

REQUEST FOR PROPOSALS

**To Receive, Transport and Market
Recovered Ferrous Metals**

AUGUST 30, 2024

Dutchess County Resource Recovery Agency
96 Sand Dock Road
Poughkeepsie, New York 12601
(845) 463-6020

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DEFINITIONS

"Agency" means the Dutchess County Resource Recovery Agency.

"Agreement" or "Contract" means the agreement resulting from this RFP between the selected Vendor(s) and the Agency to receive, transport and market all ferrous metals recovered from the Agency's waste-to-energy Facility.

"Commencement Date" means January 1, 2025 or the agreed upon start date of the contract between the Agency and the Vendor.

"Net Tons of Ferrous Metal" or "Net Tons" means 2,000 pounds per ton.

"Operation" means the Vendor receives, transports and markets ferrous metal recovered from the Agency's Facility in accordance with the terms of this RFP and the Agreement.

"Residue" means ash and other by-products of the Agency's Facility which are combined with the recovered ferrous metals when received by the Vendor and which will subsequently require disposal.

"RRF" or "Facility" means the Agency's 164,000 tpy permitted capacity waste-to-energy facility located at 96 Sand Dock Road in the Town of Poughkeepsie, Dutchess County, New York.

"Vendor" or "Contractor" means the individual or corporation with whom the Agency contracts.

REQUEST FOR PROPOSALS

1.0 INTRODUCTION

The Dutchess County Resource Recovery Agency ("Agency") is issuing this Request for Proposals ("RFP") to solicit proposals from qualified Vendors wishing to act as an independent contractor to receive, transport and market all of the ferrous metals recovered from the Agency's waste-to-energy Facility (RRF or Facility) located at 96 Sand Dock Road in Poughkeepsie, New York. The Agency Facility is permitted to handle up to 164,000 tons of municipal solid waste from which the ferrous metals are recovered and loaded by the Agency in to roll-off boxes.

This RFP is on-line at www.dccra.org.

Proposers should submit proposals for the period January 1, 2025 through December 31, 2027. All proposals must be received by 4 p.m. on November 1, 2024 at:

Dutchess County Resource Recovery Agency
96 Sand Dock Road
Poughkeepsie, New York 12601

A preproposal meeting will be held on October 2, 2024 at 10:00 o'clock a.m. at the Agency offices, 96 Sand Dock Road, Poughkeepsie, NY. Preregistration for the meeting is required. Please contact Ms. Kerry Russell or Ms. Denise Walsh to register at the Dutchess County Resource Recovery Agency office, at 845-463-6021, krussell@dccra.org or dwalsh@dccra.org.

Following the meeting proposers will proceed to the RRF for a walk through.

2.0 BACKGROUND INFORMATION

2.1 Dutchess County Resource Recovery Agency

The Agency is a public benefit corporation established in 1982 under Title 13-D of the Public Authorities Law of the State of New York for the purpose of providing solid waste management and disposal services to municipalities, citizens and private haulers operating within Dutchess County, New York.

The Agency is composed of seven board members. Three members are appointed by the Dutchess County Legislature and three by the Dutchess County Executive. A seventh member is appointed jointly.

Dutchess County is located approximately 75 miles north of New York City along the Hudson River. Dutchess County is home to approximately 295,000 residents. The majority of the population lives in suburban communities along and inland of the Hudson River but portions of the county are rural and agricultural. Dutchess County also has two small cities, Poughkeepsie and Beacon.

2.2 The Dutchess County Resource Recovery Facility

The Agency's Facility is a mass burn waste-to-energy resource recovery facility, which receives, stores and combusts Municipal Solid Waste (MSW) consisting of household waste, non-hazardous commercial and industrial waste, and some combustible construction and demolition debris. The Facility produces steam from the hot combustion gases in its boilers, and uses the steam to generate electric energy. The electric energy is used to operate the Facility, with the excess sold to the local utility. Residue remaining after combustion is collected as ash. Ash residue is quenched by deposition in a water tank and then drained to remove excess moisture. Ferrous metals are extracted by a magnetic drum passing over the ash. The ash residue also contains fly ash removed from the combustion gases by the Emissions Control System (ECS), including lime and potentially carbon which are used to control the emissions.

The Facility currently produces approximately 43,000 tons of ash residue per year. It operates continuously on a 24 hour a day basis, but there are approximately 30 days of outage per year when the output of ash residue and ferrous metals recovery is substantially reduced.

2.3 Ferrous Metal Recovery

In 2021 4,480 tons of ferrous metals were recovered by the Agency from the Facility, in 2022 2,240 tons, and in 2023 2,500 tons.

The Agency does not guarantee that a minimum amount of ferrous metal will be recovered. In addition, the ferrous metals as recovered and made available to the Vendor in roll-off boxes will include some combustor ash residue and post

combustion material.

The Agency expects the Vendor to be able to receive and then to transport and market all of the ferrous metals recovered from the RRF. It also requires that the dedicated roll-off boxes be promptly returned to the Agency Facility so there will be no interruption of Facility operation. Dedicated roll-off boxes are required to be in proper condition per New York State Department of Transportation regulations.

3.0 SCOPE OF WORK

3.1 Dutchess County Resource Recovery Agency Responsibilities

The Agency intends to negotiate a Contract with a Vendor to receive, transport and market the ferrous metals recovered from the Agency's RRF. While the full scope of the Agency's responsibilities shall be the subject of negotiations with the Vendor and will be set forth in the Contract, the Agency will:

- o Make the recovered ferrous metals available to the Vendor at the Agency Facility in dedicated roll-off boxes supplied by the Vendor.
- o Allow the pick up and return of roll-off boxes of ferrous metals Monday through Saturday from 6:00 a.m. to 4:00 p.m.

Vendor Responsibilities

3.2

The Vendor will be responsible for:

- o Receiving all ferrous metal produced by the Agency's RRF.
- o Weighing all containers over the Agency scale upon entry and exiting the Facility.
- o Unloading, transporting, processing as necessary and marketing the Agency's ferrous metals so as to maximize the economic return on them.
- o Supplying properly conditioned and sufficient dedicated 40-yard or larger roll-off boxes for the performance of the Contract.

- o Returning roll-off boxes to the Facility promptly.
- o Remitting payment to the Agency on a weekly basis.
- o Supplying all labor, equipment and materials needed to perform the Contract, except as specifically provided in the Contract
- o Assuring and providing proof that all facilities, equipment, operations and personnel used in performance of the Contract are at all times properly licensed, registered, permitted and maintained and otherwise fully authorized to handle the materials which are the subject of this Contract.
- o Marking and numbering all Vendor supplied roll-off boxes.

The full scope of the Vendor's responsibilities will be described in the Agreement to be negotiated between the Agency and the selected Vendor on the basis of the proposal submitted by the Vendor in response to this RFP.

4.0 VENDOR SELECTION AND CONTRACT NEGOTIATION

The Agency intends to select a Vendor from among those submitting proposals, and it reserves the right to conduct parallel and sequential negotiations with different proposers. The Agency reserves the right to terminate negotiations for any reason, at any time and to reject all proposals.

To be judged responsive, a Vendor must demonstrate that all criteria set forth herein are met. Proposals received will be evaluated based on overall responsiveness to the RFP, qualifications, responsibility, project experience, financial qualifications and the Technical, Operational and Financial Proposal.

The Agency will determine which proposal best serves the interest of the Agency and the residents of Dutchess County. Lowest cost to the Agency will be an important criteria for evaluation, but the Agency may award the Contract to a responsible proposer whose proposal is most responsive to the RFP, achieve savings, provides the best value to the Agency or is otherwise in the best interest of the Agency and the public.

4.1 Qualifications

For a Vendor to be deemed qualified, it will have to demonstrate that it has the requisite experience and resources to successfully receive, transport and market all ferrous metals from the RRF. The specific criteria that will be evaluated in determining the adequacy of qualifications include:

- o Prior project experience, including experience providing similar services to waste-to-energy and other facilities.
- o Experience of personnel committed to the project.
- o Ferrous metal marketing experience, including the ability to market successfully under changing market conditions.
- o Provide the proper equipment required to perform the Contract.
- o Financial resources, including credit rating and financial stability.
- o Having or demonstrating the ability to obtain all licenses, permits and registrations, including those from the NYS DEC and Dutchess County Department of Solid Waste Management, which are required of Vendor and its employees, subcontractors and independent contractors to perform the Contract.

4.1.2 Project Experience

The Vendor must have experience in receiving, transporting and marketing metals recovered from waste-to-energy

or similar facilities. The proposer shall identify all facilities for which it is currently marketing and has in the past marketed ferrous metals. The Agency may inquire of and conduct a site visit to one or more of the referenced facilities.

4.1.3. Suits and Proceedings

The Vendor shall submit a list of all civil suits, administrative proceedings and criminal proceedings to which it and its principals is or have been a party within the past five (5) years and shall include the jurisdiction, case caption and all reference numbers, outcome and status, and adverse party contact information.

A background check of proposer and its principals may be required.

4.2 Financial Qualifications

The Vendor shall provide information on its financial resources including:

- a) Most recent 3 years annual balance sheets and profit and loss statements, in audited form if they were so prepared;
- b) Most recent quarterly financial statement(s);
- c) Most recent 10K Form, if Vendor's corporation is publicly traded; and
- d) Such other information as the Agency requests.

4.3 Technical, Operational and Financial Proposal

- a) The Vendor shall submit a detailed narrative description of how it proposes to receive, transport and market the Agency's ferrous metals. It shall also submit a financial proposal for the Contract period of January 1, 2025 through December 31, 2027.

b) The technical proposal shall specify:

- How many and what size containers will be placed at the RRF and the frequency of pick up to be used in performance of the Contract
- How and where the metals will be removed from the roll-off boxes, and how and when the boxes will be returned to the Agency
- All facilities at which the metals and residue will be transferred
- Where and by whom the metals will be processed
- By whom and how the metals will be marketed
- Who will transport the metals, boxes and Residue for the Vendor

c) The financial proposal must include in detail how the payment will be determined to the Agency by the Vendor for each Net Ton, the method of payment, and terms of payment.

5.0 PROJECT SCHEDULE

The Agency will conduct a preproposal meeting for potential proposers on October 2, 2024 10:00 am, at the Agency's office at 96 Sand Dock Road, Poughkeepsie, NY 12601. Preregistration is required. Contact Kerry Russell, Executive Director at krussell@dcrra.org or Ms. Denise Walsh at dwalsh@dcrra.org or at 845-463-6021 to register. Following the conference proposers will proceed to the RRF for a walk through. During the walk through the Agency's equipment will be running.

Date

Activity

August 30, 2024

Issue Date

October 2, 2024	Pre-proposal Meeting and RRF Walk Through
November 1, 2024	Proposal Submission Date
January 1, 2025	Contract Start

6.0 REQUESTS FOR INFORMATION

6.1 Questions from Proposers

Any questions from Proposers regarding the interpretation of any portion of this RFP shall be in writing and received at the DCRRA by email, facsimile or hand delivery. All questions and responses will be sent to all potential Proposers who have provided the DCRRA with contact (mail, fax, email, telephone) information. All questions should be directed to:

Ms. Kerry Russell

Dutchess County Resource Recovery Agency
96 Sand Dock Road
Poughkeepsie, New York 12601
krussell@dcrra.org or

Ms. Denise Walsh
Dutchess County Resource Recovery Agency
96 Sand Dock Road
Poughkeepsie, New York 12601
dwalsh@dcrra.org

The DCRRA reserves the right to communicate with Proposers by e-mail or any other method of delivery or transmission.

7.0 PROPOSAL INFORMATION

Each Vendor's proposal shall meet the following requirements:

a) Submittal Package Labeling Requirements

The proposal shall be submitted in a sealed package. The cover of the sealed package shall bear the following information:

- Proposal to Receive, Transport and Market Recovered Ferrous Metals
- Submitted by: (Firm name, address, contact person, telephone number)

b) Number of Copies

The sealed package should contain one (1) clearly marked original and three (3) copies.

c) Agency Address

All Proposals must be submitted to:
Dutchess County Resource Recovery Agency
96 Sand Dock Road
Poughkeepsie, New York 12601
Attn: Kerry Russell, Executive Director

d) Submission Deadline

All proposals must be received by the Agency no later than 4:00 p.m., November 1, 2024. Any proposals received after that time shall be rejected.

e) Proposal Contents

All information called for in Article 4 above shall be included with the proposal.

f) All Proposals shall be Valid for 180 Days.

8.0 INSURANCE COVERAGE

The following insurance policies and such other coverages in such amounts as the Agency and WinWaste Innovations shall designate must be maintained in full force and effect during the term of the Contract. The Vendor shall obtain the policies and shall name the Dutchess County Resource Recovery Agency and Win Waste Innovations as the only named insureds.

8.1 Comprehensive General Liability

Comprehensive General Liability coverage shall be maintained in an amount not less than one million dollars (\$1,000,000.00) per occurrence with three million dollars (\$3,000,000.00) aggregate and umbrella coverage at five million dollars (\$5,000,000.00) for both bodily injury and property damage. Without limitation, such policy shall provide coverage for:

- 1) facility operations;
- 2) explosion and collapse;
- 3) independent contractors;
- 4) broad form property damage;
- 5) Vendor liability;
- 6) personal injury liability; and
- 7) products and completed operations.

8.2 Comprehensive Automobile Liability

Comprehensive automobile liability coverage shall have a limit of not less than one million dollars (\$1,000,000.00) per occurrence with three million dollars (\$3,000,000.00) aggregate and umbrella coverage of five million dollars (\$5,000,000.00). The automobile policies shall include a rider for non-owned automobile and hired car coverage.

8.3 Workers Compensation

Proof of workers compensation insurance shall be submitted to the Agency, as required under New York law. The

Company shall maintain, during the life of the Contract, workers compensation for all of its employees at the RRF. The Company shall require all subcontractors to provide workers compensation insurance for all of their employees, unless such employees are covered by the Company.

8.4 Disability Benefits

The Contractor shall submit to the Agency proof of disability benefits liability insurance in the amounts and under the terms and Conditions required by New York law.

8.5 Cancellation - Deductible

All policies shall require 60 days advance notice by the carrier to the Agency and Win Waste Innovations of cancellation, expiration and change of coverage.

Policies shall not provide for deductibles without the advance written consent of the Agency.

9.0 NONCOLLUSION/NON-RESPONSIBILITY/CONTACTS

All proposals must be accompanied by a completed noncollusion certificate form (see Attachment A).

New York State Finance Law §139-K(2) requires the Agency to obtain specific information regarding prior non-responsibility determinations. Attachment D must be completed and submitted with all proposals.

All procurements by the DCRRA in excess of \$15,000 annually are subject to New York State's State Finance Law Sections 139-j and 139-k, effective January 1, 2006 ("Lobbying Law"). All "contacts" (defined as oral, written or electronic communications with the DCRRA intended to influence a procurement) during a procurement must be made with the designated Point of Contact, the Executive Director or Ms. Denise Walsh. Exceptions to this rule include written questions during the Proposal process, communications with regard to protests, contract negotiations, and RFP conference participants. Nothing in the Lobbying Law inhibits any rights to make an appeal, protest or complaint under existing administrative or judicial procedures.

The statutes require the DCRRA to obtain certain affirmations and certificates from Proposers. See Attachment E, which must be submitted with all proposals.

10.0 PERFORMANCE GUARANTEES

The Vendor shall insure that all equipment used in performance of the Contract is utilized to its maximum performance efficiency and maintained in good working condition.

The Vendor shall insure that the revenues received on the sale of the ferrous metals are maximized.

10.1 Failure to Satisfy Guarantees

The Vendor shall be liable to the Agency for costs incurred and revenues lost by the Agency as a consequence of the Vendor's failure to achieve guaranteed levels of performance as discussed herein and established in the executed contract.

11.0 AGENCY RIGHTS AND OPTIONS

The Agency, as a public benefit corporation, is mandated to act in the best interest of the public at all times and to discharge its duties in a manner that is both responsive and equitable to the residents of Dutchess County. Therefore, the Agency reserves the right to:

- Re-issue this RFP should facts and/or circumstances arise which would warrant such action
- Supplement, amend or otherwise modify this RFP
- Conduct investigations with respect to qualifications of each Vendor
- Negotiate with Vendor(s) for amendments or other modifications to their proposal(s)
- Reject any or all proposals, negotiate with more than one proposer, and accept more than one proposal

12.0 PROPOSAL PREPARATION COST

Each proposal prepared in response to this RFP must be prepared at the cost and expense of the Vendor, and with the understanding that there will be no claims whatsoever for reimbursement from the Agency or for the cost or the expense of its preparation or of subsequent negotiations, if any.

The Agency shall not be bound in contract or otherwise until a formal Contract has been executed by the Agency Executive Director and delivered to the Vendor.

ATTACHMENT A

NONCOLLUSION CERTIFICATION

By submission of this Proposal, the Company hereby certifies, under penalty of perjury, that to the best of its knowledge and belief:

1. The prices and terms of this Proposal have been arrived at as the result of an independent business judgment without collusion, consultation, communication, agreement or otherwise, for the purpose of restricting competition as to any matter relating to such prices and terms with any other person, partnership, or corporation.

2. Unless otherwise required by law, the prices and terms which have been quoted in this Proposal have not directly or indirectly been knowingly disclosed by the Company prior to "opening" to any other person, partnership, or corporation; and

3. No attempt has been made, or will be made, by the Company to induce any other person, partnership, or corporation to submit, or not to submit, a Proposal for the purpose of restricting competition.

Name of Company

By: _____
Signature

Title of Representative

STATE OF)
)ss:
COUNTY OF)

On the ___ day of _____ in the year 2024, before me, the undersigned, a notary public in and for said state, personally _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

ATTACHMENT B
PROPOSER INFORMATION

DATE: _____, 2024
(May include commercial literature with this part of form)

To: Dutchess County Resource Recovery Agency
96 Sand Dock Road
Poughkeepsie, New York 12601

Proposal of _____,
a corporation/partnership/individual/LLC/LLP/LP/joint venture
(strike out inapplicable) doing business as _____

I. GENERAL INFORMATION

1. Principal Office _____

2. Telephone No. _____
Facsimile No. _____
E-Mail _____
3. Year established _____
4. Names and addresses of partners, members, owners and
joint venture participants, corporate directors,
officers and shareholders

5. Names and addresses of other person(s) interested in
this proposal as principals

II. PROJECT EXPERIENCE

(Continue on separate pages as required)

1. List all waste-to-energy and other facilities for
which proposer receives, transports and markets ferrous

metals, and those contracts it previously held to provide such services. (*List parties, dates of service, contact information*).

2. Personnel. Identify staff who will supply services and their experience.

3. Suits and proceedings. Specify all civil suits, administrative proceedings and criminal proceedings to which proposer and its principals is and has been a party during the past five years.

This Attachment B
Submitted this ____ day of _____, 2024

By: _____ (**Proposer**)
 By: _____ (**Proposer Representative - Sign & Print**)

ATTACHMENT C
TECHNICAL, OPERATIONAL AND
FINANCIAL PROPOSAL GUARANTEE
(Continue on separate pages as required)

- 1) Proposal Narrative (Detailed Technical and Operational Description of how Proposer will receive, transport and market the Agency's ferrous metals)¹

¹ Be sure to discuss all items called for in 4.3(b) above, i.e. whose roll-offs, where received, method of removal from roll-offs, where metals will be transferred, etc.

2) Financial Proposal

(c) Attach last three (3) years of balance sheets and profit and lost statements, in audited form if so prepared.

(d) Attach most recent quarterly financial statement.

(e) Attach most recent form 10-K if proposer is publically traded.

This Attachment C
Submitted this _____ day of _____, 2024

By: _____ (Proposer)
By: _____ (Proposer Representative - Sign & Print)

ATTACHMENT D
DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

Name of Proposer: _____

Address: _____

Name and Title of Person Submitting this Form: _____

Has any governmental entity* made a finding of non-responsibility regarding the Proposer in the previous four years? Yes No

If yes: Was the basis for the finding of the Proposer's non-responsibility due to a violation of State Finance Law §139-j? Yes No

Was the basis for the finding of Proposer's non-responsibility due to the intentional provision of false or incomplete information to a governmental entity? Yes No

If yes, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Year of Finding of non-responsibility: _____

Basis of Finding of Non Responsibility: _____

(Additional pages as necessary)

Has any governmental entity terminated a procurement contract with the Proposer due to the intentional provision of false or incomplete information? Yes No

This Attachment D

Submitted this _____ day of _____, 2024

By: _____ (Proposer)

By: _____ (Proposer Representative - Sign & Print)

* A "government entity" is: (1) any department, board, bureau, commission, division, office, council, committee or officers of New York State, whether permanent or temporary; (2) each house of the New York State legislature; (3) the unified court system; (4) any public authority, public benefit corporation or commission created by or existing pursuant to the public authorities law; (5) any public authority or public benefit corporation, at least one of whose member is appointed by the governor or who serves as a member by virtue of holding a civil office of the state; (6) a municipal agency, as that term is defined in paragraph (ii) of subdivision(s) of section one-c of the Legislative Law; or (7) a subsidiary or affiliate of such a public authority. (SFL §139-j, paragraph 1.a.)

ATTACHMENT E
PROPOSER'S AFFIRMATION AND CERTIFICATION

By signing below, the Proposer _____;
(Name of Proposer)

- (a) Affirms that the Proposer understands and agrees to comply with the policy regarding permissible contact in accordance with State Finance Law Sections 139-j and 139-k of New York State.

- (b) Certifies that all information provided to the Agency with respect to State Finance Law §139-j and §139-k is complete, true and accurate.

By: _____
(Signature of Person Certifying)

Date: _____

Print Name: _____

Print Title: _____

Proposer
Consultant: _____
(Full Legal Name)

Address: _____

Business Telephone Number: _____

THE DCRRRA'S RIGHT TO TERMINATE

The DCRRRA reserves the right to terminate a Contract in the event it is found that the certification filed by the Vendor, as Proposer, in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, the Agency may exercise its termination right by providing written notification to the Vendor in accordance with the written notification terms of the Contract.