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– NOTICE TO PROSPECTIVE PROPOSERS –  
ISSUED JUNE 22, 2022  
ADDENDUM #6  
COMMERCIAL WASTE ZONE IMPLEMENTATION  
PIN: 82720AD0038

This Addendum is issued for the purpose of amending Part 2 of the Request for Proposals (“RFP”) for the above project. It is hereby made a part of said RFP to the same extent as if originally included therein.

This Addendum amends the above-referenced solicitation to correct language in the instructions for Attachment 10 – History of Compliance. In the paragraph labeled “Proposer’s Compliance History”, the language “Proposer’s current Subcontractors (including Designated Carters)” is replaced with “Proposer’s proposed Subcontractors (including Designated Carters)”.

This Addendum also amends the above-referenced solicitation to include the attached Questions and Answers document.

Proposers are reminded to utilize the resources provided by the Department to aid Proposers in submitting complete responses fully and accurately. The “Request for Proposals” section of the CWZ website, located at [nyc.gov/commercialwaste](http://nyc.gov/commercialwaste), contains links to all previously released addenda and Q&A documents. It also contains links to videos of the two pre-proposal conferences. Proposers are specifically encouraged to review the December 8, 2021 conference video, between the 20:00 and 1:20:00 time marks, for instructions on properly completing each required form, compiling the proposal package, and submitting completed proposal packages to the Department.

All Proposers must acknowledge receipt of this Addendum below and return it as a part of their respective responses to Part 2 of the RFP. By signing below, the Proposer’s authorized representative states that they have read the Addendum in its entirety.

By: *Kirk Eng*  
Kirk Eng  
ACCO

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(Print name of Proposer)

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(Signature of individual authorized to execute binding legal documents on behalf of the Proposer)

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(Print date of execution)  
(If a corporation, affix a corporate seal)

## Q&A 4 for Part 2 of the Commercial Waste Zones RFP

1. In article 6.2, there is a provision for automatic rate increases. These increases are effective on July 1 of a year provided at least a year has passed since the Implementation Start Date for a zone. The RFP has rolling implementation start dates for the zones that it anticipates could take two years. Therefore, it is possible an Awardee can have one or more zones with nearly 4 years passing before their first increase. Should Awardees be factoring this into their pricing or will DSNY allow for inflationary escalation in pricing for the proposals?

**Answer:** Proposers should provide pricing under the assumption that these prices would be in effect for Year 1 of CWZ implementation (mid-2023 to mid-2024). If the awarded zones are transitioned a year or more after the beginning of CWZ implementation, DSNY will allow the inflation-based rate adjustments to be applied for the beginning of an awardee's servicing of customers.

2. Page 42 of the RFP notes the *"Proposal Package must be submitted in hard copy **and** electronic form."* However, the online description indicates, *"Part II of the response can be emailed by the deadline to [cwzrfp@dny.nyc.gov](mailto:cwzrfp@dny.nyc.gov) or submitted in hard copy to DSNY at 44 Beaver Street, Room 203, New York, NY 10004."* Please therefore confirm that emailed electronic submissions only are acceptable in lieu of sending hardcopies.

**Answer:** The language in the online City Record notice was incorrect with regard to email is being corrected. Emailed proposals will **not** be accepted. Refer to the submission requirements in the RFP Part 2 document itself, Sections V.A "How to Prepare Your Proposal Package" and V.B "How to Submit Your Proposal Package to DSNY". Proposers must submit 2 hard copies and 6 electronic copies on USB drives in order for their proposals to be accepted.

3. Addendum #1 advised that *"There is nothing prohibiting an Awardee from charging a customer zero for either of the components and basing their bill on the other component, as long as that rate is below the Awardee's maximum prices and the customer agrees to the arrangement."* However, Addendum #2 advised that *"Proposers must provide a value for every component of the pricing proposal, for each zone or award being proposed for."* Please confirm that it is still permitted for the value to be noted as \$0 in the Excel submitted for components which the bidder is not charging a price for.

**Answer:** Yes, entering a maximum price of \$0 for certain components of the pricing proposal complies with the requirement to provide a value for every component.

4. The Customer Service Plan, Attachment 13.4 asks about “emergency contact protocols.” How do we define “emergency”?

**Answer:** Anything that has the potential to disrupt service for multiple customers, or at a large scale, should be considered an emergency. For example, emergencies could include severe weather, sudden road closures, infrastructure failures, or other natural or man-made disasters.

5. In the Customer Service Plan, what is meant by "response time for addressing such requests and complaints"? Is this how quickly we have the initial conversation with the customer about the request, or how quickly the request is resolved?

**Answer:** Proposers should describe both the timing for discussing issues with the customers and how quickly complaints are expected to be resolved. Proposers should be clear in their response which of these they are referring to when providing response times.

6. What constitutes "an office or walk-in location"? Does this need to be a location dedicated specifically to customer service or do any one of our depots qualify as an “office”?

**Answer:** This refers to a physical location accessible to customer walk-ins with staff available to handle their concerns or needs. A depot that allows for customers to enter and has customer service staff to speak with them would meet the definition.

7. Can awardees have one organics or recycling truck that operates across multiple zones? The cost in both capital and operating expenses may be prohibitive if resources cannot be shared.

**Answer:** The Department expects that all routine collection operations provided by an Awardee in any zone for every stream should adhere to the requirements that routes stay within zone boundaries. The Department will consider requests by Awardees for trucks to cross zone boundaries and may give authorization if sufficient justification is provided.

8. What plans does DSNY have for if and when a recycling market dries up or becomes economically less attractive?

**Answer:** Proposers should assume that all materials that are required to be collected as source-separated recyclables will continue to be in the requirements for the duration of any CWZ award. Proposers should assume that fluctuations in commodities will occur and that as Awardees, they would still be responsible for continuation of service and adherence to all pricing requirements throughout the term of their award, unless otherwise directed by the Department.

9. Regarding the wage and benefits information from subcontractors – will all subcontractors be required to provide payroll/wages/benefits information for all their employees? Even for customer service subcontractors? What about for out-of-state subcontractors?

**Answer:** All subcontractors providing commercial waste collection services or any other services under the Agreement (including but not limited to customer service subcontractors) will be required to provide the wages and benefits information in response to Attachment 10, Question 7. This requirement applies to in-state and out-of-state subcontractors. If an employee resides outside of New York City, this should be noted, in addition to providing all the other required information.

10. In Attachment 10 – History of Compliance, second paragraph says to provide information for “Proposer’s current Subcontractors...” If the Proposer currently has “Trade Waste Removal Subcontract Authorizations” for other firms to collect accounts but Proposer does not intend to utilize the firm as a Subcontractor for the CWZ proposal, why must their information be included? It could be very difficult to obtain the cooperation of firms who do not intend to continue in the same capacity under the CWZ system.

**Answer:** The language in the referenced paragraph has been edited pursuant to this Addendum to the RFP. Compliance history documentation should be provided for proposed subcontractors (including Designated Carters). Proposers do not need to provide information for companies that have had subcontracting relationships with the Proposer in the past and that are not part of the Proposal.

11. What will be the City’s schedule of transition? In particular, which zones will be transitioned first, and how many will be transitioned at once?

**Answer:** The transition schedule will be set by rule after the completion of the proposal evaluation and awardee selection.

12. In reviewing the “Customer Pricing Structure” in the RFP (pages 15 and 16), how does DSNY expect the selected proposer to charge based on weight? Will DSNY require scales on vehicles if charges are based on weight?

**Answer:** Awardees can offer weight-based rates based on measurement at each collection, or they can charge by weight based on the results of a waste audit or assessment or an average weight taken periodically to establish a rate for the monthly charge. This process should be in the Awardee’s standard contract form as well as clearly described in each customer contract where it is applied.

13. Attachment 13.7, question 6, asks, “How the proposer intends to incorporate safety features, if awarded an agreement, including but not limited to collision/blind spot sensors, cab-over-truck design, and enhanced visibility windshields.” The way we read it, enhanced visibility is attainable through newer conventional “sloped” cabs and is not limited to cab-over design. Please define “enhanced visibility windshields”.

**Answer:** Proposers should include and describe any safety features they deem relevant.

14. Addendum 4 describes a metric titled Maximum Total Market Value (MTMV) and states this metric utilizes “existing market data for customers, tonnage, and pick-up patterns in the specified zones or awards being applied for”. Attachment 14 of the Part 2 CWZ RFP provides charts with current market data for tonnage and pickup days separated by type of waste and recycling streams, however, it does not provide any data with regard to yards. Will DSNY please provide clarification or information regarding the yardage numbers it will use in its market data for customers and how those yards will factor into the scoring?

**Answer:** For the component of the MTMV based on volume, the estimated daily tonnage of each waste stream, by zone, is converted into cubic yards using the U.S. Environmental Protection Agency’s 2016 Volume-to-Weight Conversion Factor for commercial waste, where one cubic yard of uncompacted waste is estimated to weigh an average of 138 lbs. The Proposer’s maximum rate by volume is applied to the estimated total volume in the zone to generate the Proposer’s maximum value for charging based on volume. The Proposer’s maximum value for charging based on weight is also calculated, applying the proposed maximum weight-based rate to the estimated tonnage in the zone. An average of the Proposer’s maximum value for charging based on volume and the Proposer’s maximum value for charging based on weight is used as the component of the MTMV for charging based on the amount of waste collected.

15. Does DSNY have an estimate for the number of Compactors and Roll-offs in the City that are at least 10 cubic yards or more?

**Answer:** DSNY has data from carter assets reports as well as the BIC Customer Register regarding the number of containers throughout the city and customers that generate large volumes of waste. DSNY is not providing Proposers estimates of the number of customers by zone expecting to opt into containerized collection service under Commercial Waste Zones because that is a determination made by the customer when selecting their carter and service preferences.

16. If proposers propose to charge customers by the ton for one stream (i.e., Trash, Recycling, or Organics) may they propose to charge customers by the yard for another stream? If the answer is yes, how will DSNY allow an actual discount in percentage if the metric for trash is different than recycling or organics?

**Answer:** Customers must be billed according to the same metric (either by weight or by volume) for every waste stream. Awardees cannot select to charge by weight for one waste stream and volume for a separate waste stream for the same customer.

17. We provided compliance history information for the period requested for RFP Part 1. Although we do not anticipate having much additional information to supply for the last year, what will be the official cutoff date to stop providing that information?

**Answer:** Proposers should provide all relevant compliance data that they have received through June 15, 2022.

18. Are you able to provide an updated anticipated timeline as described in RFP Section I.I?

**Answer:** DSNY will provide an updated implementation timeline as the proposal review is underway.

19. Is a carter required to have been responsive to Part 1 of the RFP to be eligible to be listed as a Designated Carter?

**Answer:** No, carters do not need to have submitted a response to Part 1 of the RFP to be considered as subcontractors or Designated Carters in Part 2 of the RFP.

20. Q&A 3 stated that that organic waste collected by a micro-hauler must be delivered to a community processing site. Are micro-haulers allowed to deliver organic waste to a facility which is permitted and authorized by both the NYSDEC and DSNY to accept organic waste for additional processing prior to transport to either a composting facility or to a facility which conducts anaerobic digestion?

**Answer:** No, as defined in Local Law 199 and in the BIC Micro-Hauler License Order, micro-haulers may not dispose of waste at any solid waste transfer station.

21. For the “Maximum Rates Schedule: Additional Fees” may the Premium Pickup Service Fees be dollar based instead of on a percentage basis (or both)?

**Answer:** In the Pricing Proposal, Premium Pickup Service Fees must be given in percentages.

22. Company 1 and Company 2 were determined to be eligible for Part 2 based upon their responses to Part 1 of the RFP. A joint venture between Company 1 and Company 2 was formed after that. Is the joint venture eligible to submit proposals to Part 2?

**Answer:** The joint venture is eligible to submit a proposal to Part 2 because it is comprised only of companies that were determined to be responsive to Part 1 and eligible for Part 2.

23. Company 1 and Company 2 both attended a mandatory pre-proposal conference for Part 2. A joint venture between Company 1 and Company 2 was formed after the pre-proposal conferences were held, so the joint venture entity did not attend one. Is the joint venture eligible to submit proposals to Part 2, even though the joint venture did not attend a pre-proposal conference?

**Answer:** The joint venture is eligible to submit a proposal to Part 2 because it is comprised only of companies that successfully completed Part 1, and those companies attended a pre-proposal conference for Part 2.

24. Company 1 and Company 2 each have a BIC license. A joint venture between Company 1 and Company 2 was formed before the RFP Part 2 deadline. If the joint venture timely applied for a BIC license, but has not received one by the time awards are being made, could the joint venture receive an award and operate under Company 1's BIC License and Company 2's BIC license?

**Answer:** No, the joint venture could not receive an award and operate under Company 1's BIC license and Company 2's BIC license. If a joint venture fails to receive its own BIC license by the time awards are made, the joint venture will not be eligible to become an awardee. This answer clarifies and supersedes all prior answers related to this issue.