

New York City Department of Sanitation

Request for Expressions of Interest

For Existing and Proposed Transfer, Processing, Beneficial End-Use and Disposal Facilities Related to Commercial Waste Zones

1. Purpose of RFEI

The prompt and orderly removal, processing, and export of waste and recyclables is critical to public health and quality of life in New York City. While the New York City Department of Sanitation (“DSNY”) collects waste from residents and institutions, commercial establishments must hire a private waste hauling company, or carter, to collect these materials. The City’s Commercial Waste Zones program (“CWZ”) will transform collection of certain commercial waste materials by the private carting industry into a safer and more efficient collection system that advances the City’s zero waste goals and Green New Deal. To start the implementation of this system, DSNY has issued the first part of a request for proposals (“RFP”), seeking submissions from potential awardees to operate under CWZ, explained in more detail below.¹ In subsequent addenda that will be issued as Part II of the RFP, DSNY will request waste management plans from proposers that outline the carter’s proposed practices for commercial waste processing, disposal, recycling, and reuse, including information on potential locations for that processing, transfer, disposal or beneficial end-use.

Through this Request for Expressions of Interest (“RFEI”), DSNY seeks responses from interested parties (“Respondent(s)”) that have available existing transfer, processing, beneficial end-use or disposal facilities, or that propose to develop such facilities, for materials collected under the CWZ program. The aim of this RFEI is to aid carters considering an RFP submission in developing a better understanding of the existing and potential network of processing facilities, transfer stations, beneficial end-users, and disposal locations within New York City and the region. Additionally, this RFEI seeks to identify vendors that may seek to either build new facilities or retrofit their current operations in a way that furthers the City’s goals of sustainability, such as adding barge or rail transport or advanced processing of recyclables or organics. Respondents may accept one or more types of commercial waste, including refuse, recyclables, and source-separated organics. Such facilities should be located within 100 miles of New York City; OR for processing, beneficial end-use and disposal facilities, have arrangements or contracts with a transfer station located within 25 miles of New York City. Proposed facilities or proposed modifications to existing facilities may be contingent upon minimum throughput requirements.

Responses to this RFEI are optional. Further, carters are free to consider arrangements with facilities that do not choose to submit an RFEI response; this RFEI is proposed only to supplement the information that carters already know of the regional facility network and to allow existing, new, or

¹ Proposers responding to the CWZ RFP must hold an active license with the Business Integrity Commission (BIC) or have applied for such license at the time of submitting their proposals. Any awardee must hold a BIC license in good standing.

proposed facilities to be able to share their current operations or future plans for consideration of those carters that may not be familiar with their facility.

Responses to this RFEI will be made available as a supplement to Part II of the CWZ RFP to inform potential proposers about available facilities for the transfer, processing, beneficial end-use and disposal of commercial waste. Responses to this RFEI will also be available to the general public.

2. Background

2.1. Commercial Waste in New York City

More than 100,000 commercial establishments, including office buildings, restaurants, retail stores, and manufacturers among others, generate more than three million tons of waste and recyclables every year. Today a network of approximately 90 private carters collect this material in a disorganized, competitive market resulting in haphazard operations. With inefficient and overlapping operations, many blocks of the city see dozens of garbage trucks pass through every night. Truck routes are excessively long, regularly over 100 miles, and often present grueling and unsafe conditions for the drivers and helpers. Public and worker safety and existing recycling requirements are routinely undermined. After years of analysis, planning, and extensive stakeholder engagement, DSNY is reforming this system by implementing Commercial Waste Zones.

2.2. Commercial Waste Zones

In 2016, DSNY released a report of private carting industry conditions and committed to planning and fully implementing a Commercial Waste Zone system by 2023. A detailed implementation plan was released in November 2018 and a Final Generic Environmental Impact Statement of the proposal was issued in September 2019. On October 31, New York City Council passed Intro 1574, which Mayor de Blasio signed into law on November 20 as Local Law 199 of 2019 (“LL199”), enabling DSNY to implement CWZ. On February 14, 2020, DSNY issued a final rule establishing 20 Commercial Waste Zones and setting their boundaries.

LL199 defines “commercial waste” as all trade waste, except for construction and demolition debris; fill material; medical waste; electronic waste; textiles; yard waste collected by landscapers; waste collected by a one-time, on-call bulk waste removal service; grease; paper that is collected for the purpose of shredding or destruction; or waste that is collected by a micro-hauler.

Under CWZ, instead of dozens of different carting companies performing redundant collection operations in a single neighborhood, there will be just a few. DSNY will issue an RFP to select up to three carters to collect waste, recyclables, and source-separated organics within each of the 20 zones. Selected carters (“Awardees”) will not be allowed to operate outside of the boundaries of their awarded zones, leading to shorter routes, safer and more efficient operations, and a more than 50 percent reduction in commercial waste truck traffic citywide. There will be up to five additional awards made for containerized waste collection from roll-off containers and compactors where operations will be allowed citywide. In total, up to 65 CWZ awards will be available.

2.3. Request for Proposals and Implementation

On November 19, 2020, DSNY released Part I of the CWZ RFP, requesting information on qualifications to participate, compliance history and finances. LL199 requires DSNY to consider a number of criteria in the evaluation of RFP responses, including plans for pricing, customer service, safety, operations, waste

reduction and recycling, air pollution and greenhouse gas reduction, and disposal. These plans will be requested in addenda released as Part II of the RFP at a time after the responses to Part I of the RFP are due.

DSNY will negotiate and enter into contracts with the highest ranked proposers for all available awards. DSNY intends to make awards and finalize contracts with awardees no later than 12 months after the final proposal due date and intends to begin implementation approximately 6 months thereafter. The transition for all customers citywide is expected to last for up to two years. Contracts between the City and Awardees will allow Awardees to operate in each zone for 10 years with the option of two renewal periods of up to five years each.

3. Project Overview and Points of Interest

3.1. Waste management plans in CWZ RFP

LL199 requires CWZ proposers to submit waste management plans that include:

“The proposer’s submission of a waste management plan describing practices for disposal of commercial waste collected, including but not limited to, a description of the transfer, processing or final disposal locations for all materials collected, and specific practices or investments designed to promote the goals of sustainability, reliability, and equity in the delivery of waste management services.”

LL199 also requires DSNY to consider several factors while evaluating the waste management plans.

“In evaluating waste management plans submitted by proposers..., the commissioner shall consider: (i) the total vehicle miles expected to be traveled as a result of the proposer’s services, including but not limited to, consideration of the proximity of such locations to the zone, as applicable; (ii) whether such commercial waste will be transported to or from a solid waste transfer station by a sustainable mode of transport, such as rail or barge; (iii) whether, after considering a solid waste transfer station’s history of compliance with applicable local, state and federal laws, the proposer’s use of such solid waste transfer station is likely to have an impact on public health or safety; and (iv) any other factors that the commissioner deems relevant to promoting the goals of sustainability, reliability and equity in the delivery of waste management services.”

3.2. RFEI responses as supplemental information in CWZ RFP

Many potential CWZ RFP proposers will enter into contractual or other arrangements with third-party transfer, processing, and disposal vendors (in cases where they do not own such facilities) to demonstrate how materials collected from any awarded zone would be properly handled.

This RFEI is designed to provide information about available and potential disposal options to carters in need of a vendor. Responses to this RFEI will be made available as a supplement to Part II of the CWZ RFP in order to inform potential proposers of available vendors willing to receive collected commercial waste, including refuse, recyclables, and source-separated organics. Appropriate facilities could include *either* facilities that would serve as initial disposal locations, where a collection truck first dumps material; *or* final disposal locations that accept material first consolidated at a transfer station. Disposal options that currently exist, as well as plans for upgrading existing facilities or building new facilities are all appropriate responses to the RFEI that proposers to the CWZ RFP may use to inform their proposals. Commitments to make certain investments that are contingent on the guaranteed receipt of a certain

amount of material from a CWZ Awardee are also acceptable RFEI responses and will be included in the RFP supplement.

For carters that operate a disposal facility, responding to this RFEI is not required as a prerequisite for the CWZ RFP and proposers to the RFP will not be penalized for failing to respond to this RFEI. Potential proposers in the CWZ RFP may include facilities in their waste management plans that are not identified in this RFEI; similarly, a vendor is not required to respond to this RFEI in order to be an arranged vendor in an RFP proposers' waste management plan.

4. Questions for Respondents

The following questions are deemed optional and are provided as a proposed framework for Respondents to develop a useful, detailed response.

4.1. Facility Overview

1. Provide a description of the facility, including applicable drawings, plans, renderings, maps, or other illustrations.
2. What material stream(s) does the facility accept?
3. What are the restrictions on inbound material, if any (allowable contamination, prohibited materials, delivery specifications, etc.)?
4. What is the available capacity? What is the permitted capacity of the facility?
5. Taking into account your existing commitments to carters or other generators, under normal operating conditions do you have available daily capacity or do you operate close to permit limits on a regular basis?
6. For proposed facilities, what is the project timeline?

4.2. Operations and Processing

1. What are the operating hours of the facility?
2. Are there restrictions on how many trucks per hour the facility can handle?
3. Are there restrictions on the size, weight or type of trucks the facility can handle?
4. Describe the equipment, machinery, process and/or technology used to handle or process waste.
5. Does the facility employ any innovative technologies or systems?
6. If you are listing an organics processing facility—compost and anaerobic or aerobic digestors—provide a list of organic material that you do not accept for processing.
7. Does the Respondent have offtake agreements for sorted commodities or finished products?
8. What form of transportation or export is used for material leaving the facility?
9. What secondary processors does the facility use, if any?
10. If your facility is a transfer station, what disposal facilities have you used in the past (please separate by material type – refuse, recyclables, and organics).
11. Does the facility have contingency plans in case of emergency or disruption?

4.3. Siting

1. For existing facilities:
 - a. Where is the facility located?
 - b. Does the Respondent currently control, through lease or ownership, the site on which the facility is located? If so, what are the terms of such control?

2. For proposed facilities:
 - a. Are there one or more sites currently under consideration? Where?
 - b. Does the Respondent currently control, through lease or ownership, any of the proposed sites?
 - c. Is the Respondent seeking additional potential sites for the proposed facility?
 - d. What stage of the process are you in: site selection and control; regulatory approvals; seeking financing; seeking construction permits; under construction; testing facility equipment and operations; currently operating at partial or full operating capacity. See more detailed questions below for each stage of development.
 - e. What type of state and local authorization would the facility necessitate and what is the timeline and status of obtaining those approvals?
 - f. What are the site criteria for the proposed facility (zoning requirements, proximity to other uses, size, access to rail/navigable waterways, height minimums, etc.)?
 - g. Has the respondent conducted any community or public engagement regarding the proposed facility?

4.4. Permitting

1. Is the facility permitted to accept the materials described in section 4.1 by all applicable federal, state and local authorities?
2. When do the current applicable permits expire?
3. Are there any anticipated changes to permitted capacity or other permit conditions?
4. For facilities that are not yet permitted, what steps are necessary to receive such permits?

4.5. Financing

1. For proposed facilities or modified facilities, what is the current status of financing? Is the developer seeking financing partners?
2. Is financing contingent on achieving minimum throughput commitments? If so, what is the minimum throughput for financial viability?
3. What is the current or projected tip fee at the facility? Is the tip fee contingent on market conditions or other factors?
4. Is the respondent willing to enter into agreements to accept material from CWZ awardees? If so, are there any restrictions on the terms of those agreements?

5. Submission Requirements

5.1. Content

The RFEI response must be in writing (less than 20 pages) and in PDF electronic format (via email to the recipient designated in section 5.3 below.) The RFEI response should contain the following information:

- Contact information, including the legal name of the Respondent, business address, name of contact, telephone, and email.
- A summary of Respondent's background and experience related to waste management.
- Responses to the applicable questions listed in section 4 and any other information that would be informative and responsive to this RFEI. Respondents will not be penalized for not responding to questions listed in section 4; however, please note that if incomplete information is provided by a Respondent, then it may affect the choices made later by

proposers to the RFP. DSNY may also choose to withhold any responses it deems lacking adequate or relevant information.

- Relevant drawings, plans, renderings, maps, photos, or other illustrations regarding the existing or proposed facility.
- Returned signed affirmation page, provided at the end of this document, attesting to the truthfulness of all claims made in the response.

5.2. Inquiries

Any inquiries concerning this RFEI should be directed by email, under the subject line “CWZ Disposal Q&A” to RFEI@dsny.nyc.gov. The deadline for submission of RFEI inquiries and requests for clarification is February 18, 2021 at 4:00pm EDT.

5.3. Submission Details

Final submission must be delivered in electronic format to RFEI@dsny.nyc.gov with the subject line “CWZ Disposal RFEI Final Submission”. **Final submissions are due Thursday March 4, 2021 at 4:00pm EDT.**

6. Additional Information

- This RFEI is not intended as a request for proposals for the award of a contract with the City.
- Submission to this RFEI shall in no way constitute any endorsement or preference of the Respondent by DSNY or the City.
- DSNY, the City and their officials, officers, agents, and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFEI.
- Neither DSNY nor the City shall be liable for any costs incurred by any Respondent in the preparation, submittal, presentation, or revision of its submission. Neither DSNY nor the City shall be obligated to pay and shall not pay any costs in connection with the preparation of such submissions.
- All submittals become the property of the City of New York and DSNY. Submittals will generally be made available for inspection and copying by interested parties upon written request, except when exempted from disclosure under the New York State Freedom of Information Law or otherwise prohibited from disclosure pursuant to applicable law. DSNY is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by DSNY. (See: Public Officers Law, Sections 87 and 89). *All materials submitted to DSNY that meet the criteria under section 1 will be made public at the time of Part II of the Commercial Waste Zones RFP.*
- DSNY at its sole discretion reserves, without limitation, the right to:
 - Withdraw the RFEI at any time;
 - Change any terms of the RFEI; and
 - Withhold any responses deemed inadequate or out of scope from inclusion in the CWZ RFP addenda or supplemental materials.

For more information about Commercial Waste Zones, including a map of the zones, visit nyc.gov/commercialwaste.

AFFIRMATION

The undersigned respondent affirms and declares that the claims made and information provided in their response to the Request for Expressions of Interest are truthful and accurate to the best of their knowledge.

Full name of Respondent _____

Title _____

Address _____

City _____ State _____ Zip Code _____

CHECK ONE BOX AND INCLUDE APPROPRIATE NUMBER:

A - Individual or Sole Proprietorships
SOCIAL SECURITY NUMBER _____

B - Partnership, Joint Venture or other unincorporated organization
EMPLOYER IDENTIFICATION NUMBER _____

C - Corporation
EMPLOYER IDENTIFICATION NUMBER _____

By _____
Signature

Date

If a corporation place seal here

Must be signed by an officer or duly authorized representative.

Sworn to before me this
_____ day of _____, 20____

Notary Public