

**January 17, 2007**  
**CITY OF NEW YORK**  
**MICHAEL R. BLOOMBERG**  
**Mayor**



**DEPARTMENT OF SANITATION**  
**JOHN J. DOHERTY**  
**Commissioner**

**REQUEST FOR PROPOSALS**  
**TO DEVELOP AND OPERATE THE**  
**WEST 59TH STREET**

**MARINE TRANSFER STATION AS A COMMERCIAL WASTE EXPORT FACILITY**

**Procurement Identification Number (PIN): 82707RR00023**

**RFP Issuance Date:**  
**January 17, 2007**

**Pre-Proposal Conference:**  
**February 16, 2007**

**Proposal Due Date / Time:**  
**May 18, 2007**

**Authorized Contact Person:**  
**Sarah Dolinar, Bureau Contracting Officer**

**Bureau of Long Term Export**  
**New York Department of Sanitation**  
**44 Beaver Street, 12<sup>th</sup> Floor**  
**New York, New York 10004**  
**Telephone: (917) 237-5833**  
**Fax: (212) 269-0788**

IT IS ILLEGAL TO ENGAGE IN PRACTICES THAT UNDERMINE OR THWART THE FAIR AWARD OF THE CONTRACT RELATED TO THIS RFP. EVERY EFFORT HAS BEEN MADE TO ENSURE THAT THE AWARD OF THIS CONTRACT IS BASED ON JUST AND FAIR PRACTICES. CRIMINAL VIOLATIONS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

THE NEW YORK CITY COMPTROLLER IS CHARGED WITH THE AUDIT OF CONTRACTS IN NEW YORK CITY. ANY PROPOSER WHO BELIEVES THAT THERE HAS BEEN UNFAIRNESS, FAVORITISM, OR IMPROPRIETY IN THE PROPOSAL PROCESS SHOULD INFORM THE COMPTROLLER, OFFICE OF CONTRACT ADMINISTRATION, ONE CENTRE STREET, ROOM 835, NEW YORK, NY 10007, (212) 669-3500. IF YOUR PROPOSAL IS SELECTED FOR AWARD, YOU WILL BE EXPECTED TO SIGN AN AFFIDAVIT STATING THAT YOU ARE UNAWARE OF ANY IMPROPRIETIES THAT CREATED AN UNFAIR ADVANTAGE DURING THE DEVELOPMENT, EVALUATION AND SELECTION PHASES OF THIS RFP PROCESS.

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Attachment B: Proposal Cover Letter  
Attachment C: Qualification Statement Forms  
Attachment D: Business Proposal Forms  
Attachment E: Technical Proposal Forms  
Attachment F: Price Proposal Forms  
Attachment G: City Standard Contract Provisions  
Attachment H: CD containing the West 59<sup>th</sup> Street RFP, Supply and Service Employment Report and all Attachments and Appendices in Digital Format

## LIST OF APPENDICES

- Appendix A: New York City Comprehensive Solid Waste Management Plan (SWMP)  
September 2006;  
Final Environmental Impact Statement for the NYC SWMP;  
Commercial Waste Management Study, Volume I, II and III
- Appendix B: Hudson River Park Act
- Appendix C West 59<sup>th</sup> Marine Transfer Station Information:
- West 59<sup>th</sup> Street MTS Drawings
  - Greeley and Hansen, LLC Facility Description Report
  - Stanley White Engineering, P.C., Underwater Inspection Report and Findings
  - West 59<sup>th</sup> Street MTS Boundary Survey Drawing
- Appendix D DSNY Hopper Barge Information:
- Hopper Barge Drawing
  - Available Hopper Barges by ID #
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- Appendix E West 59<sup>th</sup> Street MTS Permits
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  - West 59<sup>th</sup> Street MTS Site Plans
- Appendix F: DSNY Transfer Station Operational Rules

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## **SECTION I -TIMETABLE**

### **A. RELEASE DATE OF THE REQUEST FOR PROPOSALS:    JANUARY 17, 2007**

All questions and request for additional information concerning this RFP should be directed to Sarah Dolinar, the Authorized Agency Contact Person (ACP) at:

Address:       Bureau of Long Term Export  
                  New York City Department of Sanitation  
                  44 Beaver Street – 12<sup>th</sup> Floor  
                  New York, NY 10004

Telephone:    917-237-5833

Fax:            212-269-0788

Email:         [sdolinar@dsny.nyc.gov](mailto:sdolinar@dsny.nyc.gov)

*All inquiries regarding this RFP and procurement process should be made in writing and addressed to the ACP. Responses to all substantive questions should be made in writing. Inquiries are due by March 9, 2007. DSNY cannot guarantee a response to inquiries that are not received by the due date.*

### **B. PRE-PROPOSAL CONFERENCE**

Date:           February 16, 2007

Time:           10:00 AM

Location:      Bureau of Long Term Export  
                  New York City Department of Sanitation  
                  44 Beaver Street – 12<sup>th</sup> Floor Conference Room  
                  New York, NY 10004

Attendance by prospective Proposers is optional but recommended by DSNY. To ensure DSNY has sufficient accommodations at 44 Beaver Street, Proposers should notify the ACP of the names and affiliations of those who will attend the Pre-Proposal Conference at least seventy-two (72) hours in advance of the Pre-Proposal Conference.

**C. TOUR OF SITE**

Date: February 16, 2007  
Time: 1:00 PM to approximately 4:00 PM  
Location: Start and End Point  
44 Beaver Street  
New York, NY 10004

Those who participate in the Site Visit should provide their names and affiliations to the ACP at least 48 hours prior to the start of the Site Visit to be assured of a seat on the bus.

**D. ADDENDA:**

DSNY will issue responses to all Proposer inquiries received by the ACP prior to 4:30 p.m. on March 23, 2007 and/or will make any corrections or amendments to this RFP it deems necessary via written Addenda. The Proposer is responsible for ensuring that its Proposal reflects consideration of all Addenda issued. Prior to submitting its Proposal, a Proposer should contact the ACP to verify the number and subject of the Addenda that have been issued. Proposals submitted in response to this RFP should include an Acknowledgment of Addenda (see Qualification Statement Form Q-1).

**E. PROPOSAL DUE DATE, TIME, AND LOCATION:**

Date: May 18, 2007  
Time: 11:00 AM  
Location: Ronald Blendermann, Assistant Commissioner  
Agency Chief Contracting Officer (ACCO)  
New York City Department of Sanitation  
51 Chambers Street – Room 801  
New York, NY 10007

Proposals received after the Proposal Due Date and Time are late and shall not be accepted by DSNY, except as provided under New York City's Procurement Policy Board Rules. DSNY will consider requests made to the ACCO to extend the Proposal Due Date and Time prescribed above. However, unless DSNY issues a written addendum to this RFP that extends the Proposal Due Date and Time for all Proposers, the Proposal Due Date and Time prescribed above shall remain in effect.

Except on the Proposal Due Date, the ACCO will accept the delivery of a Proposal made by or on behalf of a Proposer only if it occurs between the hours of 9:00 a.m. and 4:30 p.m. on a weekday that is not a Holiday observed by DSNY. On the Proposal Due Date the ACCO will accept the delivery of a Proposal made by or on behalf of a Proposer only if it occurs between the hours of 9:00 a.m. and 11:00 a.m.

#### **F. PROPOSAL DEPOSIT**

A Proposal submitted in response to this RFP must include a Proposal Deposit having a value of ten thousand dollars (\$10,000). The Proposal Deposit must be submitted in a separate, clearly labeled, sealed envelope and must be one of the following:

- A bond issued by a Qualified Surety Company;
- An irrevocable Letter of Credit issued by a Qualified Commercial Bank; or
- A certified check or bank draft drawn on a solvent bank or trust company whose principal place of business is within the state.

Regardless of its form, the Proposal Deposit provided must be valid for at least the three hundred and sixty-five (365)-day period following the Proposal Due Date. Furthermore, the Proposal Deposit must include provisions allowing each Proposer's bond to be extended and remain valid until either the execution of a contract with the Selected Proposer or the termination of this procurement.

DSNY may retain a Proposal Deposit if a Proposer:

1. Revokes any part or all of its Proposal;
2. Seeks to modify or withdraw a submitted Proposal at a time not permitted by the Procurement Policy Board (PPB) Rules (see Section IV.B);

3. Fails to engage in good faith negotiations of a contract for providing the services defined in its submitted Proposal after being designated as the Selected Proposer; or
4. Fails to accept a contract award that substantially duplicates the contents of a submitted Proposal and/or all agreements reached during negotiations with DSNY.

A Proposal Deposit will be returned to a Proposer after DSNY has:

1. Received from the Proposer a written request to withdraw a Proposal, when allowed under PPB Rules.
2. Determined through the conduct of the evaluation process that the Proposal submitted by the Proposer is not acceptable or is not reasonably likely to be made successful; or
3. Awarded to one or more different Proposers a contract or contracts for the provision of the services being sought through the issuance of this RFP.

Finally, in the event that DSNY decides to exercise its right to withdraw this RFP or cancel this procurement process, DSNY will promptly return all Proposal Deposits still in its possession, except for any it may have claimed prior to making such a decision.

**G. DSNY PROVIDED INFORMATION:**

DSNY shall not be bound by any information regarding the focus, nature, scope and/or any other factors directly or otherwise pertinent to this procurement effort that are orally conveyed, expressed in writing and/or otherwise obtained by a Proposer prior to the date of issuance of this RFP. All Proposers should note that although DSNY believes that the information presented in this RFP is accurate, complete and current, DSNY does not warrant or guarantee such to be the case. All Proposers are advised to verify to their own satisfaction the accuracy and completeness of the information presented in this RFP prior to submitting a Proposal.

**H. ANTICIPATED CONTRACT START DATE: JUNE 30, 2008**

**I. PROCUREMENT SCHEDULE:**

DSNY expects to conduct this procurement effort in accordance with the following schedule:

<b>PROCUREMENT SCHEDULE</b>		
<b><u>Number</u></b>	<b><u>Milestone</u></b>	<b><u>Date</u></b>
1	RFP issuance date	January 17, 2007
2	Pre-Proposal Conference	Within 30 Days following RFP Issuance.
3	MTS Site Visit	At 1:00 PM on the day of the Pre-Proposal Conference
4	Deadline for submitting inquiries regarding this RFP and procurement process	Within 30 Days following Pre-Proposal Conference.
5	Proposal Due Date/time	Within 90 Days following Deadline for inquiries.
6	Interviews with Proposers whose Proposal is acceptable or likely to be made acceptable	Within 30 days following the Proposal Due Date.
7	Selection of preferred Proposer(s) and initiation of contract negotiations	Within 120 days following the Proposal Due Date.
8	Completion of negotiations	Within 180 days following the start of negotiations.
9	Contract Date	60 days following the execution and registration of the contract.

All prospective Proposers are advised that DSNY reserves the right to modify the Procurement Schedule set forth above and that failure on the part of a prospective Proposer to adhere to such schedule, and/or any modifications made to it, could result in a Proposal being deemed non-responsive. Any time of day specified for the receipt of documents, and for the Proposal Due Date in particular, shall be adhered to as either Eastern Standard Time or Eastern Daylight Saving Time, whichever is applicable on the specified date.

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## **SECTION II - SUMMARY OF THE REQUEST FOR PROPOSALS (RFP)**

### **A. PURPOSE OF THE RFP**

The City of New York (City) Department of Sanitation (DSNY), pursuant to New York City's (City) approved Comprehensive Solid Waste Management Plan (SWMP) (see Appendix A) for the 2006-2025 planning period, is assessing the feasibility of using the existing West 59<sup>th</sup> Street Marine Transfer Station (MTS) facility for the transfer of Commercial Waste collected by private carters in Manhattan. (See SWMP, Section 4.3.) As described in the CWMS issued by DSNY in March 2004 (see Appendix A), the City's commercial waste is comprised of two categories, Commercial Putrescible Waste and Non-Putrescible Waste. The Non-Putrescible Waste category includes both Construction and Demolition Debris (C&D Debris) and Clean Fill Material. Attachment A, Definitions, provides more complete definitions of these materials<sup>1</sup>. ***Commercial Waste for purposes of this Request for Proposals (RFP) is limited to Commercial Putrescible Waste and/or C&D Debris and excludes Clean Fill Material and source separated Recyclables.***

DSNY is issuing this RFP to receive Proposals from appropriately qualified Proposers to use DSNY's West 59<sup>th</sup> Street MTS for transfer of Commercial Waste. Proposals to use the MTS should respond to the following:

- Proposals should describe the type of waste (Commercial Putrescible Waste and/or C&D Debris) and maximum quantities (average tons per day (tpd) over the proposed operating days during the week) of Commercial Waste that would be received and processed at the MTS (Proposed Throughput Capacity).
- Proposals should describe any plans for modification of the MTS, including the proposed use of stationary or mobile waste Processing equipment, to receive and transfer Commercial Waste, herein after referred to as the Proposer's Reuse Plan. Proposers are advised that any proposed modification of the MTS shall be confined to the footprint of the existing building. Proposers are referred to Appendix B, the

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<sup>(1)</sup> Note; although source-separated recyclables is defined as an element of Commercial Putrescible Waste in the CWMS, Proposals to use of the West 59<sup>th</sup> Street MTS for transfer of source separated commercial recyclables will not be considered. The MTS is currently used to receive and transfer source separated Paper delivered by both DSNY and private carters to the Visy Plant on Staten Island. The SWMP calls for development of a Recyclables Acceptance Facility at the Gansevoort peninsula for barge transfer of DSNY Recyclables to a materials processing facility. Proposals for Transfer of Clean Fill material will also not be considered under the terms of this RFP.

Hudson River Park Act (Act) that defines the open waters within the MTS site boundary (MTS Site) as parkland. (See Appendix C for a survey drawing of the MTS Site.) Because any permanent intrusion (i.e., construction) on waters that are parkland would require amendment of the Act by the State, Proposals that would intrude on these waters will not be considered. Accordingly, proposed modifications to the MTS in a Proposer's Reuse Plan cannot extend beyond the footprint of the MTS building. Additionally, use of open waters beyond the northern boundary of the MTS site for barge operations (including barge staging and/or storage) is also precluded. These waters are part of Riverside Park South and are not available for use for MTS operations.

- All the necessary elements of a Proposer's Waste Management System, including any off-site elements for transferring, receiving and Processing Commercial Waste at Receiving Facility(ies) and/or transporting and disposing of all unrecoverable residuals after Processing of barge-delivered Commercial Waste at the Receiving Facility should be described in the Proposal to a level of detail that satisfies DSNY that these elements now exist or will be developed in a timely manner, all in compliance with Applicable Law.

The West 59<sup>th</sup> Street MTS is located at the end of West 59<sup>th</sup> Street on the Hudson River (West 59<sup>th</sup> Street & Miller Highway – Route 9A, New York, NY 10023). See Figure II-1, City Map With Export Facilities. Figure II-2, Project Site provides an aerial photo of the West 59<sup>th</sup> Street MTS Site and its immediate surroundings.

## **B. SERVICE REQUIREMENTS**

Proposers should submit a Proposal (as further described in Section IV) that assumes the following:

- An initial operating phase during which the Proposer's Reuse Plan shares use of the MTS with DSNY's current Paper Barge operation (Shared Use Phase) for barge transfer of source-separated, Recyclable Paper (Paper) delivered by both DSNY and private carters to the MTS, performed by DSNY personnel at the MTS until the Paper Barge operation is eventually relocated as a result of the development of the Gansevoort Recyclables Acceptance Facility (see Section III.C.3). The Shared Use Phase will extend at least until 2011.
- After relocation of the DSNY Paper Barge operation to the Gansevoort Recyclables Acceptance Facility, the Proposer will have exclusive use of the MTS for its Reuse Plan for the balance of the Contract Term (Exclusive Use Phase).

**Figure II-1**  
**City Map of Export Facilities**

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**Figure II-2**  
**Project Site**

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Section III.C.2(d), Current MTS Operations, provides a more detailed description of DSNY's Paper-Barge operation at the MTS.) DSNY will retain ownership of the MTS.

### **C. ANTICIPATED CONTRACT TERM**

DSNY expects to select a Proposer and negotiate an Operating Agreement providing for the Proposer's use of the MTS for a minimum Term of twenty (20) years with an option to renew for a ten-year period, exercisable by DSNY at its sole discretion. DSNY's decision to exercise this contract extension will be based on its evaluation, prior to the end of the initial twenty-year term, of the remaining useful life of the MTS and the investment required, if any, to continue MTS operations for the 10-year contract renewal period. Depending on the scope and content of the Proposer's Reuse Plan (see Section III.B.1), the Operating Agreement would also address: (i) the details of the real property relationship between DSNY and the Selected Proposer; (ii) and the City's Standard Contract Provisions that are provided as Attachment G of this RFP. Attachment G contains requirements, such as, standard City contracting provisions, insurance and indemnification that would be part of an Operating Agreement. Section III. B.1 and B.2 provides statements of the respective performance responsibilities of the Selected Proposer and DSNY that would be addressed in the negotiation of an Operating Agreement.

### **D. ANTICIPATED FUNDING**

DSNY's Refurbishment Plan<sup>2</sup>, as described in Section III.B.2(a), will be funded as a City capital project. Implementation of the Refurbishment Plan will be DSNY's responsibility and is not within the Scope of the Selected Proposer's contract. Appendix C provides additional detail on some aspects of the Refurbishment Plan, which is under development. Any payments required of DSNY pursuant to the provisions of Section II.E.1(a) will be funded in the expense budget and will be subject to annual appropriation.

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<sup>2</sup> Appendix C provides drawings and reports prepared by Greeley and Hansen and Stanley White Engineering (SWE), respectively, describing existing conditions at the MTS. The SWE Report addresses the structural condition of the facility with specific attention to the condition of the supporting piles. Additional inspections performed in behalf of DSNY, but not documented in reports, have also evaluated the structural condition of the MTS. It includes a summary outline of the scope of refurbishment contemplated by DSNY. It is DSNY's intention to implement a Refurbishment Plan, which is more fully described in Section III.B.2(a) that, among other things, will involve structural repairs and provide a useful life of the MTS building of at least twenty years.

## **E. PAYMENT STRUCTURE**

### **1. Operating Agreement Payments**

As detailed in Attachment F, Price Proposal Forms P-1 and P-2, DSNY would enter into an economic arrangement with the Selected Proposer that may provide for either positive or negative monthly payments and/or the sharing of revenues between DSNY and the Selected Proposer, as described in (a) and (b) below.

- (a). DSNY seeks Proposals that may provide for a Fixed Monthly Payment between the Proposer and DSNY. These payments may be positive or negative. That is, the monthly payment can be a financial obligation of the Proposer to DSNY or vice versa.
- (b). A Proposer may offer, in combination with or as an alternative to the above Fixed Monthly Payment structure, to share with DSNY on an annual basis a percentage share of the gross or net revenues realized by the Proposer in processing Commercial Waste through its Waste Management system.
- (c). Provided that a Proposer's Price Proposal responds to items (a) and/or (b) above, Proposers may also offer alternative payment arrangements that DSNY will also consider.

### **2. Hopper Barge Purchase Option**

As described in the information provided in Appendix D, DSNY has retained approximately 30 Hopper Barges from its original fleet that were designed to service the City's eight MTSs. Proposers may offer to purchase these barges at a fixed price. Appendix D identifies the Hopper Barges available for purchase, provides a Hopper Barge design drawing and provides an inspection report on the condition of the available barges. In addition to reviewing the Barge Inspection Report, a Proposer may conduct its own inspections. DSNY will sell the barges in an "as is"- "where is" condition.

## **SECTION III - SCOPE OF SERVICES**

### **A. DSNY GOALS AND OBJECTIVE FOR THIS RFP**

The City has adopted a new Comprehensive Solid Waste Management Plan (SWMP) for the planning period, 2006 through 2025 that authorizes the facilities and related services that will comprise DSNY's Long Term Export Program. For the DSNY-managed waste stream, the SWMP calls for the development of four Converted MTSs, to containerize waste on site and export it by barge, in conjunction with the use of existing or modified private transfer stations capable of containerizing and exporting waste by rail. For the commercial waste stream, which accounts for nearly 75% of the City's total waste, SWMP initiatives are designed to improve the conditions associated with the operation of existing private transfer stations and facilitate the export of private commercial waste by barge and rail and more equitably distribute waste transfer capacity among the City's boroughs. The SWMP requires DSNY to evaluate means of using the Converted MTSs to export DSNY-managed waste and some quantity of Commercial Putrescible Waste.

Manhattan, unlike the Bronx, Brooklyn, Queens and Staten Island, has no private transfer stations, despite the fact that over 40 percent of the City's Commercial Putrescible Waste originates in Manhattan. Most of Manhattan's commercial putrescible waste and some of its C&D Debris is trucked to another borough before being exported from the City, thereby increasing truck traffic. Therefore, the SWMP reserves the existing West 59<sup>th</sup> Street MTS site for potential use as a transfer station for Commercial Waste, consistent with the SWMP goals to:

- More equitably distribute the impacts of Commercial Waste transfer among the City's boroughs;
- Reduce the volume of truck traffic in the City;
- Provide a Commercial Waste transfer site proximate to midtown Manhattan, a major generator of Commercial Waste, and
- Shorten carters' current runtime to reduce the vehicle miles traveled in the City.

## **B. SCOPE OF SERVICES**

### **1. Proposer Responsibilities**

- (a). Consistent with the transition from Shared Use to Exclusive Use and the requirements of its Reuse Plan during both Phases, the Selected Proposer would be responsible for design, and installation/construction of its proposed modifications to the MTS, and the acquisition of any proposed MTS equipment, all as described in its Proposal as its Reuse Plan, that are required to implement the barge transfer of Commercial Waste from the MTS to the Receiving Facility at the Proposed Throughput Capacity.
- (b). A responsive Proposal for the export by barge of Commercial Waste should offer a complete Waste Management System for the Proposed Throughput Capacity for both Shared Use and Exclusive Use Phases. All Commercial Waste received at the MTS must leave the MTS via barge.
- (c). In addition to the Reuse Plan for the MTS, the Proposal should address: the transport, receipt and processing of Commercial Waste at a Receiving Facility(ies); and/or disposing of all of the Processing residuals from Commercial Waste, all in accordance with Applicable Law.
- (d). During the Shared Use Phase of MTS operations, the Selected Proposer shall coordinate barge shifting operations with DSNY. The Proposer will also be responsible for the cleanliness of the portion of the tipping floor used for its operation and the approach to the tipping floor, as well as the barge and barge slip. The Proposer shall be responsible to cover its barges with netting or otherwise comply with Applicable Law prior to its barge switching operations. During storm events, the Proposer is responsible for securing its barges. During the Shared Use Phase only, DSNY will maintain overall operation of containment boom and Water Quality compliance.
- (e). The Proposer shall assume responsibility for the environmental review of existing or proposed facilities, other than the MTS, that are elements of the Proposer's Waste Management System identified in its Proposal. The environmental review of any such

facilities located in New York State must comply with CEQR/SEQRA and must also conform to the methodology used by DSNY in the SWMP FEIS environmental review. Furthermore, the environmental review of any non-MTS elements of the Proposer's Waste Management System located in New York State would be part of a single action under CEQR/SEQRA and the non-MTS elements must be consolidated within a single EIS for which DSNY will be the lead agency. Proposers should review Chapter 3.0 of the FEIS (see Appendix A), which describes that methodology. Any required environmental review of a Proposer's existing or proposed facilities located outside of the New York State is the responsibility of the Proposer and shall be conducted in compliance with Applicable Law of the host jurisdiction.

- (f). The Proposal should present a permitting plan that identifies those elements of its proposed Waste Management System that require new or modified permits that are the Proposer's responsibility (excepting a modified Part 360 Permit for the MTS), including any such permits required for the Proposer's Receiving Facilities. The permitting plan should include a schedule that identifies all permitting tasks, as well as the interrelationships between the tasks. For each required permit, the Proposer's permitting plan should identify the responsible Governmental Body and summarize its application requirements and shall include the Proposer's estimated schedule to obtain these permits and the resources the Proposer should use to complete the permitting process. Prior to submittal to any Governmental Body, the Proposer's new or modified permit applications shall be subject to review and comment by DSNY for consistency with: (i) the terms of its Proposal; (ii) the analysis and findings in the environmental review related to the Proposer's Waste Management System; and (iii) the Operating Agreement.
- (g). The Proposer is responsible to secure any Governmental Approvals required for its transport operations related to the MTS, the Receiving Facility and the disposal site.
- (h). During both the Shared Use and Exclusive Use Phases of the Proposer's Reuse Plan, Proposers should provide all of the facilities, equipment and services necessary to receive, transport and Process/dispose of Commercial Waste out of the City from the MTS.

- (i). The Proposer shall supply, repair, replace and maintain sufficient Equipment that is necessary for efficient operation of its Waste Management System, including receiving and Processing Commercial Waste at the MTS, operating and maintaining the MTS, and transporting Commercial Waste to the Receiving Facility(ies) for Processing prior to its ultimate disposition, and transporting residuals and/or Commercial Putrescible Waste and/or C&D Waste to its proposed destinations, all in accordance with Applicable Law for the Term of the Operating Agreement.
- (j). The Proposer is responsible for the required upgrades to the MTS HVAC system that are necessary to conform to DSNY's Operating Rules applicable to the processing of either Commercial Putrescible Waste and/or C&D Debris (see Appendix F for the relevant revisions to DSNY Operating Rules). Proposers shall be responsible for ensuring that mobile equipment or any specialized processing equipment that is part of their Reuse Plans conforms to these Operating Rules.

## **2. DSNY Responsibilities**

- (a). DSNY will diligently pursue development of the Gansevoort Recyclables Acceptance Facility and will develop with the cooperation of the Selected Proposer a plan for coordinated operations during the Shared Use Phase of MTS operations.
- (b). DSNY will retain ownership of the MTS. DSNY will be responsible to develop and implement an MTS Refurbishment Plan. The Refurbishment Plan will include the following:
  - Modifications to the MTS building and foundations and other building subsystems that are necessary to provide a useful structural building life of approximately 20 years, including: repair of the existing building skin and roof;; installing new electrical and plumbing systems; refurbishing personnel areas, stairs railings and doors; and foundation repairs sufficient to provide at least a 20-year life (see reports on existing conditions and potential structural modifications in Appendix C);

- Any modifications to the MTS access ramp and the bikeway that are required to complete the environmental review process that address the interface between truck access to the MTS and the bikeway connecting Hudson River Park on the southeast border of the MTS to Riverside Park South on the northeast border of the MTS;
- Any modifications to the access ramp and scalehouse that are required by the ultimate design configuration of the Miller Highway and the expanded Riverside Park South.

Further background information on the existing condition of the MTS is provided in Appendix C.

- (c). Recognizing that the Proposer's Waste Management System may involve elements other than the MTS or that are outside the scope of CEQR/SEQRA review, DSNY will assume the lead agency responsibility under CEQR/SEQRA for the environmental review related to Reuse and Refurbishment of the MTS that will be required to support implementation of the results of this procurement. The environmental analyses required to evaluate the potential for significant adverse impacts arising from the Proposer's Reuse Plan for the MTS will be conducted by DSNY's consultant at DSNY's cost. With the exception of the environmental review of the MTS Reuse and Refurbishment Plans, the cost of environmental review of those elements of the Proposer's Waste Management System within the City or State are the Proposer's responsibility but will be incorporated in the environmental review for which DSNY is the lead agency. The Proposer shall cooperate with DSNY in providing all necessary information for DSNY's CEQR/SEQRA environmental review. The Proposer is responsible for all elements of any environmental review that may be required for elements of its Waste Management System outside of the State.
- (d). If it is determined that the project is subject to the City's Uniform Land Use Review Procedure (ULURP), DSNY will assume responsibility for preparing the ULURP application and implementing the other elements of that procedure. The Proposer shall cooperate with DSNY in providing necessary information for the ULURP action.

- (e). DSNY has permits for the MTS, which are currently in effect (see Appendix E). DSNY will be responsible for any MTS permit modifications or new MTS permits required to implement the results of this procurement, including its Refurbishment Plan. The existing MTS permits are:
- 6 NYCRR Part 360 Solid Waste Facility Permit
  - Wastewater Discharge Permit
- (f). During the Shared Use Phase of MTS operations, DSNY will develop with the Selected Proposer a coordination plan for barge shifting operations under which DSNY will maintain overall operation of containment boom and Water Quality compliance.
- (g). For reference, Appendix D contains a list of Hopper Barges designated by ID# that DSNY is prepared to sell to the Selected Proposer, Hopper Barge drawings and a Barge Inspection Report.
- (h). During the Shared use Phase of MTS operations, at the Proposer's election, and subject to equitable arrangements on cost sharing and indemnification for damages caused by one party to the other, DSNY would be prepared to extend its existing towing contract to provide towing service for the Proposer's barges between the MTS and the Receiving facility.

## **C. BACKGROUND INFORMATION**

### **1. City Environmental Quality Review/State Environmental Quality Review Act**

DSNY was the lead agency for a Final EIS issued in compliance with CEQR/SEQRA standards to support the adoption and approval of the SWMP. The FEIS reported the results of environmental reviews of both the DSNY Converted MTS sites and private transfer stations that are part of the Long Term Export Program. Additionally, the FEIS provided environmental reviews for 17 Alternative sites/facilities considered during the development of the SWMP that included analyzing the potential impacts of a Converted MTS at the West 59<sup>th</sup> Street MTS site. However, this facility was not part of DSNY's Proposed Action for Long Term Export and the proposed design for this waste containerization facility extended beyond the footprint of the

existing MTS building, which is not allowed under this RFP. Therefore, the environmental review of the West 59<sup>th</sup> Street Converted MTS Alternative in the SWMP FEIS is not applicable to this procurement. Use of this site for export of Commercial Waste would require a new environmental review.

The West 59<sup>th</sup> Street MTS Site is located within the Hudson River Park. The Hudson River Park Act (Act) is provided as information for Proposers in Appendix B of this RFP. The Act defines the areas adjacent to the MTS that constitutes the Hudson River Park (Park), including waters within the MTS property site boundary. Chapter 40, Section 40.3.2.3.2, of the SWMP FEIS reports the public comments on the proposed use of the West 59<sup>th</sup> Street MTS for waste export. Of particular concern was how modifications to the MTS would interface with elements of the Park, with particular attention to the pedestrian walkway/bike way crossing the MTS entrance. DSNY will address these issues in the environmental review of its MTS Refurbishment Plan and the Selected Proposer's Reuse Plan.

## **2. The West 59<sup>th</sup> Street MTS**

### (a). Parkland Status

The existing West 59<sup>th</sup> Street MTS site is located in the Clinton section of Manhattan in Community District 4, at the end of West 59<sup>th</sup> Street and the Hudson River. The gross acreage of the DSNY-owned lot is approximately 2.8 acres. The site boundary extends approximately 780 feet from the U.S. Pierhead Line to 12<sup>th</sup> Avenue and approximately 160 feet from north to south along the U.S. Pierhead Line. Approximately 0.3 acres of the site are located on land, with 2.5 acres located over the Hudson River. Appendix C includes a survey map of the existing site boundaries. The site itself is located within the designated Hudson River Park boundary. The Act cites continued use of the MTS as being compatible with the Park (see the Act, Appendix B, Section 3.b.), provided that such usage occurs within the footprint of the existing MTS building. The open waters within the MTS site are legally part of the Hudson River Park Estuarine Sanctuary. Because any change in the existing MTS footprint would impinge on parkland, it would require approval of an amendment of the Act by the State and therefore such changes are not be allowed under this RFP.

The bulkhead within Hudson River Park, including that bordering Pier 99, is eligible for the State and National Registers of Historic Places, and any construction on it is subject to the terms of a Programmatic Agreement executed by the United States Army Corps of Engineers (USACE), the Advisory Council on Historic Preservation, the New York State Historic Preservation Office (NYSHPO) and the Hudson River Park Trust. Although the Landmarks Preservation Commission (LPC) and NYSHPO have reviewed the site and concur that there would be no impact to archaeological or architectural resources, additional consultation with the NYSHPO, LPC and the Hudson River Park Trust may be required to complete this procurement process and related environmental review.

(b). Part 360 Permit

The MTS is currently permitted for the transfer of Municipal Solid Waste. Appendix E contains the permit application (Engineering Report and Site Plans) and the New York State Department of Environmental Conservation (NYSDEC) permit renewal letters dated December 5, 2000 and March 17, 2006. The March 2006 letter extended the existing Part 360 Solid Waste Facility permit to 2008. The MTS is currently used for the transfer of Paper by barge to the Visy Plant on Staten Island. However, the permit has not been modified to reflect this Recyclable transfer operation. The existing Part 360 Solid Waste Facility permit will require modification to be consistent with the Selected Proposer's Reuse Plan and to support the continued operation of the Paper Barge operation. DSNY will continue as a co-permittee with the Selected Proposer under a modified Part 360 permit.

The Engineering Report describes the operation of the MTS when it functioned to transfer DSNY-managed waste from Manhattan to the Fresh Kills landfill. As a consequence of the closure of the City's Fresh Kills landfill, solid waste transfer operations were discontinued in March of 2001. However, the Engineering Reports provides Proposers with a description of the operating protocols that applied to the barge transfer of waste material. As previously noted, implementation of a Reuse Plan for transfer of Commercial Waste would require modification of this permit.



(c). ULURP

This project may be subject to the City's Uniform Land Use Review Procedure (ULURP). If it is determined that ULURP is applicable, DSNY would be responsible for completing the ULURP process.

(d). Current MTS Operations

The MTS is currently used to receive Recyclable Paper collected by both DSNY's Curbside Program in Manhattan and private carters. Paper is tipped from collection vehicles into hopper barges that are towed to the Visy Paper plant on Staten Island.

The MTS design is characterized by a single barge slip, running west to east that is approximately 340 feet in length and is open at both ends. It can accommodate two Hopper Barges that are each 150-feet long by 37-feet wide. Barges can be switched from either end of the slip. However, maneuvering room at the eastern end of the building is limited when a ConEd fuel barge is moored at the pier running parallel to south side of the MTS. However this is a very infrequent occurrence.

The truck receiving floor has 17 spaces that can tip into a barge. The configuration of DSNY's Hopper Barges allows only six spaces per barge to be used at one time. With two barges moored in the MTS, there are twelve available truck tipping bays, six per barge. The MTS drawings in Appendix C depict the existing facility design.

When DSNY used the MTS for waste transfer operations, the maximum capacity of a Hopper Barge was approximately 625 tons. Prior to being shifted from the barge slip, barges must be covered with netting to prevent the waste/debris from entering the surrounding waterbody. The drawings in Appendix D depict DSNY's hopper barge design. The Paper Barge operation runs six days per week, Monday through Saturday, over two shifts, 12:00 AM to 8:00 AM and 8:00 AM to 4:00 PM. However, during emergencies DSNY will operate all shifts, including Holiday and Sunday shifts.

Typically, Paper Barge shifting operations at the MTS occur on a once a day basis Monday through Wednesday, usually at 1:30 PM and on a twice a day basis Thursday through Saturday, at 6:30 AM and 1:30 PM. A barge shift takes approximately an hour. During a barge shift, unloading operations from the six tipping bays serving the barge being shifted are suspended. The average paper load over these nine barge shifts is approximately 350 tons.

Tables III-1 and III-2 provide representative data on truck loads and tons, respectively, of daily Paper deliveries to the MTS during 2005. Table III-3 provides summary annual data for the years 2003 through 2005 on total loads and tons for Paper processed through the MTS.

A single scale weighs trucks in and out, using a card system that records all the essential information related to the delivery. The normal peak hour for DSNY's Curbside Program deliveries occurs between 10:00 AM to 12:00 noon, when up to 20 trucks might deliver in an hour.

The peak capacity for processing trucks in and out of the MTS is approximately 30 per hour, although it would be difficult to sustain this processing rate over a long period of time due to the single scale.

DSNY staffs the MTS with 7 personnel, including one supervisor, 5 Sanitation Workers and 1 clerical associate on the 12:00 AM to 8:00 AM shift and with 6 personnel on the 8:00 AM to 4:00 PM shift. During the non-operating shift, 4:00 PM to 12:00 AM, there is a security guard on-site. Locker room space at the facility is limited. Although the Proposer's employees will have access to lavatories, lockers will not be provided.

(e). Construction of Miller Highway and Riverside Park South

West 59<sup>th</sup> Street is the southern boundary of Riverside Park South. The final design of the interface between the park, existing roadways and the MTS has not been resolved.

**Table III-1  
Average Loads of Paper Processed Daily at the MTS in 2005**

<b>Shift/Day</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>
<b>12 to 8</b>	17	38	29	41	42	37
<b>8 to 4</b>	25	16	34	54	46	52
<b>Total</b>	42	54	63	95	88	89

**Table III-2  
Average Tons of Paper Processed Daily at the MTS in 2005**

<b>Shift/Day</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>
<b>12 to 8</b>	107	228	491	249	243	224
<b>8 to 4</b>	204	141	305	434	383	416
<b>Total</b>	311	369	496	683	626	640

**Table III-3  
Annual Loads and Tons of Paper Received at the MTS**

<b>Year</b>	<b>Loads</b>	<b>Tons</b>
<b>2003</b>	19,840	142,309
<b>2004</b>	21,364	153,572
<b>2005</b>	21,383	150,739
<b>Annual Average</b>	<b>20,862</b>	<b>148,873</b>

The existing Miller Highway (Route 9A), which is currently an overpass that spans West 59<sup>th</sup> Street, reaching grade level at West 57<sup>th</sup> Street, is being redesigned. It is possible that the redesign of the highway and the design of the interface between the park and the highway may affect the current access route into the MTS, which is via West 59<sup>th</sup> Street, passing under the Miller Highway overpass. DSNY will be involved in consultation with various parties to work out an acceptable solution for continued access to the MTS, as the design of these infrastructure projects proceeds.

(f). Commercial Waste Projections

Information is presented in this section on Commercial Waste quantities generated in the City for Commercial Putrescible Waste and C&D Debris. This information is extracted from the Commercial Waste Management Study, (CWMS) Volume II: Commercial Waste Generation and Projections, March 2004, which is provided in Appendix A.

As described in detail in the CWMS, estimating the quantities of Commercial Putrescible Waste and C&D Debris generated involved a number of different methodologies which were used to establish a baseline estimate for 2003. A forecast methodology was developed and applied to the CWMS baseline year of 2003 to project waste over the 20-year planning period for the SWMP. Table III-4 provides the origin of Commercial Putrescible Waste generation by borough of origin broken down into categories of waste recycled and waste disposed for the CWMS baseline year of 2003. Manhattan, which has the highest proportion of employment of the five boroughs, produces 41% of the waste disposed and accounts for 45% of the waste recycled.

Manhattan also accounts for 44,116 commercial customers, which is approximately 37% of the total number of customers throughout the City.

**Table III-4  
Origins of Putrescible Waste, 2003**

BOROUGH OF ORIGIN	2003 Commercial Putrescible Waste					
	Waste Disposed		Waste Recycled		Total Generation	
	Tons/Day	% of Total	Tons/Day	% of Total	Tons/Day	% of Total
Manhattan	2,970	41%	1,178	45%	4,147	42%
Brooklyn	1,349	19%	553	21%	1,902	19%
Bronx	1,019	14%	240	9%	1,259	13%
Queens	1,419	20%	555	21%	1,974	20%
Staten Island	436	6%	71	3%	507	5%
<b>New York City</b>	<b>7,193</b>	<b>100%</b>	<b>2,597</b>	<b>100%</b>	<b>9,790</b>	<b>100%</b>

Table III-5 presents projections of the total generation (inclusive of disposed and recycled) Commercial Putrescible Waste developed for the SWMP planning period, 2006-2025. These projections are based on the following assumptions:

- Waste generation, on a per employee basis, remains at the same level found for the year 2003, for each borough.
- Waste generation, on a per employee basis, remains constant across the CDs within a given borough, and
- The percentage of waste recycled, by borough, remains at 2003 levels.

Table III-6 presents the DSNY-reported quantities of C&D Debris derived from Volume II of the CWMS for 2003 and projected ranges of C&D Debris generation for the years 2006, 2010, 2015, 2020 and 2025. The projections exclude Clean Fill material that is largely recycled within the City. The transfer of Clean Fill material through the MTS is not contemplated under the terms of this RFP.

**Table III-5**  
**Projected Generation of Commercial Putrescible Waste by Borough,**  
**2003 through 2025<sup>(1) (2)</sup>**

	<b>2003 (tons)</b>	<b>2006 (tons)</b>	<b>2010 (tons)</b>	<b>2015 (tons)</b>	<b>2020 (tons)</b>	<b>2025 (tons)</b>
<b>Bronx</b>	398,000	448,000	465,000	484,000	504,000	525,000
<b>Brooklyn</b>	599,000	652,000	679,000	710,000	745,000	780,000
<b>Manhattan</b>	1,306,000	1,261,000	1,336,000	1,390,000	1,447,000	1,496,000
<b>Queens</b>	623,000	683,000	711,000	737,000	764,000	790,000
<b>Staten Island</b>	160,000	185,000	201,000	219,000	237,000	256,000
<b>Total (tons/yr)</b>	3,086,000	3,229,000	3,392,000	3,541,000	3,698,000	3,848,000

**Notes:**

- <sup>(1)</sup> 2003 derived by multiplying generation quantities (CWMS, Volume II, Appendix D, Table 1.5-1) by borough of origin (CWMS, Volume II, Appendix D, Table 1.5-2). 2006 through 2025 derived from employment-generation factors, inclusive of recycled and disposed quantities.
- <sup>(2)</sup> Numbers may not add due to rounding.

**Table III-6**  
**Estimated and Projected Generation of C&D Debris by Borough, 2003 – 2025<sup>(1)(2)</sup>**

	2003		2006		2010		2015		2020		2025	
	Lower Estimate (Tons)	Higher Estimate (Tons)	Lower Estimate (Tons)	Higher Estimate (Tons)	Lower Estimate (Tons)	Higher Estimate (Tons)	Lower Estimate (Tons)	Higher Estimate (Tons)	Lower Estimate (Tons)	Higher Estimate (Tons)	Lower Estimate (Tons)	Higher Estimate (Tons)
<b>Bronx</b>	N/A	229,000	134,000	232,000	145,000	251,000	154,000	266,000	163,000	281,000	173,000	296,000
<b>Brooklyn</b>	N/A	586,000	328,000	589,000	356,000	641,000	378,000	679,000	398,000	714,000	419,000	747,000
<b>Manhattan</b>	N/A	1,003,000	587,000	1,011,000	632,000	1,095,000	672,000	1,161,000	711,000	1,224,000	751,000	1,287,000
<b>Queens</b>	N/A	1,344,000	695,000	1,337,000	761,000	1,467,000	803,000	1,547,000	841,000	1,617,000	876,000	1,681,000
<b>Staten Island</b>	N/A	295,000	163,000	296,000	177,000	323,000	188,000	342,000	197,000	359,000	207,000	375,000
<b>Total (tons/yr)</b>	N/A	<b>3,457,000</b>	<b>1,907,000</b>	<b>3,465,000</b>	<b>2,071,000</b>	<b>3,777,000</b>	<b>2,195,000</b>	<b>3,995,000</b>	<b>2,310,000</b>	<b>4,195,000</b>	<b>2,426,000</b>	<b>4,386,000</b>

**Notes:**

- (1) 2003 data derived by utilizing Borough-specific percentages for Building and Non-Building Construction, Demolition, and Renovation data obtained from F.W. Dodge and applying these percentages to data presented in Appendix E, Volume II of the CWMS. Data for 2025 were based upon the change of the previous year. Ranges were based upon data which showed that the non-putrescible portion is 30 to 40% of Total C&D, as per the CWMS.
- (2) The C&D Debris portion of total Non-Putrescible including Clean Fill is assumed to be 30 to 40 percent of the total.
- (3) Numbers may not add due to rounding.

### **3. The Gansevoort Recyclables Acceptance Facility**

As described in the SWMP (Section 2.3.2), the proposed location for a Manhattan Recyclables Acceptance Facility is at the former site of DSNY's Gansevoort MTS, located on Pier 52 on the Hudson River in Manhattan, Community District 2 (see Figure II-1). At the proposed Gansevoort Recyclables Acceptance (Gansevoort) facility, metal, glass and plastic recyclables collected in Manhattan through DSNY's Curbside Program would be transferred from truck to barge and transported to the proposed Sims Hugo Neu materials recovery facility to be developed at the South Brooklyn Marine Terminal in Sunset Park, Brooklyn.

Additionally the recyclable paper that DSNY collects in Manhattan through its curbside collection would also be transferred from truck to barge at the proposed Gansevoort facility for transport to a Recyclable Paper processor. The Paper Barge operation, including the barge transfer of recyclable paper delivered by private carters (see Section III.C.2.(d) above) would move from its current location at the West 59<sup>th</sup> Street MTS to the Gansevoort facility.

Pier 52 is part of the Hudson River Park (Park); the development of the Gansevoort facility is not a use that is currently defined by the Hudson River Park Act (Act) as compatible with the Park. The City is seeking from State legislature an amendment of the Act that would define the proposed Gansevoort facility as a compatible use. The facility cannot be developed until the Act is amended.

DSNY has other non-compatible uses on Pier 52 that must be relocated by 2012. It is not anticipated that construction of the Gansevoort facility would begin before 2012, pending amendment of the Act.

### **4. DSNY Transfer Station Regulations**

DSNY currently issues operating permits to Commercial Waste transfer stations, conducts transfer station inspections, and enforces regulations pertaining to their operation.

DSNY recently amended its rules governing the operation and maintenance of private solid waste transfer stations. These amendments to the existing Rules can be found in Title 16 of the Rules of the City of New York (RCNY), Chapter 4, Subchapters A and B<sup>3</sup>. (See Appendix F<sup>4</sup>.) These amendments set forth more stringent operation and maintenance requirements for transfer stations, existing and new, and provide additional enforcement measures to further minimize the environmental effects of transfer stations. Section 4.06 sets forth the new operational requirements applicable to C&D Debris Transfer Stations. Sections 4.16 and 4.17 set forth the new design and operational requirements applicable to Putrescible Waste Transfer Stations, including requirements for ventilation and odor control.

In response to the finding in the CWMS that the largest amount of particulate matter generated from transfer station operations originates from stationary equipment and non-road motor vehicles operated outdoors at transfer stations, and consistent with the City's Air Pollution Control Code, the rules place certain prohibitions on visible air emissions coming from such equipment and vehicles. DSNY's Permit and Inspection Unit officers have been trained in USEPA visual calibration methods to visually determine the density or opacity of plumes of smoke or other air contaminant emissions. The officers are therefore qualified to issue violations for unlawful air emissions coming from outdoor equipment and vehicles at transfer stations. Additionally, transfer stations are required to submit documentation annually certifying that their stationary equipment and non-road motor vehicles operating outdoors have been inspected to ensure proper maintenance and operation condition.

These rules also require state-of-the-art odor control equipment at Putrescible Transfer Stations. The rules mandate the installation of ventilation equipment that improve the air exchange rate at the transfer station, and prevent the escape of malodorous air. The installation of odor control equipment that neutralizes odors at Putrescible Transfer Stations is also required.

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<sup>3</sup> The West 59<sup>th</sup> Street MTS is lawfully sited under both State and local law.

<sup>4</sup> The underlined text in the Operating Rules in Appendix F indicates new revisions.

Lastly, the rules provide additional measures to prevent dust generation and tracking material onto public roadways. All transfer stations are required to implement a method for cleaning motor vehicle tires before vehicles may exit a facility.

## **5. City Economic Development and Incentive Programs**

The City has available a number of economic development and financial incentive programs that provide various assistance to local businesses. Proposers are encouraged to review these programs and identify those that could facilitate implementation of their proposed project. The City will assist the Selected Proposer in obtaining any such financial aid programs specified in its proposal but cannot offer assurances in this RFP that any particular benefits will be available to the Selected Proposer.

Information on these programs is available as follows:

- Exempt Facilities Bond Program: Facilities Located on Docks and Wharves  
<http://www.nycedc.com/nycida/idaf2.html>
- Energy Tax Credit Tax Benefits for Industrial Firms - Gross Receipts Tax Credit  
[http://www.nycedc.com/Business\\_Incentives/Energy/Energy\\_h.html](http://www.nycedc.com/Business_Incentives/Energy/Energy_h.html)

## **SECTION IV -PROPOSAL FORMAT AND CONTENT**

**Instructions:** Proposers should provide all information required in the format below. The proposal should be typed on both sides of 8 ½" x 11" paper. The City requests that all proposals be submitted on paper with no less than 30% post-consumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). Pages should be paginated. The proposal will be evaluated on the basis of its content, not length. Failure to comply with any of these instructions will not make the proposal non-responsive. Required drawings should be submitted in print form in 11" x 17" format and also in a digital PDF format on a CD. **Proposers should not include any pricing information in the Executive Summary, Qualification Statement, Technical Proposal or Business Proposal Volumes of their submittals. All pricing information should be limited to the Price Proposal submittal.**

### **A. PROPOSAL FORMAT**

#### **1. Proposal Cover Letter**

Complete the Proposal Cover Letter form (see Attachment B). The Proposal Cover Letter form should be completed, signed and dated by the Authorized Signatory of the Proposer.

#### **2. Volume I: Executive Summary**

Submit an Executive Summary in a separately bound volume that provides the following information:

- A. An overview of the Proposer's experience and that of its team members who would play significant roles in providing design, permitting and construction services, Waste Management System operations and maintenance, including waste transportation, processing and disposal services; and
- B. A general description of the Proposer's approach to addressing each of the services as described in Section III.

The Executive Summary should be concise and suitable for distribution to the public. Therefore, under no circumstances should it contain price information, proprietary data or the Proposal Forms to be included in other volumes.

### **3. Volume II: Qualification Statement**

Submit a Qualification Statement in a separately bound volume. The Qualification Statement should demonstrate that the Proposer possesses all of the expertise, experience and resources required to provide and operate its proposed Waste Management System. The Qualification Statement should not include any pricing information.

- (a). The Qualification Statement should be composed of a narrative section, with supporting information and data, presenting a detailed description of the history, qualifications and capabilities of the Proposer and all of its subcontractors. (If the Proposal is being made by a “joint venture” or other partnership arrangement, present a detailed description of the history, qualifications, capabilities and present status of each member of the “joint venture” or partnership and a detailed description of the contractual relationship that exists between the members of the “joint venture” or partnership and the project role of each member.) Include the following:
  - A list of every name under which the Proposer (and, if applicable, each member of any “joint venture”) has conducted business during the preceding five (5) years.
  - A complete list of the owners, principals and corporate officers of the Proposer (and, if applicable, of all “joint venture” members).
  - A complete list of the subcontractors who would be involved in implementing the Proposal, with narratives describing the services that each will render as well as the qualifications and capabilities each possesses, a list of every name under which each subcontractor has conducted business during the preceding five (5) years and an organizational chart that illustrates the reporting relationships and functional roles that would exist between the Company and all subcontractors.
  - Narratives that detail the experience and qualifications of the Proposer as well as the responsibilities that the proposing entity would directly perform in implementing the Proposal.

- A complete list of the consultant firms, partnerships, professional corporations and/or individuals that assisted in the preparation of the Proposal and narratives describing the specific contributions of each.
- A list of the Proposer's key management and supervisory personnel who would be involved in implementing the Proposal as well as descriptions of the positions each currently holds, the experience and qualifications each possesses and the role each has played in preparing the Proposal.
- A list and description of projects in which the Proposer has been or is now involved and which demonstrate the Proposer's capabilities in performing similar work together with contact information on the organization and responsible individual for whom the work was performed. The narratives should describe the roles played by any of the Proposer's management, key personnel, consultants or subcontractors in the projects described.
- Three references, including the individual's name, title, organization and contact information for which the Proposer provided services substantially similar to those requested in this RFP.
- A list of any service awards or commendations received by the Proposer. Provide the details for each such award or commendation, such as when it was awarded, who gave the award and the reasons the Proposer received the award.
- A list of all notices of noncompliance or permit violations received over the past five (5) years by the Proposer related to the receipt, processing, transfer, transport or disposal of MSW. Provide details for each such notice, indicating the issuing agency, date of issuance, nature of the violation or issue, the Proposer's response and current status.
- A list describing all lawsuits filed, investigations conducted, enforcement actions taken and contract disputes that have occurred within the past five (5) years involving the principal business of the Proposer or its Affiliates that are materially related to the entity's performance of services similar to those sought by DSNY through issuance of this RFP or to the financial condition or principal business of the Proposer or Affiliate.
- A list of any MSW collection, transfer, transport, processing or disposal contracts that have been terminated for cause over the past five (5) years, or in regard to which the Proposer has been found in breach of contract over the past five (5) years. Provide details for any such contract terminations or breaches, indicating the other contracting party, the date of termination or breach and the reasons for the termination or breach.
- A list of any defaults on loans or corporate bonds by the Proposer, any principal of a Proposer or an Affiliate over the past five (5) years. Provide details on any such defaults, indicating the time and circumstance of such defaults.

- (b). The Proposer's Qualification Statement should also provide the annual reports, the most recent 10Q and 10K filings with the SEC, audited financial statements for the Proposer for the past five (5) years. If the Proposer is not required to submit 10Qs or 10Ks to the SEC, then provide income or other financial documentation (e.g., audited financial statements, income tax statements) that contains information sufficient for DSNY to evaluate the Proposer's financial strength. DSNY shall determine, at its sole discretion, whether the information provided is sufficient. Such information may be submitted with the Proposal or made available for review by DSNY at a location within the City. The Proposer may request that DSNY treat the information confidentially. If the information is not provided in the Proposal, then the Proposer should indicate its willingness to provide this financial information within two (2) business days following a request by DSNY to review this information and should also provide the name and telephone number of the contact person that DSNY can call to arrange a time and place for DSNY to review this information.
- (c). All information should be provided in the English language, and numeric amounts converted to U.S. dollars, including the exchange rate used for such conversion. If the audited financial statements of the Proposer are not in the English language, then a certified English translation should be provided. If the Proposer is a "joint venture" or partnership arrangement, provide all of the above financial information for all parties involved in the arrangement. In such case, also provide letters from each party in the "joint venture" or other partnership arrangement, stating its role and its willingness to meet the requirements of this RFP and any subsequent Operating Agreement that would be executed. Each member of the joint venture should be jointly and severally liable to meet the Proposer's and Company's obligations. Also provide letters from each major subcontractor, stating its role and its willingness to meet the requirements of this RFP relating to its scope of services.
- (d). The Qualification Statement should also include the following documentation:
- A certified copy of a resolution from the Proposer's board of directors that names the Authorized Signatory and gives the Authorized Signatory the right to sign the Proposal and bind the Proposer to its terms;

- If the Proposer is a “joint venture” or other partnership arrangement, binding letters from each party in the “joint venture” or other partnership arrangement, stating the party’s role and its willingness to meet the requirements of this RFP and any subsequent contract that would be executed;
  - Letters from each major subcontractor, stating its role and its willingness to meet the requirements of this RFP relating to its scope of services; and
  - A Proposal Deposit meeting the requirements set forth in Section I.F.
- (e). In addition to the above, include in the Qualification Statement completed Qualification Statement Forms Q-1 through Q-6, listed below and contained in Attachment C.
- Qualification Statement Form Q-1: Acknowledgment of Addenda. The Acknowledgment of Addenda form (Attachment C, Form Q-1) serves as the Proposer’s acknowledgment of the receipt of addenda to this RFP that may have been issued by the Agency prior to the Proposal Due Date and Time. The Proposer should complete this form as instructed on the form.
  - Qualification Statement Form Q-2: MacBride Principles Provisions for New York City Contractors.
  - Qualification Statement Form Q-3: Financial Resources Data. When completing Qualification Statement Form Q-3, provide for each entry a footnote specifying the source of the data, including the name of the financial statement used and its page reference, and provide the calculation used to derive each entry, if appropriate.
  - Qualification Statement Form Q-4: Selection Affidavit.
  - Qualification Statement Form Q-5: Tax Affirmation.
  - Qualification Statement Form Q-6: Non-Discrimination and Equal Opportunity.
- (f). Upon Selection the successful Proposer shall be required to furnish a completed form entitled Supply and Service Employment Reports. The Report and Instructions can be found in Attachment H in Word format;
- (g). Upon Selection the successful Proposer, shall provide the information concerning VENDEX requirements which is provided in RFP Section V.D.2.

#### **4. Volume III: Technical Proposal**

Submit a **complete** Technical Proposal providing the required information on the Proposer's Reuse Plan during both the Shared Use and Exclusive Use Phases of MTS operations, as well as the information required on all other elements of the Proposer's Waste Management System. The Technical Proposal should be submitted in a separately bound and clearly labeled volume that does not contain any price information. The information requirements of the Technical Proposal include the drawings, narratives and related Proposal Forms set forth in the following sections. These drawings, narratives and Proposal Forms submitted by Proposers should be the initial basis for the preparation of various technical appendices included in the Operating Agreement. Complete Technical Proposal Forms T-1, T-2 and T-3 both the Shared Use and Exclusive Use Phases of MTS operations and include them in the Technical Proposal for each Proposal Option. The information provided for the Exclusive Use Phase should explicitly identify the changes in all aspects of MTS operations that would occur on the transition to the Exclusive Use Phase.

(a). Commercial Waste Delivery Plan

The Proposer should provide detailed information regarding the number and types of trucks delivering to the MTS, the quantity and type of material anticipated (Proposed Throughput Capacity), as well as the anticipated distribution of trucks over the course of each operational shift during a typical week during both the Shared Use and Exclusive Use Phases of MTS operations. A schedule of the operating shift hours should be discussed as well. For the Shared Use Phase, the Proposer should note where Commercial Waste deliveries would overlap with paper-load delivery times (as described in Section III.2.d) and discuss how this would be handled.

(b). MTS Reuse Plan Information

For the Reuse Plans specific to both the Shared Use and Exclusive Use Phases of MTS operations, submit sufficient information to clearly and completely define each Phase and to enable DSNY to evaluate the capability of the MTS, as proposed, to process the Proposed Throughput Capacity of Commercial Waste in compliance with Applicable

Laws, during both the Shared Use and Exclusive Use Phases of MTS operations. This information should include, but not be limited to, the following items.

- Provide sufficient drawings for both the Shared Use and Exclusive Use Phases of MTS operations to clearly identify all the elements of the Proposer's Reuse Plan that involve the addition of equipment or modifications to the MTS, including, processing and waste storage areas, and barge loadout area. The drawings should distinguish between elements of the MTS that exist, are to be modified or are new and those areas to be reserved exclusively for the Proposer's operation or shared with DSNY's Paper Barge operation during the Shared Use Phase. Note that Appendix C contains files in CAD and PDF format of the existing MTS.
- Provide equipment arrangement drawings (plans and elevations) both the Shared Use and Exclusive Use Phases of MTS operations detailing all fixed equipment and the general operating locations of all mobile equipment to be used in Commercial Waste-receiving and -processing operations within the MTS and on the MTS Site;
- Provide a process flow schematic for both the Shared Use and Exclusive Use Phases of MTS operations describing the sequence of any proposed waste-processing operations, the ton per hour capacities of each processing operation and the overall cycle time to move Commercial Waste from arriving delivery vehicles into barges. For the Shared Use Phase, provide a narrative description with supporting drawings describing how the Proposer's operation would interface with DSNY's Paper Barge operation;
- Provide narrative descriptions, tables and charts that include the following: a description of the general program for implementing the Reuse Plan during both the Shared Use and Exclusive Use Phases of MTS operations; a project organization chart identifying the titles and job descriptions of the Company personnel responsible for supervising construction and also identifying all subcontractors and their respective responsibilities for the construction phase of each Phase of the Reuse Plan; and the titles and job descriptions of the Company personnel who would be responsible for commissioning the modified MTS and the barge transport system; a staffing plan in tabular form of Company personnel, including job titles and descriptions and numbers of personnel who would be on site at the MTS conducting the commissioning. For the Shared Use Phase of MTS operations, the Proposal should specifically describe how the Reuse Plan should be implemented while enabling DSNY to continue its Paper Barge operation. If the Proposer deems this to be infeasible, the Proposal should identify the duration of any suspension of Paper Barge operation that would be required.

- Describe the arrangements that the Company would make for the disposition of Commercial Waste delivered during each Phase, including identification of the Receiving Facilities at which barge deliveries of Commercial Waste from the MTS would be accepted, including a narrative description of the barge unloading plan and documentation that such Receiving Facilities are in compliance with Applicable Law. If the Receiving Facilities are not Company owned, verifiable evidence that the owner shall accept barge deliveries of Commercial Waste or processed materials from the MTS should be provided. If the Proposer's Receiving Facilities do not presently exist, the Proposer should provide a site development plan, including the following: verifiable evidence of the Proposer's ownership or control of the site, drawings and narratives describing the operation of the Receiving Facilities to be developed at the site, including descriptions of barge unloading operations and arrangements for the ultimate disposition of waste and/or processed material; and a description with an associated schedule of the applicable environmental review and permitting processes that must be completed to develop the site.
- For both the Shared Use and Exclusive Use Phases of MTS operations, a description of the barge transport arrangements to transport waste and/or processed materials from the MTS to the Receiving Facilities, including any start-up, training and testing program that the Company would conduct to commission the transport system during the initial Shared Use Phase.
- Schedules detailing the tasks that the Company shall complete to design, permit and construct (or modify) all elements of its proposed Waste Management System during both the Shared Use and Exclusive Use Phases of MTS operations; and
- For both the Shared Use and Exclusive Use Phases of MTS operations, completed sets of Technical Proposal Forms T-1: Technical Summary, T-2: MTS Equipment Details for each Phase, listing all MTS facility equipment information, including stationary and mobile equipment that shall be used at the MTS, and T-3: Equipment Replacement form. The Technical Proposal Forms for the Exclusive Use Phase should identify those changes that would occur on the transition from the Shared Use Phase.

(c). MTS Operations

For both the Shared Use and Exclusive Use Phases of MTS operations, provide a narrative discussion and other supporting materials describing the resources that would be used and the procedures that would be followed in operating and maintaining the MTS. The narrative discussion of the Exclusive Use Phase should identify those changes that would occur on the transition from the Shared Use Phase. The MTS operations narrative should be organized into the following components:



(i). Procurement, Lease and Operation of MTS Equipment

Provide the following in this section of the Proposal:

- A list of all Equipment to be used at the MTS Site (the MTS Equipment) that shall be leased, purchased, or provided by subcontractors, including the length of the lease.
- A description of any proposed Commercial Waste-processing operations at the MTS, including the specific types and assumed processing capacities of Equipment (indicating units to be used as spares) that are to be used;
- A schedule for procuring the MTS Equipment, indicating the equipment order lead times that are necessary to have such equipment on site for the start-up and commissioning period;
- The Proposer should describe its plan for acquiring the hopper barge fleet required to support its transport system.
- Detailed catalogue cuts or specification sheets for each type of equipment;

Also provide a brief summary of how each piece of Equipment listed on Technical Proposal Form T-2 should be used. Supplement this information with catalogue cuts or detailed specifications for each type of Equipment listed on Technical Proposal Form T-2.

(ii). MTS Equipment Replacement Plan

In the tabular form provided in Technical Proposal Form T-3, Equipment Replacement Plan, and with supporting narratives to delineate key assumptions, describe the replacement plan for all MTS Equipment for both the Shared Use and Exclusive Use Phases of MTS operations, specifically noting changes that would occur in the transition from the Shared Use to the Exclusive Use Phase of MTS operations. For each piece of Equipment itemized in Form T-3 and for the major components of the MTS Equipment and Transportation Equipment, provide the following information:

- The expected useful life of each of the items of Equipment, expressed as cumulative operating hours. If any used equipment is included, the age and remaining useful life of this equipment should also be specified;

- A description of the type and scheduling of major maintenance/overhauls or replacement of major components of any pieces of Equipment that are assumed as a basis for useful life;
- The Schedule of years during the Term of the lease when Equipment replacement is expected to occur based on the operating hour assumptions and major maintenance assumptions. Also provide the depreciation service life, as defined by the United States Internal Revenue Service, for each piece of Equipment; and
- The assumed make/model and detailed specification sheets for the replacement Equipment. (Although Equipment makes and models would change over time, Equipment replacements should have quality and performance that are at least equal to that of the original Equipment or should be Equipment that complies with current Applicable Law at the time the replacement occurs, whichever is more stringent.)

(iii). MTS Staffing Plan

For both the Shared Use and Exclusive Use Phases of MTS operations, provide a narrative MTS staffing plan that includes a table of organization showing, at a minimum: (i) the number of positions; (ii) the job classifications and descriptions; and (iii) resumes of key management and supervisory personnel, specifically noting changes that would occur in the transition from the Shared Use to the Exclusive Use Phase of MTS operations. Within the Staffing Plan, identify the following:

- Personnel and their respective positions and staffing levels per shift each day during a typical week;
- Designated staff at the MTS who are responsible for routine contract administration and coordination on matters of daily operation;
- Supervisory employees who have contingency plan responsibilities and employee health and safety plan responsibilities;
- Any specialized or ongoing training services that would be provided to employees; and
- Any additional information the Proposer believes to be relevant for MTS staffing and continuity of operations.

(iv). MTS Maintenance Plan

For both the Shared Use and Exclusive Use Phases of MTS operations, describe the planned MTS maintenance, including grounds maintenance and housekeeping activities, as specifically related to the Commercial Waste activities. The narrative should identify the planned frequency of each maintenance activity; present information in tabular form, as appropriate; and be organized into the following areas of activity: Coordination with DSNY on site housekeeping, MTS Equipment maintenance, and coordination with DSNY on storm event response.

(v). Emergency Operating Plan

Describe, with supporting layout drawings, the proposed emergency operating plan that describes how the Company would address emergency circumstances that prevent the receipt, transfer or transport of Commercial Waste at the MTS or at the Receiving Facility for both the Shared Use and Exclusive Use Phases of MTS operations.

(d). Receiving Facility Information

For both the Shared Use and Exclusive Use Phases of MTS operations, provide information on the proposed Receiving Facility (ies), where hopper barges shall be unloaded and the Company's plan, as applicable, for: marketing recovered products; and/or the disposition of residual materials or Commercial Putrescible Waste delivered to the Receiving Facility. In narrative form describe the Receiving Facility and provide the following general information for the Receiving Facility, specifically noting the changes, if any, that would occur in the transition from the Shared Use to the Exclusive Use Phases of MTS operations.

(i). Receiving Facility General Information

Provide the following information regarding the Receiving Facility:

- A tax map delineating the block and lot, property boundaries and zoning of the Receiving Facility;
- An area map annotated to identify the land uses of properties within a half-mile radius of the Receiving Facility;
- If the Receiving Facility is publicly owned, the identity of the public agency holding ownership; and
- If the Receiving Facility is privately owned, a copy of the property deed and a supporting letter from the owner's attorney identifying all the individuals or corporations that hold a beneficial interest in the property and the percentage of their respective interests.
- If the Receiving Facility operator is a party other than the Receiving Facility Site owner, the Proposer should submit a letter co-signed by the owner and the Receiving Facility operator summarizing all relevant provisions of the operating lease agreement and specifically addressing, at a minimum, the term of the lease, the Receiving Facility operator's ability to modify the Receiving Facility, the owner's approval rights and restrictions on the type of freight traffic that may be handled at the Receiving Facility.
- A Receiving Facility site plan that identifies all structures on the site; provides bathymetric data on the waterfront portion of the site; identifies any mapped wetland within or bordering the property; includes a topographic map of the site; and includes an annotated site plan drawing that specifically identifies the structures on the site that would be dedicated to handling West 59<sup>th</sup> Street Facility hopper barge traffic; and
- For both the Shared Use and Exclusive Use Phases of MTS operations, a Receiving Facility operating plan narrative that describes the general plan of operation for the Receiving Facility; describes the current and future volumes and types of freight traffic in addition to West 59<sup>th</sup> Street MTS hopper barge traffic; provides detailed information on all the resources that would be used and the operations that would be performed to handle West 59<sup>th</sup> Street hopper barge traffic; lists all equipment that would be used at the Receiving Facility to handle West 59<sup>th</sup> Street hopper barge traffic, indicating for each piece of equipment whether it is dedicated to West 59<sup>th</sup> Street MTS hopper barge traffic, what its acquisition cost is and whether it is new or existing Equipment; provides a detailed analysis of the cycle time required to moor and unload an arriving harbor barge and dispatch it to the MTS; includes the planned frequency for movements of residual material or Commercial Putrescible Waste from the Receiving Facility to the point of ultimate disposition; and includes verifiable evidence that all such facilities are in compliance with Applicable Law.

- Copies of all of the permits that have been issued as a condition of operating the Receiving Facility and the applicable regulations under which the permit has been issued, the permitting authority and any applicable renewal provisions. Specifically identify any new or modified permits that are anticipated during either the Shared Use or the Exclusive Use Phase of MTS operations.

(ii). Modified Receiving Facility

If the Company proposes to receive hopper barge traffic at an existing Receiving Facility that would require modifications prior to commencing the initial Shared Use Phase to provide the services proposed, provide the following additional information:

Modification Design – Provide the following drawings:

- Conceptual drawings for the modification, including all civil/site, structural, architectural, mechanical and electrical drawings;
- Site plans showing all modifications to the existing structure and the loading area;
- Drawings showing revisions that would have to be made to traffic patterns, including barge, rail and truck traffic in and around the Receiving Facility;
- Drawings detailing loading/unloading operations involving the harbor barges;
- If any modifications are made to the pier or mooring area, drawings detailing barge-shifting operations;
- A mooring plan detailing the locations for unloading the barges, as well as locations for the storage of the empty and full barges; and
- Detailed drawings showing any changes that have to be made to the bathymetry around the Receiving Facility.

Permitting Plan – Provide a permitting plan that identifies the following:

- A list of all permits and approvals that are required to implement the proposed modification, indicating the permitting authority and referencing the applicable regulations;
- A list of any permit modifications that are required to transition from Shared Use to the Exclusive Use Phase of MTS operations; and

- A permitting timetable defining a schedule for each required permit, inclusive of the time for permit preparation, review and negotiation with the Governmental Body and any public processes that may be required prior to permit issuance.

Construction Schedule – Provide a detailed schedule of the major activities required to complete construction.

(iii). New Receiving Facility

Site Ownership – If the Receiving Facility Site is not currently under ownership or long-term lease by the Company, describe the arrangements by which the Proposer shall secure the property for development of the Receiving Facility.

Design – Provide the following drawings:

- Conceptual drawings for the facility including all civil/site, structural, architectural, mechanical, and electrical drawings;
- Drawings detailing unloading operations involving the hopper barges;
- Drawings detailing traffic flow to move received materials around the facility;
- Drawings detailing barge shifting operations;
- Mooring plan detailing the locations for unloading the barges as well as locations for the storage of the empty and full barges and drawings on the bathymetry of the mooring area, including a discussion of any dredging that would be required to accept hopper barges.

Permitting Plan – Submit a permitting plan that identifies the following:

- A list of all permits and approvals that are required in order to implement the proposed modification, indicating the permitting authority and referencing the applicable regulations; and
- A permitting timetable defining a schedule for each required permit, inclusive of the time for permit preparation, review and negotiation with the Governmental Body and any public hearings required prior to permit issuance.

Construction Schedule – Provide a detailed schedule of the major activities required to complete construction.

(iv). Procurement, Lease and Operation of Receiving Facility Equipment

Provide the following in this section of the Proposal for both the Shared Use and Exclusive Use Phases of MTS operations, specifically noting changes that would occur in the transition from the Shared Use to the Exclusive Use Phase of MTS operations:

- A narrative description of and specific types of Receiving Facility Equipment that are solely dedicated to handling barge deliveries of Commercial Waste from the MTS, including a description of their use and acquisition or lease cost.
- Detailed catalogue cuts or specification sheets for each type of such Equipment.

Also provide a brief summary of how each piece of Equipment listed would be used and whether the Equipment would be Company-owned, leased or subcontractor-owned. Supplement this information with catalogue cuts or detailed specifications for each type of Equipment listed.

(v). Barge Transport Operations

For both the Shared Use and Exclusive Use Phases of MTS operations, describe the barge transport operations from the MTS to the Receiving Facility. The narrative should include the following:

- The identity and responsibilities of all subcontractors providing transport services, including tug-towing services and any other modes of transport required to move Commercial Waste from the MTS to the Receiving Facility(ies);
- If applicable, a detailed description of the proposed plan for loading Commercial Waste into the hopper barges, transporting the barges and unloading the barges at the Receiving Facility.
- A description of the locations with supporting maps of the routes to the points of ultimate disposition of residual materials.

- A detailed breakdown of the components of total cycle time, inclusive of the elapsed time from loading a barge at the MTS to the return of the empty barge to the MTS, sufficient to demonstrate that adequate numbers of hopper barges shall be provided;
- A contingency plan describing procedures for addressing accidents and spills in transit and identifying the Company or subcontractor officials who would be responsible for coordinating clean-up activity; and
- An emergency plan describing procedures that would be followed when conditions preclude barge transport operations.

(vi). Procurement, Lease and Operation of Transportation Equipment

Provide the following in this section of the Proposal for both the Shared Use and Exclusive Use Phases of MTS operations, specifically noting changes that would occur in the transition from the Shared Use to the Exclusive Use Phase of MTS operations:

- A description, supplemented by drawings of the specific types and number of barges that are to be used for transport from the MTS to the Receiving Facility, indicating whether the Proposer intends to acquire and refurbish DSNY's existing hopper barges or provide its own barges;
- A schedule for procuring or refurbishing barges, indicating the lead times that are necessary in order to have barges on site for the start-up and commissioning period;
- For each piece of Equipment, its quantity (indicating units to be used as spares) make/model and operating capacity.
- Detailed catalogue cuts or specification sheets for each type of Equipment; and
- A list of any barges that may be leased, rather than purchased, including the length of the lease.
- A brief summary of how each piece of Equipment listed would be used and whether the Equipment would be Company-owned, leased or subcontractor-owned. Supplement this information with catalogue cuts or detailed specifications for each type of Equipment listed as well as the expected useful life of each of the items of existing and new Equipment, expressed as cumulative operating hours;

- A description of the type and schedule for major maintenance/overhauls or replacement of major components of any pieces of Equipment that are assumed as a basis for useful life;
- The schedule of the years during the Term of the Agreement when barge replacement or major maintenance is expected to occur based on the operating hour assumptions; and
- The assumed make/model and detailed specification sheets for any required replacement Equipment, indicating that, when the replacement occurs, it shall comply with current Applicable Law.

(e). Disposal Services

Provide information regarding the Proposer's plans for the disposition of any Commercial Putrescible Waste and/or residual materials from C&D Debris processing over the term of the Operating Agreement, identify site locations and provide: (i) current permits and compliance status as evidence that these locations are in compliance with Applicable Law; (ii) documentation of ownership, or a purchase option, or lease, or service contract as evidence that these locations are available to the Proposer for the intended use; and (iii) a description, along with a copy of the host community agreement between the owner/operator of the site and the municipality in which it is located indicating that waste from outside the boundaries of the host community shall be accepted there.

## **5. Volume IV: Business Proposal**

Submit a Business Proposal in a separately bound volume. The information requirements of the Business Proposal volume are set forth in the sections that follow. The Business Proposal should not include any pricing information.

- A. With reference to Attachment D, Business Proposal Form B-1, include an executed Business Proposal Transmittal Letter substantially similar to Form B-1. The Proposer's Authorized Signatory should sign Proposal Form B-1.



- B. For both the Shared Use and Exclusive Use Phases of MTS operations, describe the arrangements the Proposer anticipates for acquiring Commercial Waste equivalent to the Proposed Throughput Capacity. This description should include a discussion of current market conditions affecting transfer and disposal costs for the targeted type of Commercial Waste in the City. The discussion should address whether the targeted waste stream would be self-collected by the Proposer or its affiliates or delivered by third parties to the MTS. The discussion should provide market data that supports the Proposer's estimate of the tip fee (to be provided in Price Proposal only) it expects to realize at the MTS.
- C. If the Proposer intends to market recovered products, provide a description on the targeted products with sufficient information that supports the Proposer's estimate of recovered product revenue.
- D. Submit an outline of the major terms and conditions of a proposed 20-year Draft Operating Agreement that the Proposer would enter into with DSNY, including a 10-year extension exercisable at DSNY's sole option for use of the MTS to transfer Commercial Waste and to undertake all the other Proposer obligations stipulated in Section III.B.1 of the Scope of Services. Also identify any provisions of the RFP, which the Proposer takes exception to, and provide a statement of the Proposer's alternative position.
- E. With reference to City Standard Contract Provisions, Article 4.3, Insurance, (See Attachment G) provide a letter from the Proposer's insurance carrier indicating that the types and levels of coverage stipulated in Article 4.3 shall be provided if DSNY and the Proposer execute an Operating Agreement.

## **6. Volume V: Price Proposal**

Submit, in a separate, sealed envelope or package, a Price Proposal that includes the following items:

- A. Completed Price Proposal Form P-1, signed by the Proposer's Authorized Signatory.

B. For both the Shared Use and Exclusive Use Phases of MTS operations, provide Sources and Uses of Funds Statements and supporting narratives that include the following:

- Anticipated sources and amounts of funds to finance investments in the Reuse Plan during each Phase, the Receiving Facility, working capital and all other investments required to develop the Proposer's Waste Management System. At a minimum the Sources should identify any equity and the type of debt proposed and the anticipated security to be provided to any lenders and any sources of City funds that are assumed in the Proposal.
- For both the Shared Use and Exclusive Use Phases of MTS operations, specifically identify uses of funds that pertain to the information on the Technical Proposal Forms for the MTS Equipment and other elements of the Reuse Plan, Barge acquisition or lease, any required investments in the Receiving Facility, working capital and any other investments required to implement the Proposer's Waste Management System.
- A supporting letter from the Proposer's banker indicating that the banker has reviewed all of the Proposer's submitted financial information and represents that the financing plan is feasible.
- If the financing plan assumes the issuance of tax-exempt private activity bonds, include the plan for obtaining volume cap for the project.

C. Separate pro forma income statements for the Waste Management System, covering the first five years of operations during each Phase that address the following:

- Sources of revenue that at a minimum include the following:
  - Tip Fee revenues;
  - Recovered product revenues, if applicable; and
  - Any grants or annually recurring revenues anticipated from the City.
  - All other revenues.
- Items of expense that at a minimum include the following:
  - Project administration expense;
  - Labor, materials, maintenance and MTS Equipment acquisition expense, insurance and other MTS Reuse Plan expenses;
  - Towing costs for moving barges from the MTS to the Receiving Facility(ies);
  - Transport expense for moving recovered products to market;

- Labor, materials, maintenance and depreciation expense for the Receiving Facility;
  - Transportation expense for moving unrecoverable residuals from the Receiving Facility to the location for ultimate disposition;
  - Disposal Costs for any residuals;
  - Any payments to be made to the City; and
  - Annual debt service on borrowed funds.
- Contribution to overhead and profit.

## **B. PROPOSAL PACKAGE CONTENTS (“CHECKLIST”)**

The Proposal Packages submitted to DSNY for this RFP should consist of the items listed below. Proposers should utilize the list below as a “checklist” to assure completeness prior to submitting a Proposal Package to DSNY. The requisite copies of the Proposal Cover Letter, Executive Summary, Qualifications Statement, Technical Proposal, and Business Proposal should be submitted in a sealed package listing the contents on the outside with the originals of each volume bundled together. The Price Proposal should be submitted in a separate sealed package labeled as the Price Proposal with the original in its own envelope. The separate sealed packages of: (i) Proposal Cover Letter, Executive Summary, Qualifications Statement, Technical Proposal, and Business Proposal; and (ii) the Price Proposal should be enclosed in a sealed outer package.

- 1.** A “Proposal Cover Letter” containing one original and ten (10) copies of a completed Proposal Cover Letter form (see Section IV.A.1 and Attachment B) that is signed and dated by an authorized representative of the Proposer. Note that Attachment H includes a copy of the Proposal Cover Letter in Word format for the convenience of the Proposer.
- 2.** An “Executive Summary” containing one original and ten (10) copies of an Executive Summary that conforms to the format and content requirements set forth in Section IV.A.2.
- 3.** A “Qualifications Statement” containing one original and ten (10) copies of a Qualifications Statement that conforms to the format and content requirements set forth in Section IV.A.3. Note that the Qualification Statement should include the following completed Forms in

Attachment C that are also included on the Compact Disk in Attachment H in Word Format for the convenience of the Proposer:

- Qualification Statement Form Q-1: Acknowledgment of Addenda;
- Qualification Statement Form Q-2: MacBride Principles Provisions for New York City Contractors;
- Qualification Statement Form Q-3: Financial Resources Data;
- Qualification Statement Form Q-4: Selection Affidavit;
- Qualification Statement Form Q-5: Tax Affirmation; and
- Qualification Statement Form Q-6: Non-Discrimination and Equal Opportunity.
- A Qualification Statement should also contain the following documentation:
  - A certified copy of a resolution from the Proposer’s board of directors that names the Authorized Signatory and gives the Authorized Signatory the right to sign the Proposal and bind the Proposer to its terms;
  - If the Proposer is a “joint venture” or other partnership arrangement, binding letters from each party in the “joint venture” or other partnership arrangement, stating the party’s role and its willingness to meet the requirements of this RFP and any subsequent contract that would be executed;
  - Letters from each major subcontractor, stating its role and its willingness to meet the requirements of this RFP relating to its scope of services; and
  - A Proposal Deposit meeting the requirements set forth in Section I.F.

**4.** A “Technical Proposal” containing one original and ten (10) copies of a Technical Proposal that conforms to the format and content requirements set forth in Section IV.A.4. Note that the Technical Proposal should include the following completed Forms: T-1, Technical Summary; T-2, MTS Equipment Details; and T-3, Equipment Replacement Plan; in Attachment E that are also included on the Compact Disk in Attachment H in Word format for the convenience of the Proposer.

- 5.** A “Business Proposal” containing one original and ten (10) copies of a Business Proposal that conforms to the format and content requirements set forth in Section IV.A.5, including the documentation listed below. Note that the Business Proposal should include Attachment D, the Business Proposal Cover Letter, which is also included on the Compact Disk in Attachment H in Word format for the convenience of the Proposer.
- 6.** A separately sealed package or packages clearly labeled “Price Proposal” containing one original and ten (10) copies of a Price Proposal that conforms to the format and content requirements set forth in Section IV.A.6. Note that the Price Proposal should include the completed Price Proposal Form P-1 in Attachment F that is also included on the Compact Disk in Attachment H in Word format for the convenience of the Proposer.
- 7. Overall Packaging Requirements:** In addition to a label clearly identifying its contents, the Proposer’s name and address, the name and address of the ACCO, the title of this RFP, the procurement identification number (PIN) and the Proposal Due Date and Time set forth in Section I(D) should appear on the front of all envelopes and/or packages that make up a Proposal Package submitted to DSNY for this RFP. Separate, sealed packages of: (i) Proposal Cover Letter, Executive Summary, Qualifications Statement, Technical Proposal, and Business Proposal; and (ii) the Price Proposal should be enclosed in a sealed outer package.
- 8.** It is the responsibility of the Proposer to ensure that its Proposal is fully responsive to the requirements of this RFP.

## **SECTION V -PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES**

### **A. EVALUATION PROCEDURES**

Proposals received in response to this RFP will first be reviewed to evaluate the relative qualifications of Proposers and to determine if Proposal is Responsive as defined in Section V.A.1. Proposals that are determined by DSNY not to be Responsive will be rejected. The Evaluation Committee will then evaluate and rate all remaining Proposals based on the evaluation criteria presented below.

DSNY reserves the right to ask clarification questions, conduct interviews and/or request that any or all Proposers make presentations and/or demonstrations as DSNY deems applicable and appropriate. Although such clarifications, interviews or demonstrations may be conducted with Proposers, DSNY reserves the right to award contracts on the basis of the initial Proposals received; therefore, the Proposer's initial Proposal should contain its best business, technical and price terms.

#### **1. Responsive Proposer (or Proposal)**

DSNY will review each Proposal to ensure that the following items are submitted or provided for. DSNY may find a Proposal to be non-responsive if one of the following requirements is not met:

1. The Proposer submits a Proposal that conforms to the form and content requirements of Section IV of this RFP; and
2. The ACCO has received the Proposal and all of its modifications prior to the deadline established in Section I.E.

### **B. EVALUATION CRITERIA**

The Evaluation Committee will rank non-Price Proposals (i.e., Qualification Statements, Technical Proposals and Business Proposals) in accordance with the following criteria and based on the following prescribed weights:

- Demonstrated quantity and quality of Proposer's successful relevant experience and qualifications, and organizational capability including, but not limited to, Proposer's financial and organizational resources. 30%
- Quality of the Proposer's technical approach that encompasses its Reuse Plan including, but not limited to, whether the proposed approach will be implementable. 40%
- Demonstrated viability of the Proposer's business plan including, but not limited to, Proposer's anticipated market and financial resources and anticipated revenues. 30%

DSNY may evaluate the Proposer based not only on its Technical and Business Proposals and its Qualification Statement, but also may utilize any other information requested in this RFP or obtained as a result of this procurement process.

The Price Proposal will be evaluated separately. The evaluation will consider life cycle net revenue/cost to DSNY over term of the Agreement on a net present value basis.

### **C. BASIS FOR CONTRACT AWARD**

The contract award will be made to the responsible Proposer whose Proposal is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria set forth in this RFP. Contract award will be subject to the timely completion of negotiations between DSNY and the Selected Proposer.

### **D. SUPPLY AND SERVICE REPORT AND VENDEX**

#### **1. Supply and Service Employment Report:**

Upon selection, the successful Proposer will be required to submit one original copy of the Department of Business Services Supply and Service Employment Report, a copy of which is provided in Word format in Attachment H of the RFP. Upon written notification of selection, the Proposer should submit the Supply and Service Employment Report within ten days.

## **2. VENDEX:**

Upon selection, the successful Proposer will be required to submit proof of filing of the appropriate VENDEX Questionnaires. Upon written notification, the Proposer should submit a Submitted VENDEX Memo and a copy of the VENDEX Certificate of No Change to DSNY within five days of official notification.

**The Proposer is advised that VENDEX Questionnaires procedures have changed. See [www.nyc.gov/vendex](http://www.nyc.gov/vendex) to download the new VENDEX Questionnaires, Certification of No Change, and Submitted VENDEX Memo, as well as the Vendor's Guide to VENDEX or contact DSNY's VENDEX Unit at 917-237-5367.**

- (a). Submission: VENDEX Questionnaires (if required) shall be submitted directly to the Mayor's Office of Contract Services, ATTN: VENDEX, 253 Broadway, 9th Floor, New York, New York 10007.
- (b). Requirement: Pursuant to Administrative Code Section 6-116.2 and the PPB Rules, Proposers may be obligated to complete and submit VENDEX Questionnaires. If required, VENDEX Questionnaires shall be completed and submitted before any award of contract may be made or before approval is given for a proposed subcontractor. Non-compliance with these submission requirements may result in the disqualification of the proposal, disapproval of a subcontractor, subsequent withdrawal of approval for the use of an approved subcontractor, or the cancellation of the contract after award.

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## **SECTION VI -GENERAL INFORMATION TO PROPOSERS**

### **A. COMPLAINTS.**

The New York City Comptroller is charged with the audit of contracts in New York City. Any Proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 1005, New York, NY 10007; the telephone number is (212) 669-2323. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

### **B. APPLICABLE LAWS.**

This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-7820.

### **C. GENERAL CONTRACT PROVISIONS.**

This procurement is governed by and shall be conducted in accordance with the City's PPB rules, which can be found on the City's website ([www.nyc.gov](http://www.nyc.gov)) under the PPB agency link. In particular, and without limitation, the provisions concerning RFP handling procedures (Section 3-03(f)) and Best and Final Offers (BAFO) (Section 3-03(g)) are provisions applicable to this procurement and should be carefully reviewed by all Proposers. Any conflict between the PPB rules and this RFP shall be determined in favor of the PPB rules.

### **D. CONTRACT AWARD.**

Contract award is subject to each of the following conditions, as applicable, and any others that may apply: New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the Proposer of the New York City Department of Small Business Services/Division of Labor Services Employment Report and certification by that office;

submission by the Proposer of the requisite VENDEX Questionnaires/Certification of No Change; and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

**E. PROPOSER APPEAL RIGHTS.**

Pursuant to New York City's PPB Rules, Proposers have the right to appeal DSNY non-responsiveness determinations and DSNY non-responsibility determinations and to protest a DSNY's determination regarding the solicitation or award of a contract.

**F. MULTI-YEAR CONTRACTS.**

Multi-year contracts are subject to modification or cancellation if adequate funds are not appropriated to DSNY to support continuation of performance in any City fiscal year succeeding the first fiscal year and/or if the contractor's performance is not satisfactory. DSNY will notify the contractor as soon as is practicable that the funds are, or are not, available for the continuation of the multi-year contract for each succeeding City fiscal year. In the event of cancellation, the contractor will be reimbursed for those costs, if any, which are so provided for in the contract.

**G. PROMPT PAYMENT POLICY.**

Pursuant to the PPB Rules, it is the policy of the City to process contract payments efficiently and expeditiously.

**H. PRICES IRREVOCABLE.**

Prices proposed by the Proposer shall be irrevocable until contract award, unless the proposal is withdrawn. Proposals may only be withdrawn after DSNY has designated a party other than the Proposer as the Selected Proposer and then only on the basis of a written request from the Proposer that is approved by DSNY. This shall not limit the discretion of DSNY to request Proposers to revise proposed prices through the submission of best and final offers and/or the conduct of negotiations.

**I. CONFIDENTIAL, PROPRIETARY INFORMATION OR TRADE SECRETS.**

Proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification of why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposal. All information not so identified may be disclosed by the City.

**J. RFP POSTPONEMENT/CANCELLATION.**

DSNY reserves the right to postpone or cancel this RFP, in whole or in part, and to reject all proposals.

**K. PROPOSER COSTS.**

Proposers shall not be reimbursed for any costs incurred to prepare proposals.

**L. CHARTER SECTION 312(A) CERTIFICATION.**

DSNY has determined that the contract(s) to be awarded through this Request for Proposals will not directly result in the displacement of any New York City employee.

\_\_\_\_\_  
[Commissioner] [Agency Chief Contracting Officer]

\_\_\_\_\_  
Date

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