

FEBRUARY 17, 2004

CITY OF NEW YORK
MICHAEL BLOOMBERG
MAYOR

DEPARTMENT OF SANITATION
JOHN J. DOHERTY
COMMISSIONER

**REQUEST
FOR
EXPRESSIONS OF INTEREST
TO
PROVIDE
WASTE DISPOSAL
CAPACITY**

THE AUTHORIZED AGENCY CONTACT PERSON FOR ALL MATTERS
CONCERNING THIS REQUEST FOR EXPRESSIONS OF INTEREST IS:

HARRY SZARPANSKI
ASSISTANT COMMISSIONER
DEPARTMENT OF SANITATION
44 BEAVER STREET - 12TH FLOOR
NEW YORK, NY 10004
212-837-8001

1.00 INTRODUCTION

This Request for Expressions of Interest (RFEI) is being issued by the Department of Sanitation of the City of New York (DSNY) to facilitate the preparation and implementation of a Comprehensive Solid Waste Plan (SWMP) for the City of New York for the period 2004 to 2024.

Through the issuance of this RFEI, the DSNY is seeking to receive from qualified respondents expressions of interest to:

- sell or otherwise provide to the DSNY for its exclusive use permitted disposal capacity within New York state;
- sell or otherwise provide to the DSNY for its exclusive use land located within New York state suitable to serve as a site for a waste disposal facility; and/or
- serve as a host community for a disposal facility that would receive waste managed by the DSNY.

This RFEI was designed to serve as guide for those endeavoring to prepare and submit responses. As such, it presents the following: the schedule, rules and procedures respondents must follow (see sections 3.00 and 4.00); relevant background information regarding the City of New York's waste management needs, plans and preferences (see section 5.00); and a format for responses. To be deemed reviewable, a response to this RFEI must: be submitted by a respondent who has fully complied with the schedule, rules and procedures set forth; clearly be based upon and reflect the background information presented; and correspond to the format for responses specified.

2.00 DISCLAIMER

The issuance of this RFEI should not be construed as binding the City to any course of action whatsoever regarding the conduct of on-going or future competitive solicitations for the provision of solid waste management capacity and/or services. Furthermore, having submitted a response to this

RFEI will not be a prerequisite for participating in any competitive solicitations for the provision of solid waste management capacity and/or services the City may choose to conduct in the future and will not confer any right or advantage to the respondent with respect to such solicitations. Finally, all prospective respondents are hereby cautioned that the focus and scope of any competitive solicitations the City does issue in the future for the purpose of procuring solid waste management services and/or capacity could differ substantially from those suggested in or implied by this RFEI.

3.00 SCHEDULE

At this time, it is the intent of the DSNY to conduct this RFEI process in accordance with the schedule that appears below:

- A) February 17, 2004** - Date of RFEI issuance (see sub-sections 4.01, 4.02 and 4.03).
- B) March 1, 2004** - Due date for the submission of inquiries (see sub-section 4.04).
- C) March 8, 2004** - Date on which the DSNY will transmit to all prospective respondents its responses to all inquiries received prior to the due date specified above and any corrections or amendments to this RFEI it deems necessary (see sub-section 4.05).
- D) March 26, 2004** - Due date for the submission of a response (see sub-section 4.08).

All prospective respondents are advised that the DSNY reserves the right to modify the schedule set forth above. Additionally, all prospective respondents should note that a failure to adhere to the schedule set forth above and/or any modifications made to it may result in a response being judged non-reviewable.

4.00 RULES AND PROCEDURES

The following sub-sections set forth rules and procedures pertinent to the preparation and submission of a response and to how this RFEI process will be conducted.

4.01 Agency Contract Person

The authorized 'Agency Contract Person' (ACP) for this RFEI is:

Harry Szarpanski
Assistant Commissioner
Department of Sanitation
44 Beaver Street - 12th Floor
New York, New York 10004
212-837-8001 (voice)
212-269-0788 (fax)

4.02 Communications

All contact with the DSNY related to this RFEI must be made through the ACP. No employee of the City of New York other than the ACP is to be contacted regarding this RFEI.

4.03 Status of Information

- A) The City shall not be bound by any information regarding the nature and scope of its waste disposal needs, plans, and/or preferences that was orally conveyed, conveyed in writing, and/or otherwise obtained by a prospective respondent prior to the issuance date of this RFEI.

- B) Although the DSNY believes the information presented in this RFEI is accurate, complete, and current, it does not guarantee such to be the case.
- C) Prior to submitting a response, all prospective respondents should verify to their own satisfaction the accuracy, completeness, and currency of the information presented in this RFEI.

4.04 Inquiries

- A) All inquiries regarding this RFEI must be made in writing and addressed to the ACP.
- B) The due date for inquiries pertaining to this RFEI is set forth in section 3.00.
- C) Inquiries regarding this RFEI not addressed to the ACP or received by the ACP subsequent to the due date specified may not be reviewed.

4.05 Responses to Inquiries, Corrections, and/or Amendments

By the date set forth in section 3.00, the DSNY will transmit to all prospective respondents written responses to all inquiries regarding this RFEI received by the ACP prior to the specified due date and any corrections or amendments to this RFEI it deems necessary.

4.06 Confidential and/or Proprietary Information

- A) A respondent should specifically identify and make easily separable any information presented in a response to this RFEI deemed to be confidential and/or proprietary.
- B) Subject to its obligations under the Freedom of Information Law, the DSNY will make all reasonable efforts not to disclose information presented in a response to this RFEI which a respondent specifically identifies as confidential and/or proprietary.
- C) The DSNY does not guarantee that information presented in a response to this RFEI which a

respondent deems to be and specifically identifies as confidential and/or proprietary will not be disclosed and shall not under any circumstances be held liable by a respondent for damages of losses which may result from the disclosure of such information.

4.07 Costs Incurred

All prospective respondents are advised that this RFEI constitutes only an invitation to submit a response to the DSNY and that any prospective respondent choosing to accept this invitation will not be entitled to reimbursement from the DSNY for any costs incurred to support the preparation and submission of response.

4.08 Submission of a Response

- A)** By 4:00 PM on the due date for the submission of a response set forth in section 3.00, a respondent to this RFEI must deliver or cause to be delivered to the ACP ten (10) copies of a document that fully conforms with and satisfies the format and content requirements set forth in section 5.00.
- B)** The ACP will accept a delivery made by or on behalf of a respondent to this RFEI only if it occurs between the hours of 9:00 AM and 4:00 PM on a weekday that is not a holiday observed by the DSNY.
- C)** A return address, the title of this RFEI and the due date for the submission of a response set forth in section 3.00 must appear on all envelopes or wrappers that contain materials a respondent delivers or causes to be delivered in response to this RFEI.

4.09 Late Submissions

- A) A response delivered to the ACP after 4:30 PM on the response due date specified by the schedule set forth in section 3.00 will be deemed late.
- B) A response that is deemed to have arrived late may not be reviewed.

4.10 Clarifications

- A) During the response review phase of this RFEI process a respondent may be requested to submit in writing clarifications to the response to this RFEI.
- B) Such requests will be conveyed in writing by the ACP and will specify the clarifications being sought and the due date by which the requested clarifications must be submitted.

4.11 Presentation of a Response

The DSNY may ask a respondent to give an oral presentation of its response to this RFEI and/or to otherwise demonstrate the information it contains.

Finally, all prospective respondents are advised that the DSNY reserves the right at its sole discretion to withdraw this RFEI and/or to postpone or cancel this RFEI process at any time.

5.00 BACKGROUND INFORMATION

At present, almost all of the approximately 25,000 tons of non-recyclable solid waste generated within the City of New York on a daily basis is being exported in trucks to private disposal sites located outside of the City and State of New York. To reduce the City's dependence on these private facilities, many of which have limited capacity remaining, reduce potential truck-related environmental impacts and provide the City with greater control of the waste disposal infrastructure it depends on, the DSNY is in the process of developing a SWMP that will be based upon and advocate use of some combination of the components described below to address the long-term management

of the City's non-recyclable waste.

- Conversion of up to all eight of the City's Marine Transfer Stations (MTSs), the facilities formerly used to load waste onto barges for transport to the Fresh Kills Landfill, into facilities at which waste will be containerized and placed on barges for export.
- Conducting a competitive procurement and contracting with one or more private vendors to provide all of the facilities, equipment and services required to receive and dispose of waste containerized at converted MTSs.
- Conducting several competitive procurements and contracting with one or more private vendors to construct new or convert existing private transfer stations and provide all facilities, equipment and services necessary to receive, containerize, transport out of the City by barge or rail and dispose of waste delivered by the DSNY and others.
- Using the procurements mentioned above and various other means to cause the use of existing or new barge and/or rail accessible disposal capacity located within New York State so as to allow host community funds and other economic benefits to be redirected to in-state jurisdictions and to reduce the potential for out-of-state jurisdictions to influence the economics or otherwise control the waste disposal infrastructure upon which the City depends.

At this time, the DSNY expects that the SWMP being developed will be adopted by the New York City Council and approved by the New York State Department of Environmental Conservation (NYSDEC) late in 2004 and that the components of the SWMP related to the management of non-recyclable waste will be fully implemented by the middle of 2007.

6.00 RESPONSE FORMAT

A response to this RFEI should consist of one or more bound volumes that present in order and to the extent applicable at least the following.

A) Respondent Description

If the respondent is a private entity, the respondent description should consist of narratives that identify the main business or businesses conducted by the respondent, the size and nature of the respondent's company, if any, and its national and/or international coverage, if any. If the respondent is a corporation, partnership, or joint venture, the respondent description should include an organization chart that identifies respondent's owners and clearly illustrates its structure. Also, the respondent description provided by a private entity should identify and contain the resumes of key personnel.

If the respondent is a government entity, the respondent description should include narratives and supporting documents that define and describe in detail the area over which the respondent has jurisdiction, the extent of the respondent's jurisdiction and the extent to which decisions by the respondent are subject to review and approval by other New York State government entities.

B) Experience

A list and brief description of similar projects the respondent has been or is now involved in that includes the names, addresses and telephone numbers of all other parties involved. Additionally, any factors bearing on the business integrity of the respondent and its staff, including, but not limited to, information relating to past and current investigations, arrests indictments, convictions, debarments, suspensions or license or permit revocations must be clearly and completely disclosed.

C) Financial Information

Annual budgets, reports and/or audited statements or reasonably equivalent documents that will facilitate an assessment of the respondent's business record or economic condition over the last five years. Those portions of the financial information provided that relate to solid waste management operations should be highlighted.

D) Conceptual Plan Description

The conceptual plan description should consist of narratives that clearly and completely describe the waste disposal capacity, the land and/or the host community arrangement the respondent is interested in providing to or entering into with the City. If applicable, the conceptual plan description should include maps that illustrate the location of the disposal capacity or land being offered and define how waste could be delivered by barge and/or rail.

E) Implementation Schedule

The implementation schedule provide should include narratives, tables and charts that define all of the major tasks that would have to be undertaken to implement the conceptual plan, who would be responsible for performing them, how long they would take to perform, how they relate to each other and by when they would be completed.

F) Implementation Cost

The implementation cost section should consist of narratives and tables that present in current dollars and explain the expenditures likely to be required to support implementation of the conceptual plan and define who would be responsible for making each expenditure. As appropriate, the narratives and tables provided should present estimates the following: disposal capacity or land acquisition; design and engineering; permitting; equipment acquisition; and construction.

G) Business Terms

This section should include a narrative that describes the basic terms of the agreement the respondent envisions entering into with the City. At minimum, the description provided should define: the nature and scope of the benefit the City would accrue from the conceptual plan; permitting and project development responsibilities; how the permitting and implementation of the conceptual plan would be financed; the extent to which each party will be responsible for the risks and liabilities associated with the conceptual plan; all guarantees be-

ing offered by the respondent; the amount of compensation the respondent expects to receive; and the respondent's preferred method of compensation.

Finally, a response to this RFEI must include a transmittal letter attesting to its accuracy that is signed by an individual who is authorized to execute binding legal documents on behalf of the respondent.