Can the bidder purchase fuel directly from the County? If not, are there any designated areas that a fuel tank can be brought to the site ? What would be the process to update the site's current spill and stormwater plans?
Answer	Fuel cannot be purchased from the County. Any Vendor-owned fuel tank locations shall be coordinated with the County and may be placed near the shop or mobile tanks on lined sites. The County will coordinate with the Vendor to update the site's current spill and stormwater plans.

25.	In the dedicated maintenance bay how are oils, lubes, etc, as well as used fluids handled?
Answer	All oils, lubes, fluids, tools, tanks etc. are the responsibility of the Vendor. This includes proper storage, maintenance, and disposal. In accordance with Sections 2.5 and 2.6 of the draft agreement, the Vendor shall be responsible for regulatory requirements related to their use of such materials.

26.	On the pricing form note #1 indicates that the base fee is inclusive of the following: a. First 10,000 tons of Class I MSW/Class I C&D per month. b. First 5,000 tons of Class III per month. c. First 3,000 tons of Ash per month. These volumes annualized total 216,000 tons. In addition to the base fee tons, the County has included estimated additional annual tons for the same materials. When all material volumes are combined, they total 559,672 tons. This total volume is significantly greater than the historical total of 440,000 tons. Is the County expecting an increase in material delivered to the landfill?
Answer	See Addendum 5 Revised Proposal Form as provided in Addendum 5. Additionally, refer to the Special Conditions, Section 2.1. The volumes provided are for evaluation purposes only. They are not a reflection of estimated quantities or actual amounts. As a reminder, Proposers shall not adjust any amounts or County authored data provided within the pricing proposal form. Proposals received with modified data or quantities may deem the Proposer as non-responsive and ineligible for award.

BIDDER/PROPOSER IS ADVISED, YOU ARE REQUIRED TO ACKNOWLEDGE RECEIPT OF THIS ADDENDUM WHEN SUBMITTING A BID/PROPOSAL. FAILURE TO COMPLY WITH THIS REQUIREMENT MAY RESULT IN THE BIDDER/PROPOSER BEING CONSIDERED NON-RESPONSIVE.

ALL OTHER TERMS AND CONDITIONS OF THE SOLICITATION DOCUMENTS ARE AND SHALL REMAIN THE SAME.

Brian Boehs

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