COVER PAGE
MARION COUNTY
INCINERATOR ASH RESIDUE USE SOLUTION

Request for Proposal (RFP)
C25102-PWASH2 -15

Date of Issue: August 31, 2015
Closing Date: October 22, 2015

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SECTION 1: GENERAL INFORMATION

1.1 INTRODUCTION

Marion County, a political subdivision of the State of Oregon, acting by and through the Public Works Department, ("County"), is issuing this Request for Proposals for the Beneficial Use of Municipal Solid Waste Incinerator Ash Residue from operation of the Covanta-Marion mass burn, Waste To Energy Facility (WTEF). The ash residue is comprised of both fly ash and bottom ash. The County is looking for a company that can use the ash residue in a cost effective, productive and environmentally sound manner to reduce risk and eliminate long-term liability to the County. County will require that successful Proposer(s) indemnify and hold harmless County for any damages or claims resulting from subsequent use of incinerator ash residue.

Beneficial Use is defined as “the productive use of solid waste in a manner that will not create an adverse impact to public health, safety, welfare or the environment.” The Beneficial Use rules (Oregon Administrative Rules 340-0260-0290) include performance criteria which must be met in order to demonstrate that a proposed use is productive and will not cause an adverse impact.

Additional details are included in the Scope of Work section. The County shall issue a Notice of Intent to Award to the successful Proposer(s) which will be contingent upon the approval of the Beneficial Use Determination by Oregon Department of Environmental Quality (DEQ). Upon approval of the Beneficial Use Determination by DEQ, a contract shall be awarded to the Proposer(s).

County anticipates the award of one or more Contracts from this RFP. The initial term of the Contract is anticipated to be ten (10) years with an option to extend for an additional ten (10) years.

1.1.1 Goal and Objectives

The County is seeking to:

• Mitigate the economic impacts of the overall ash management system. Including but not limited to: reduction of transportation costs and third party Alternative Daily Cover tipping fees, eliminate monofilling of the Incinerator Ash Residue, reduce leachate production, and improve metal recovery operations.

• Develop a sustainable resource that can be used in a productive and beneficial method to create a commercially viable commodity and or source of raw material.

• Uphold and enhance the environmental quality of the ash management system.

1.2 SCHEDULE

The table below represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Proposal Conference</td>
<td>September 17, 2015</td>
<td>10:00 AM</td>
</tr>
<tr>
<td>Questions / Requests for Clarification Due</td>
<td>September 24, 2015</td>
<td>2:00PM</td>
</tr>
<tr>
<td>Answers to Questions / Requests for Clarification Issued</td>
<td>October 7, 2015</td>
<td></td>
</tr>
<tr>
<td>RFP Protest Period Ends</td>
<td>October 12, 2015</td>
<td>2:00 PM</td>
</tr>
<tr>
<td>Closing (Proposals Due)</td>
<td>October 22, 2015</td>
<td>4:30PM</td>
</tr>
<tr>
<td>Proposal Evaluations</td>
<td>October 26, 2015</td>
<td></td>
</tr>
<tr>
<td>Presentations/Interviews (Optional)</td>
<td>November 9, 2015</td>
<td></td>
</tr>
<tr>
<td>Issuance of Notice of Intent to Award</td>
<td>November 16, 2015</td>
<td></td>
</tr>
<tr>
<td>Award Protest Period Ends</td>
<td>7 days after Notice of Intent to Award</td>
<td></td>
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</tbody>
</table>
1.3 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFP is identified on the Cover Page, along with the SPC’s contact information. Proposer shall direct all communications related to any provision of the RFP, whether about the technical requirements of the RFP, contractual requirements, the RFP process, or any other provision only to the SPC.

SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

2.1 AUTHORITY AND METHOD

County is using the Competitive Sealed Proposals method, pursuant to ORS 279B.060 and Marion County Public Contracting Rules (MCPCR) Section 20-0260. County may use a combination of the methods for Competitive Sealed Proposals, including optional procedures: a) Competitive Range; b) Discussions and Revised Proposals; c) Revised Rounds of Negotiations; d) Negotiations; e) Best and Final Offers; and f) Multistep Sealed Proposals.

2.2 DEFINITION OF TERMS

For the purposes of this RFP, capitalized words will refer to the following definitions.

2.2.1 General Definitions

Capitalized terms not specifically defined in this document are defined in MCPCR Section 10-0110.

2.2.2 Project Specific Definitions

Alternate Daily Cover – For this document, Alternative Daily Cover (ADC) refers to incinerator ash residue placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.

Beneficial Use – Beneficial Use is defined as “the productive use of solid waste in a manner that will not create an adverse impact to public health, safety, welfare or the environment”.

Beneficial Use rules provided in Oregon Administrative Rules 340-0260-0290 include performance criteria which must be met in order to demonstrate that a proposed use is productive and will not cause an adverse impact. For additional information and application for Beneficial Use visit: http://www.deq.state.or.us/lq/sw/disposal/beneficialuse.htm

Incinerator Ash Residue – The materials remaining after the processing of Municipal Solid Waste (MSW) by the WTEF. This includes bottom and fly ash as well as materials added as part of the air emissions control system (primarily lime, activated carbon and ammonia). Excludes ferrous and non-ferrous metals removed at the WTEF, after the combustion process and prior to transportation off-site for use as ADC. The majority of metal is removed prior to transportation off-site. Incinerator ash residue is classified as a non-hazardous residue, resulting from the incineration of municipal solid waste. The ash residue is tested by Covanta-Marion in accordance with the WTEF permit. The following three fractions of incinerator ash are available and may be considered for Beneficial Use.

- New “Fresh” Ash- Represents the incinerator ash residue as received directly from the WTEF on a daily basis. The WTEF performs metal recovery; however, no additional processing or metal recovery has been performed. Approximately 45,000 tons per year of New Fresh Ash is transported and used at the Coffin Butte Landfill as ADC.

- Old Ash- Represents incinerator ash residue that has been transported and placed in the monofill at the North Marion County Disposal Facility. No additional processing or metal recovery has been performed. Approximately 1,200,000 tons of ash has been monofilled with in Ash Cells I, II, III and IV.

- Screened Ash– Represents the resulting Old Ash residue after it has been processed through the metal recovery screening operation performed at the NMCDF. Approximately 55,000 tons of Screened Ash is stockpiled within the monofill. At this time, Marion County continues to process the Old Ash for metal recovery and back fill the Screened Ash.
2.3 OVERVIEW

2.3.1 Overview and Background

The Environmental Services division of Public Works oversees and promotes waste reduction and recycling activities in the county, as well as ensures the safe disposal of solid waste. The division owns and operates two active disposal sites in the county, the NMCDF located northwest of Woodburn and the Brown's Island Demolition Landfill in southwest Salem. The division staffs the gatehouse at these facilities as well as at two contracted facilities, the WTEF in Brooks, and the Salem-Keizer Recycling and Transfer Station located just east of Salem.

The solid waste portion of the division is funded primarily from disposal fees that are charged to customers who dispose of their waste at county-owned and contracted facilities. Revenue is also generated from garbage hauler franchise fees, as well as from the sale of electrical power produced at the WTEF and recovered ferrous metal.

The WTEF began operation in 1986 and is the only WTEF in Oregon. The WTEF is owned and operated by Covanta-Marion under contract to Marion County. The WTEF services Marion County with a population of approximately 318,000 persons and also processes some waste from Portland Metro as well as neighboring Linn and Polk Counties. The County itself generates about 487,000 tons of refuse per year, of which approximately 185,000 tons is processed through the WTEF, resulting in approximately 45,000 tons of New Fresh Ash residue per year.

When the WTEF was built in 1985, it pioneered various approaches to air pollution control. It was the first plant to operate under a dioxin limitation established by the State of Oregon. It was also the first plant in the United States to use the combined dry scrubber/fabric filter in combination to control particulate and other emissions. The plant was selected to be included as one of the reference plants used by the EPA to develop maximum achievable air emission standards for large combustors as part of the 1990 Amendments to the Clean Air Act. In 1998, the plant added a NOx control system as well as a dry sorbent injection system to control mercury. In recent years there have been additional upgrades to the plant to improve efficiencies and conserve water and energy, including an upgrade of the ferrous metal and nonferrous metal separation and recovery system. Transportation and disposal of the ash residue is the responsibility of the County. Reduction and Beneficial Use of ash remains a subject that Marion County is focused upon as part of its historical pattern of technological innovations and environmental solutions.

2.3.2 Overview of Incinerator Ash Residue Management

The NMCDF is located 20 miles north of Salem, Oregon in Woodburn, Oregon. Site access begins at the intersection of Whitney Lane and Crosby Road next to Interstate Highway 5, approximately 2 1/2 miles north of the Woodburn interchange, at 17827 Whitney Lane NE, Woodburn, Oregon, 97071. Site facilities include a transfer station, shop, equipment storage building, offices, closed landfill cell and gas extraction system, ash monofill cells, and leachate collection and storage lagoon.

Ash residue disposal is the responsibility of the County, which historically has been transported and landfilled at the County's designated ash monofill located at the NMCDF. The disposal of ash residue and environmental monitoring for the NMCDF site is permitted under the DEQ Solid Waste Disposal Facility Permit Number 240. Operation of the transfer station and recycling center are permitted under the DEQ Transfer Station Permit Number 1348.

Incinerator ash residue is classified as a non-hazardous residue, resulting from the incineration of municipal solid waste. Refer to Physical and Chemical Characteristics of MSW Incinerator Ash (Attachment A) for additional information on the ash residue.

The first ash monofill cell (Cell I) was constructed in 1987, and shortly afterwards enlarged for additional disposal capacity (Cell II). Cell I and II were used for the disposal of ash from 1987 to 1997, at which time Cell III was constructed. Cell I was closed in 1990, and portions of Cell II were progressively closed in 1992, 1994 and final closure was completed in 1998, along with several slope stability enhancements. There is approximately 480,000 tons of Old Ash monofilled in Cell I and II.
Cell III was constructed in 1996 and began receiving ash in mid-1997. Ninety percent of Cell III was closed in 2005, however the southern slope remained open as part of the Cell IV tie-in. There is approximately 375,000 tons of Old Ash monofilled in Cell III.

Cell IV was constructed in 2002 and ties into the south slope of Cell III, creating a continuous monofill. Cell IV began receiving ash in February 2004 and today remains open as the active ash monofill cell and serves as the metal recovery processing area. Cell IV was originally constructed to receive ash until 2014 at which time it would reach capacity, however, beginning in July 2010, the County initiated the recovery of additional ferrous and non-ferrous metal from the Old Ash as well as use and off site removal of the Screened Ash for ADC at a local MSW landfill, thus extending the life of Cell IV. To date approximately 345,500 tons of ash has been monofilled in Cell IV and there is 176,000 tons of remaining capacity.

The following provides a brief synopsis of ash management activities beginning in 2010.

- July 2010 – Performed Metal Recovery Pilot Project at the NMCDF – The amount of metal remaining in the new and Old Ash received from WTEF was determined to be operationally and economically feasible to recover and County decides to move forward with full time metal recovery operations.
- April 2011 – Begin yearlong ADC Demonstration at Coffin Butte Landfill. County initiates transportation and use of Screened Ash at Coffin Butte Landfill as ADC.
- July 2011 – County purchases screening and recovery equipment and begins full time metal recovery operations at the NMCDF Ash Monofill. Resulting Screened Ash is transported to Coffin Butte Landfill.
- November 2011 – WTEF installs additional cross-belt magnet, resulting in the increase of ferrous metal recovered at WTEF and decreasing metal content of New Ash received at NMCDF monofill.
- May 2012 – DEQ approves use of Screened Ash as ADC at Coffin Butte Landfill.
- July 2012 – County initiates the transportation of Screened Ash from NMCDF to Coffin Butte Landfill for use as ADC.
- January 2013 – WTEF installs Eddy Current System for recovery of non-ferrous metal, further reducing the amount of metal in the New Ash received at monofill.
- June 2013 – Recovery rate of metal in New Ash received at monofill significantly lower than pilot project results. County evaluates options for continuation of program.
- July 2013 – County takes possession of portable eddy current system at NMCDF and begins recovery of non-ferrous metal at monofill.
- October 2013 – County initiates discussions with Coffin Butte regarding the transportation and use of New Ash directly from WTEF as ADC.
- December 2013 – DEQ Approves work plan for use of New Ash directly from WTEF as ADC.
- July 2014 – County initiates the direct transportation of New Ash to Coffin Butte from the WTEF as part of the New Ash ADC Demonstration. As of July 2014 all New Ash from the WTEF is being transported to the Coffin Butte Landfill for use as ADC. However, on occasion when the Covanta metal recovery system is down for repairs or maintenance, a minor quantity of New Ash is delivered to the NMCDF.
- July 2014 – County continues screening and recovery of metal from Old Ash monofilled at NMCDF with no off-site removal of Screened Ash.
- To date the County continues to process the Old Ash that was received prior to 2014 through the metal recovery system at the NMCDF. The resulting Screened Ash residue is backfilled and remains in the monofill located at the NMCDF.
- October 2014 – County solicits RFI for Beneficial Use of Ash with the objective to identify possible interest and opportunities for the Beneficial Use of MSW incinerator ash residue.
- December 2014 – Three proposals were received on December 5, 2014. All three proposals provided a general description of the proposed Beneficial Use, however, no detailed technical work plan, financial model or approved regulatory applications were provided as part of this effort. The receipt of these three proposals suggests that there is an interest in this project and there are potentially viable options for the Beneficial Use of MSW ash.

**Current NMCDF Metal Recovery Operations**
The current metal recovery processing area is a 100,000 square foot area within the Cell IV ash monofill footprint, as shown in the Site Map (Attachment G). As of July 2014 all New Fresh Ash from the WTEF is transported to the
Coffin Butte Landfill for use as ADC. However, on occasion when the Covanta metal recovery system is down for repairs or maintenance, a minor quantity of New Ash with high metal content is delivered to the NMCDF. Currently the county is only processing the Old Ash residue that was received prior to June 2014. Old Ash from the monofill is ripped and pushed downslope towards the metal recovery processing area using a D8 dozer. Operations are conducted on a compacted rock base that has been placed over 4 feet of Old Ash fill. The rock base provides an all-weather surface that is tire friendly and also serves as a dust control measure for the operation. Entry and exit ramps into the processing area have been established along the east and west side of Cell IV. All storm water is contained within Cell IV and is ultimately collected and conveyed through the existing leachate collection and removal system.

Marion County is using a 5’ x 12’ – two deck vibratory screen plant and transfer conveyors equipped with various magnets and hand picking station for the separation and recovery of ferrous and non-ferrous metal from the Old Ash. The metal recovery operation is a two stage operation; 1) First Screening and stockpiling of the “overs” (¾” to 8”), 2) Crushing of “overs”, Second screening and Eddy Current separation.

After the first screening, the stockpiled “overs” are processed through a Horizontal Shaft Impact Crusher (HSI) and re-screened for additional metal recovery and separation of the ¾” to 2” fraction. This small fraction is processed through an eddy current system to recover the small bits of non-ferrous metal (primarily aluminum). All of the ferrous and non-ferrous metal removed from the Old Ash is conveyed into drop boxes, weighed, and transported to a scrap metal processor in Portland, Oregon for recycling.

The resulting Screened Ash and small percentage of 2”-3/4” fraction is currently monofilled along the southern portion of Cell IV. The Screened Ash residue has granular characteristics similar to soil aggregate and is pushed into place using a D8 bulldozer to its final location along the southern portion of Cell IV. The active working face of the monofill is sloped to promote runoff of precipitation that falls on the cell during winter months. As rough grades of Screened Ash are established, large scrim reinforced polyethylene tarps shall be deployed over the Screened Ash and secured with sandbags and ropes to minimize leachate waste water production. As of April 2015, there is approximately 50,000 tons of Screened Ash monofilled.

2.4 SCOPE OF WORK

Proposer shall permit and implement a cost effective, technically and environmentally sound ash residue solution in accordance with DEQ Oregon Administrative Rules 340-0260-0290.

Proposer shall have the technical capability and financial resources to develop, permit, and insure/bond the ash residue solution. Proposer shall be required to furnish all necessary labor, equipment, materials, tools, supplies, accessories and appurtenances to permit, finance, design, engineer, construct, test, operate the proposed ash residue solution.

All removed material shall become the property of the Proposer unless otherwise designated by County. Ash residue becomes property of Proposer when it is received into/onto the Proposer's truck/removal equipment. The Proposer shall provide the County with an estimated schedule for loading and transportation of the ash. In general the Ash residue removal shall be performed during normal business hours Monday through Friday. However, the Proposer may submit a schedule that is conducive to their proposed operations. The County shall provide for the loading of all ash residue unless otherwise agreed to with the Proposer. The Proposer shall provide certified weights for all incoming and outgoing trucks used for the transportation of ash residue.

Proposer shall use leak tight trucks, equipped with a load tarping system to cover the ash during transport. All ash must be contained within the truck and shall not leak or blow out during transportation. The trailer tailgate shall be sufficiently tight to prevent any spillage of ash during loading and transport. The transport vehicle shall be equipped to provide for covering the dump bed/trailer with a heavy-duty canvas or synthetic tarp free of holes, rips, tears, and other defects. The tarp shall be installed/secured prior to transporting the ash. The purpose of the tarp to prevent inadvertent loss or release of the ash during transport.

The Proposer's trucks shall be loaded directly from WTEF and NMCDF into the vehicle. No stockpiling of ash at the site shall be permitted by the Proposer. The County shall distribute the ash evenly throughout the dump trailer or bed when transporting to avoid load shifting. The County shall load the ash transportation vehicle with ash at
least 90% of capacity using the County’s Loader with on-board loadrite system. Certified weights for each load of ash residue removed from the site shall be provided to the County on a monthly basis.

The Proposer shall ensure all transportation vehicles comply with federal, state, and local regulations for size and weight limitations.

The Proposer shall provide a Contract Manager who shall be responsible for the performance of the work. The name of this person and an alternate(s) who shall represent the Proposer when the Contract Manager is absent shall be designated in writing to the County within 10 days after contract award. The Proposer shall provide home and business telephone numbers for the contract manager and alternate(s) where these persons may be contacted outside of normal duty hours of 8:00 AM – 5:00 PM. The primary or alternate(s) shall have full authority to act for the Proposer, including contractual signatures, on all contract matters relating to the daily operation of this contract. The Contract Manager or alternate shall be required to meet with County regarding problems within 30 minutes after notification.

Special Requirements:

- Proposer shall receive and maintain approval of the Beneficial Use from DEQ, including any associated costs.
- Proposer shall be responsible for all permitting, reports and technical evaluation of the ash residue for Beneficial Use as required by the DEQ.

SECTION 3: PROCUREMENT REQUIREMENTS AND EVALUATION

3.1 MINIMUM REQUIREMENTS

3.1.1 Minimum Proposer Requirements

Proposer shall demonstrate the capability, experience, qualifications and financial resources to provide the services described in this RFP. The required qualification submittal shall include general company information, pertinent experience, financial reports, and references. All of the information submitted will be considered in evaluating the Proposer's ability to perform the services described in this RFP.

General company information shall include a narrative indicating the company's origin, ownership, background and history, and its present organization and activities, both general and specific to the disposal and Beneficial Use of MSW ash residue and any other related solid waste disposal or reuse projects.

The organizational, ownership, and financial relationships between the Proposer and any parent corporations or companies shall be clearly indicated. If the Proposal is being submitted on behalf of a joint venture, the relationship between the joint venture parties must be clearly defined, and one of the parties must be designated as the lead entity for negotiation purposes. Names, addresses and telephone numbers of principal contact person(s) shall be indicated. Resumes of these persons and other key administrative and management personnel shall be included and the degree of their involvement in the project indicated.

Audited financial information shall include full disclosure of the Proposer's financial condition for at least the last two (2) years. Any material changes during the past three years in the mode of conducting business, bankruptcy proceedings, mergers and acquisitions, or pending mergers or acquisitions must be disclosed. Any financial information considered to be confidential may be included in a separately sealed envelope marked “Confidential”.

The County may request such additional information from the Proposers as it deems necessary.

3.1.2 Minimum Key Person Requirements

Proposer must employ or contract with key person(s) that have the experience and or education commensurate with work that will be required by this RFP. A resume for all key personnel to be used on this project shall be provided as
part of the proposal. Resumes shall include all pertinent business experience, technical expertise, and educational background.

3.2 MINIMUM SUBMISSION REQUIREMENTS

3.2.1 Proposal Format and Quantity

Proposal must follow the format and reference the sections listed in the Proposal Content Requirements section. Responses to each section and subsection must be labeled to indicate the item being addressed. Proposal must describe in detail how requirements of this RFP will be met and may provide additional related information. Cost information must be submitted as a separate sealed envelope.

Proposer shall submit its Proposal using only white 8 ½” x 11” paper, without extensive art work, unusual printing, or other materials not essential to the utility and clarity of the Proposal. Proposer shall submit an original, bearing the Proposer’s authorized representative’s Signature, and five (5) copies of its Proposal. In addition, if Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law ORS Chapter192, Proposer shall complete and submit the Trade Secret Form (Attachment B) and a fully redacted version of its Proposal, clearly identified as the redacted version.

Proposer shall submit its Proposal in a sealed package addressed to the SPC with the Proposer’s name and the RFP number clearly visible on the outside of the package.

In addition to the required hard copies, the Proposer shall also submit an electronic copy of the Proposal by USB drive, DVD, or CD which must be formatted using Adobe Acrobat (pdf), Microsoft Word (docx), or Microsoft Excel (xlsx).

3.2.2 Authorized Representative

A representative authorized to bind the Proposer shall sign the Proposal. Failure of the authorized representative to sign the Proposal may subject the Proposal to rejection by County.

3.3 PROCUREMENT PROCESS

3.3.1 Public Notice

The RFP, including all Addenda and attachments, is published in the Oregon Procurement Information Network (ORPIN) at http://orpin.oregon.gov/open.dll/welcome and on the Marion County public website at http://www.co.marion.or.us/FIN/RFP.htm. RFP documents may be mailed to prospective Proposers at the County’s discretion.

County shall advertise all Addenda on ORPIN and http://www.co.marion.or.us/FIN/RFP.htm. Prospective Proposer is solely responsible for checking ORPIN and http://www.co.marion.or.us/FIN/RFP.htm to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

3.3.2 Questions / Requests for Clarification

All inquiries, whether relating to the RFP process, administration, deadline or method of award, or to the intent or technical aspects of the RFP must:

• Be delivered to the SPC via email or hard copy
• Reference the RFP number
• Identify Proposer’s name and contact information
• Be sent by an authorized representative
• Refer to the specific area of the RFP being questioned (i.e. page, section and paragraph number); and
• Be received by the due date and time for Questions/Requests for Clarification identified in the Schedule
3.3.3 Pre-Proposal Conference

An optional pre-Proposal conference will be held at the date and time listed in the Schedule. Prospective Proposers’ participation in this conference is not mandatory. The Pre-Proposal Conference shall be held at Marion County Public Works, Building 1, located at 5155 Silverton Road NE, Salem, Oregon 97305.

The purpose of the pre-Proposal conference is to:

- Provide additional description of the project;
- Explain the RFP process; and
- Answer any questions Proposers may have related to the project or the process.

Statements made at the pre-Proposal conference are not binding upon County. Proposers may be asked to submit questions in writing.

3.3.4 Protests to RFP

Prospective Proposer may submit a written protest of anything contained in this RFP, including but not limited to, the RFP process, Specifications, Scope of Work, and the proposed Contract. This is prospective Proposer’s only opportunity to protest the provisions of the RFP, except for protests of Addenda or the terms and conditions of the proposed Contract, as provided below.

Prospective Proposer may submit a written protest of anything contained in the respective Addendum. Protests to Addenda, if issued, must be submitted by the date/time specified in the respective Addendum, or they will not be considered. Protests of matters not added or modified by the respective Addendum will not be considered.

3.3.4.1 County will respond timely to all protests submitted by the due date and time listed in the Schedule. Protests that are not received timely or do not include the required information may not be considered.

3.3.4.2 Protests must:
- Be delivered to the SPC via hard copy
- Reference the RFP number
- Identify prospective Proposer’s name and contact information
- Be sent by an authorized representative
- State the reason for the protest, including:
  - the grounds that demonstrate how the Procurement Process is contrary to law, Unnecessarily Restrictive, legally flawed, or improperly specifies a brand name; and
  - evidence or documentation that supports the grounds on which the protest is based
- State the proposed changes to the RFP provisions or other relief sought
- Protests to the RFP must be received by the due date and time identified in the Schedule
- Protests to Addenda must be received by the due date identified in the respective Addendum

3.3.5 Proposal Submission Options

Proposer is solely responsible for ensuring its Proposal is received by the SPC in accordance with the RFP requirements before Closing. County is not responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Proposal submitted by any means not authorized will be rejected.

3.3.5.1 Submission through Mail or Parcel Carrier
Proposal may be submitted through the mail or via parcel carrier, and must be clearly labeled and submitted in a sealed envelope, package or box. The outside of the sealed submission must clearly identify the Proposer’s name and the RFP number. It must be sent to the attention of the SPC at the address listed on the Cover Page by the due date and time.
3.3.5.2 Submission in Person
Proposal may be hand delivered, and must be clearly labeled and submitted in a sealed envelope, package or box. Proposal will be accepted, prior to Closing, during County’s normal Monday–Friday business hours of 8:00 am to 5:00 pm Pacific Time, except during Marion County holidays and other times when County is closed. The outside of the sealed submission must clearly identify the Proposer’s name and the RFP number. It must be delivered to the attention of the SPC at the address listed on the Cover Page by the due date and time.

3.3.6 Proposal Modification or Withdrawal
Any Proposer who wishes to make modifications to a Proposal already received by County shall submit its modification in one of the manners listed in the Proposal Submission Options section and must denote the specific change(s) to the Proposal submission.

If a Proposer wishes to withdraw a submitted Proposal, it shall do so prior to Closing. The Proposer shall submit a Written notice Signed by an authorized representative of its intent to withdraw its Proposal in accordance with MCPCR Section 20-0440. The notice must include the RFP number and be submitted to the SPC.

3.3.7 Proposal Due
Proposal and all required submittal items must be received by the SPC on or before Closing. Proposal received after the Closing will not be accepted. All Proposal modifications or withdrawals must be completed prior to Closing.

Proposals received after Closing are considered late and will not be accepted for evaluation. Late Proposals will be returned to the respective Proposer or destroyed.

3.3.8 Proposal Rejection
County may reject a Proposal for any of the following reasons:
- Proposer fails to substantially comply with all prescribed RFP procedures and requirements, including but not limited to the requirement that Proposer’s authorized representative sign the Proposal in ink.
- Proposer fails to meet the responsibility requirements of ORS 279B.110.
- Proposer makes any contact regarding this RFP with County representatives such as County employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- Proposer attempts to inappropriately influence a member of the Evaluation Committee.
- Proposal is conditioned on County’s acceptance of any other terms and conditions or rights to negotiate any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the RFP or Addenda.

3.3.9 Opening of Proposal
There will be no public Opening of Proposals. Proposals received will not be available for inspection until after the evaluation process has been completed and the Notice of Intent to Award is issued pursuant to MCPCR Section 20-0610. However, County will record and make available the identity of all Proposers after Opening.

3.4 PROPOSAL CONTENT REQUIREMENTS
Proposal must address each of the items listed in this section, in the same order identified by the section numbers, and all other requirements set forth in this RFP. Proposer shall describe the Goods to be provided or the Services to be performed or both. A Proposal that merely offers to provide the goods or services as stated in this RFP will be considered non-Responsive to this RFP and will not be considered further.

3.4.1 Proposal Form
The Proposer shall complete and submit the Proposal Form (Attachment B).
3.4.2 Organization Identification/Responsibility Determination Form

The Proposer shall complete and submit the Organization Identification/Responsibility Determination Form (Attachment D).

3.4.3 Cover Letter (Not Scored)

The cover letter on Proposer’s letterhead shall designate the individual who will be the primary contact for all communications regarding its response. Provide the individual’s Name, Title, Company, Mailing Address, E-mail Address, and Telephone Number. The cover letter shall also include:

- Overview of the Proposer’s core business and demonstrated specific experience and length of time Proposer has been in operation.
- Overview of resources, technologies, products, and possible solutions the Proposer has available to meet the County’s requirements.
- Status of DEQ approval for the proposed use of ash residue.

3.4.4 Project Experience (Scored – 15 Points Maximum)

Provide a detailed description of Proposer’s experience processing and managing ash residue and similar waste products. Include a detailed description of any experience processing or managing other solid waste materials, including location and contact information of facilities and references.

- Indicate the number of projects Proposer has completed related to the ash residue solution being proposed.
- Identify experience with Public Sector clients.
- Indicate how long the ash residue solution proposed has been on the market or how long a similar ash residue solution your firm has developed has been in use by a similar customer.

3.4.5 Key Persons and their Resumes (Scored – 10 Points Maximum)

Specify key persons to be assigned to this Project, and include a current resume (not to exceed 2 pages each) for each individual that demonstrates qualifications and experience for the work described.

3.4.6 References (Scored – 10 Points Maximum)

Provide at least 3 references from current or former client firms for similar projects performed for any clients within the last 5 years. References must verify the quality of previous, related work.

County may check to determine if references provided support Proposer’s ability to comply with the requirements of this RFP. County may use references to obtain additional information, break tie scores, or verify any information needed. County may contact any reference (submitted or not) to verify Proposer’s qualifications.

Proposer shall submit reference names and contact information. County will make 3 attempts to contact each of the references provided by the Proposer. If these attempts are unsuccessful, the Proposer will receive a score of zero for that reference.

3.4.7 Project Implementation Plan (Scored 35 – Points Maximum)

Provide a comprehensive Project Implementation Plan (Plan) for the proposed ash residue solution. Illustrate how the Plan will meet the goals and objectives of the RFP.

The Plan shall identify major milestones, tasks and timelines for permitting, startup operations, and implementation. The Plan shall contain detailed information of the ash residue solution and shall include but is not limited to:
• Describe the proposed process and technology to be used in the conversion of the ash residue into a commercially usable product. Describe and identify any proprietary components, processes and plans for the proposed ash residue solution.

• Provide a yearly estimated quantity and specific source (i.e. New Ash, Old Ash, Screened Ash) of ash residue for the proposed ash residue solution.

• Provide any technical requirements that the County may need to perform in order to use the ash residue solution, such as required processing, for example screening, metal recovery, moisture conditioning, aging, etc.

• A materials balance giving all inputs and outputs for each process (normalized to a 1 ton input of ash residue to the overall process) and describe the method and function of each sub-process. Give any material inputs that are in addition to the ash residue processed. Identify any material residue (and normalized quantity) that would not be marketed and the anticipated disposition of such. Give the energy and man-hour uses for the overall process. State the basis for the figures given (e.g. theoretical, proven in practice commercial operation, demonstration unit operation, bench scale study, etc.)

• Identify the infrastructure and logistics to carry out the ash residue solution, including location, equipment, and transportation. Provide documentation of financial capital sufficient to fund, insure and bond the proposal.

• Identify achieved and next steps for obtaining DEQ approved Beneficial Use.

• Provide any additional information that summarizes the capabilities, features, and desirability of the proposed ash residue solution operation and equipment such as brochures, technical or research literature, which will assist the evaluation committee to better understand the proposed ash residue solution.

• Describe potential outlets and marketing concepts for the ash residue solution.

3.4.8 Financial Proposal (Scored – 30 Points Maximum)

Submit a detailed Financial Proposal that includes a summary of all identifiable costs associated with the proposed ash residue solution for Proposer and revenue sources for the County. The Financial Proposal shall outline the specific source of ash residue to be used, estimated yearly quantity and subsequent cost per ton pricing.

Proposers shall include a detailed breakdown of the cost per ton pricing and all assumptions underlying the cost per ton that Proposer and County shall expect to recover or include as part of the Financial Proposal.

3.4.9 Audited Financial Information (Scored – 10 points Maximum)

Provide a general description of the company’s financial condition, include the following information:

• Provide two years of audited financial statements

• Provide information regarding pending or material changes within the past three years with litigation, contract defaults, planned office closures, impending mergers, bankruptcies, or other conditions related to the financial health of the company.

3.4.10 Presentation/Interview (Optional)

At the County’s discretion, the Proposer(s) may be invited to a presentation/interview to perform a functional demonstration. The final presentation/interview agenda, format, scoring and selection process will be provided to invited Proposer(s) at the time the interview is scheduled.

3.4.11 Public Record/Confidential or Proprietary Information

All Proposals are public record and are subject to public inspection after County issues the Notice of the Intent to Award. If a Proposer believes that any portion of its Proposal contains any information that is a trade secret under ORS Chapter 192.501(2) or otherwise is exempt from disclosure under the Oregon Public Records Law ORS Chapter 192, Proposer shall complete and submit the Trade Secret Form (Attachment C) and a fully redacted version of its Proposal.
3.5 EVALUATION PROCESS

3.5.1 Responsiveness and Responsibility Determination

Proposals received prior to Closing will be reviewed for Responsiveness to all RFP requirements including compliance with Minimum Requirements section and Proposal Content Requirements section. If the Proposal is unclear, the SPC may request clarification from Proposer. However, clarifications may not be used to rehabilitate a non-Responsive Proposal. If the SPC finds the Proposal non-Responsive, the Proposal may be rejected.

In accordance with MCPCR 20-0261(6)(a)(A), County may establish a Competitive Range of all Proposers who have made a good faith effort in submitting a Proposal in response to this RFP for the purpose of correcting deficiencies in Proposals for determining responsiveness during Round 1.

At any time prior to award, County may reject a Proposer found to be not responsible.

3.5.2 Evaluation Criteria

Proposals meeting the requirements outlined in the Proposal Content Requirements section will be evaluated by an Evaluation Committee. Evaluators will assign points for each evaluation criterion listed below in this section, along with the maximum number of points for each evaluation criterion.

SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of Proposals. A response to a clarification request must be to clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original Proposal.

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<thead>
<tr>
<th>ROUND 1 POINTS POSSIBLE</th>
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<td>3.4.3 Cover Letter</td>
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<td>3.4.4 Project Experience</td>
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<td>3.4.10 Interviews (optional)</td>
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3.6 RANKING OF PROPOSERS

SPC will rank all Proposers advancing through all rounds of evaluation. The SPC will total the points from the evaluation scores to determine final ranking.
SECTION 4: AWARD AND NEGOTIATION

4.1 AWARD NOTIFICATION PROCESS

4.1.1 Award Consideration

County, if it awards a Contract, shall award a Contract to the highest ranking Responsible Proposer(s) based upon the scoring methodology and process described in Section 3. County may enter into negotiations to accept all or portions of Proposer’s proposal at its discretion.

4.1.2 Intent to Award Notice

County will notify all Proposers in writing that County intends to award a Contract to the selected Proposer(s) subject to successful negotiation of any negotiable provisions.

The County shall issue a Notice of Intent to Award to the successful Proposer(s). Upon approval of the Beneficial Use Determination by DEQ, a contract shall be awarded to the Proposer(s).

4.2 INTENT TO AWARD PROTEST

4.2.1 Protest Submission

An Affected Offeror shall have seven (7) calendar days from the date of the intent to award notice to file a written protest.

A Proposer is an Affected Offeror only if the Proposer would be eligible for Contract award in the event the protest was successful and is protesting for one or more of the following reasons as specified in ORS 279B.410:

- All higher ranked Proposals are non-Responsive.
- County has failed to conduct an evaluation of Proposals in accordance with the criteria or process described in the RFP.
- County abused its discretion in rejecting the protestor’s Proposal as non-Responsive
- County’s evaluation of Proposals or determination of award otherwise violates ORS Chapter 279B or ORS Chapter 279A.

If County receives only one Proposal, County may dispense with the intent to award protest period and proceed with Contract Negotiations and award.

4.2.1.1 Protests must:
- Be delivered to the SPC via hard copy
- Reference the RFP number
- Identify prospective Proposer’s name and contact information
- Be signed by an authorized representative
- Specify the grounds for the protest
- Be received within 7 calendar days of the intent to award notice

4.2.2 Response to Protest

County will address all timely submitted protests within a reasonable time and will issue a written decision to the respective Proposer. Protests that do not include the required information may not be considered by County.
4.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS

4.3.1 Insurance

Prior to execution of the Contract, the apparent successful Proposer shall secure and demonstrate to County proof of insurance coverage meeting the requirements identified in the RFP or as otherwise negotiated.

Failure to demonstrate coverage may result in the County terminating negotiations and commencing negotiations with the next highest ranking Proposer. Proposer is encouraged to consult its insurance agent about the insurance requirements contained in Insurance Requirements in the Sample Contract (Exhibit A of Attachment F) prior to Proposal submission.

4.3.2 Taxpayer Identification Number

The apparent successful Proposer shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed W-9 form if either of the following applies:

- When requested by County (normally in an intent to award notice), or
- When the backup withholding status or any other information of Proposer has changed since the last submitted W-9 form, if any.

If apparent successful Proposer is an Independent Contractor, Proposer shall complete and submit the Legal Entity Certification Statement to demonstrate compliance as an Independent Contractor.

Failure to demonstrate compliance may result in a finding of non-responsibility.

4.3.3 BUSINESS REGISTRY

If selected for award, Proposer shall be duly authorized by the State of Oregon to transact business in the State of Oregon before executing the Contract. The selected Proposer shall submit a current Oregon Secretary of State Business registry number or an explanation if not applicable.

All Corporations and other business entities (domestic and foreign) must have a Registered Agent in Oregon. See requirements and exceptions regarding Registered Agents. For more information, see Oregon Business Guide, How to Start a Business in Oregon and Laws and Rules available at the following Internet site: http://www.filinginoregon.com/index.htm.

4.4 CONTRACT NEGOTIATION

4.4.1 Negotiation

By submitting a Proposal, Proposer agrees to comply with the requirements of the RFP, including the terms and conditions of the Attachment F, with the exception of those terms reserved for negotiation. Proposer shall review the attached Sample Contract and note exceptions. Unless Proposer notes exceptions in its Proposal, the County intends to enter into a Contract with the successful Proposer substantially in the form set forth in Attachment F. It may be possible to negotiate some provisions of the final Contract; however, many provisions cannot be changed. Proposer is cautioned that the County believes modifications to the standard provisions constitute increased risk and increased cost to the County. Therefore, County will consider the scope of requested exceptions in the evaluation of Proposals.

Any Proposal that is conditioned upon County’s acceptance of any other terms and conditions may be rejected.

In the event that the parties are not able to reach mutually agreeable terms, County may terminate negotiations and commence negotiations with the next highest ranking Proposer.
SECTION 5: ADDITIONAL INFORMATION

5.1 GOVERNING LAWS AND REGULATIONS

This RFP is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFP, evaluation and award is the Circuit Court of Marion County.

5.2 OWNERSHIP/PERMISSION TO USE MATERIALS

All Proposals submitted in response to this RFP become the Property of County. By submitting a Proposal in response to this RFP, Proposer grants the County a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Proposal solely for the purpose of evaluating the Proposal, negotiating an Agreement (if awarded to Proposer) or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Law ORS Chapter 192. Proposals, including supporting materials, will not be returned to Proposer unless the Proposal is submitted late.

5.3 CANCELLATION OF RFP; REJECTION OF PROPOSALS; NO DAMAGES.

Pursuant to ORS 279B.100, County may reject any or all Proposals in-whole or in-part, or may cancel this RFP at any time when the rejection or cancellation is in the best interest of the County, as determined by County. The County is not liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

5.4 COST OF SUBMITTING A PROPOSAL

Proposer shall pay all the costs in submitting its Proposal, including, but not limited to, the costs to prepare and submit the Proposal, costs of samples and other supporting materials, costs to participate in demonstrations, or costs associated with protests.

SECTION 6: LIST OF ATTACHMENTS

ATTACHMENT A PHYSICAL AND CHEMICAL CHARACTERISTICS OF MSW INCINERATOR ASH
ATTACHMENT B PROPOSAL FORM
ATTACHMENT C TRADE SECRET FORM
ATTACHMENT D ORGANIZATION IDENTIFICATION/RESPONSIBILITY
ATTACHMENT E REFERENCE CHECK FORM
ATTACHMENT F SAMPLE CONTRACT
ATTACHMENT G SITE MAP