

SOLID WASTE MANAGEMENT – COMMERCIAL WASTE ZONES – NOVEMBER 2021

THE CITY OF NEW YORK DEPARTMENT OF SANITATION (the “Department”, or “DSNY”), PART 2 OF THE REQUEST FOR PROPOSALS (“RFP”)

TITLE: Commercial Waste Zone Implementation

To provide commercial waste hauling services for 20 established Commercial Waste Zones (“CWZ”) and containerized commercial waste citywide. Services include Refuse, Recycling and Organic Waste collection, transport and removal from commercial establishments.

PROCUREMENT IDENTIFICATION NUMBER: 82720AD0038

E-PIN: 82721P0001

TABLE OF CONTENTS

Section I: Introduction	4
I.A How to Read and Respond to this RFP Part 2	4
I.B Commercial Waste Zones Program Overview	5
I.C RFP Overview	6
I.D Release of this RFP in Two Parts	7
I.E Authorized Agency Contact Person	7
I.F Mandatory Pre-Proposal Conference for Part 2 of the RFP	7
I.G Deadline to Submit Questions to DSNY About this RFP	8
I.H Minimum Qualifications and Requirements for Submission of this RFP	8
I.I Anticipated Timeline	9
I.J Definitions and Acronyms	10
Section II: How the Commercial Waste Zones Program Will Operate for Awardees	12
II.A City Goals and Objectives	13
II.B Scope of Services	13
II.C Anticipated Contract Term	14
II.D Payment for Services	14
II.E Commercial Waste Zones Program Requirements	14
II.F Transition to the Commercial Waste Zones Program	28
Section III: Proposal Evaluation and Contract Award Procedures	31
III.A Evaluation Procedures	31
III.B Evaluation Criteria	32
III.C Basis for Agreement Award	34
III.D Process for Selection and Negotiation of Agreements	35
III.E Post-Award Documentation	35
III.F Execution and Registration of Agreements	35
Section IV: General Information for Proposers	36
IV.A Complaints	36
IV.B Applicable Laws	36
IV.C Additional City Contract Terms	36
IV.D Accuracy of RFP and Related Documents	37
IV.E Personal Investigations	37
IV.F Conflict of Interest	37
IV.G Contract Award	37
IV.H Proposer Appeal Rights	37
IV.I Confidential, Proprietary Information or Trade Secrets	37
IV.J RFP Postponement/Cancellation	38
IV.K Proposer Costs	38

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

IV.L PASSPort Fees	38
IV.M Charter Section 312(a) Certification.....	38
Section V: Instructions for How to Respond to this RFP Part 2.....	39
V.A How to Prepare Your Proposal Package.....	39
V.B How to Submit Your Proposal Package to DSNY	43
Section VI: RFP Part 2 Proposal Package – To Be Filled Out By Proposers.....	45
Attachment 01 - Proposal Cover Letter With Checklist	46
Attachment 02 - Certification of Compliance with Minimum Qualifications Requirements.....	50
Attachment 03 - Certification of Authority Affidavit	52
Attachment 04 - Acknowledgement of Addenda	53
Attachment 05 - Iran Divestment Act Compliance Certification and Rider for NYC Contractors	54
Attachment 06 - Hiring and Employment Rider: HireNYC and Reporting Requirements	57
Attachment 07 - Intentionally Blank	60
Attachment 08 - Doing Business Data Form	61
Attachment 09 - Proposer’s Experience	62
Attachment 10 - History of Compliance	74
Attachment 11 - Financial and Business Information	87
Attachment 12 - Capacity and Services	90
Attachment 13 - Technical Proposal (CWZ Plans).....	104
Attachment 13.1 - Subcontracting Plan.....	105
Attachment 13.2 - Customer Transition Plan.....	109
Attachment 13.3 - Education and Outreach Plan	114
Attachment 13.4 - Customer Service Plan	117
Attachment 13.5 - Zero Waste Plan	125
Attachment 13.6 - Waste Management Plan.....	132
Attachment 13.7 - Health & Safety Plan.....	138
Attachment 13.8 - Air Pollution Reduction Plan	144
Attachment 14 - Maximum Rate Schedules Form.....	148
Appendix A: Local Law 199 of 2019	149
Appendix B: The Rules of the City of New York, Title 16: Department of Sanitation, Chapter 20: Commercial Waste Zones	150
Appendix C: Template Agreement for Solid Waste Management Services for Commercial Waste Zones	151
Appendix D: Commercial Waste Zone Maps.....	152
Appendix E: RFEI Responses for Transfer, Processing, Beneficial End-use or Disposal Facilities	153

SECTION I: INTRODUCTION

I.A How to Read and Respond to this RFP Part 2

This RFP Part 2 document is comprised of six sections, plus attachments and appendices. Sections I through V provide important background information that Proposers must read in order to understand the Commercial Waste Zones program and prepare complete and timely responses to this RFP Part 2. Section VI is the Proposal Package, which consist of all forms that Proposers must complete in order to provide a complete response to this RFP Part 2. Appendices A through E provide further resources that will be necessary for Proposers to read in order to prepare a response to this RFP Part 2. Specifically, this document is structured as follows:

- Section I provides a brief overview of the Commercial Waste Zones (CWZ) Program and this RFP.
- Section II provides important background information on the CWZ Program that will be necessary for Proposers to understand how the program will operate and what commitments Proposers will be held to, should they be selected.
- Section III provides information on how the Department will administer this RFP, including timeframes, how Proposers will be selected, and evaluation criteria.
- Section IV provides general information for Proposers regarding this RFP.
- Section V provides instructions for Proposers about how to respond to this RFP, including instructions for how to fill out the required forms, how to format and assemble the submission, and how to submit a timely response to the Department.
- Section VI (Proposal Package) provides all of the required forms that Proposers must fill out to respond to this RFP Part 2. The Proposal Package is comprised solely of responses to all forms contained in the attachments to Section V. Section V also lists supplemental information that all Proposers must submit. A submission will be considered complete if a Proposer fills out and submits all required forms contained in Section V following the instructions provided, along with all of the required supplemental documentation listed in Section V.
- Appendix A is a copy of Local Law 199 of 2019, establishing the Commercial Waste Zones program.
- Appendix B is a copy of the Department's rules implementing Local Law 199, providing details of the Commercial Waste Zones Program and requirements for Awardees.
- Appendix C contains a template for the agreement that Awardees will sign with the Department detailing how the Awardees will provide commercial waste collection services ("Template Agreement"). The final agreement that the Awardee will sign may have some terms that are different from this template, as a result of negotiations with the Department. The Template Agreement includes an Appendix that contains additional City contract terms.
- Appendix D contains a series of 20 maps, each displaying the streets and boundaries of a single, separate Commercial Waste Zone. A full citywide map of the 20 zones is also provided. Higher-resolution images of these maps are available for download at DSNY's CWZ website: nyc.gov/commercialwaste.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- Appendix E contains a summary table of the submissions accepted for the Department's Request for Expressions of Interest (RFEI) for Existing and Proposed Transfer, Processing, Beneficial End-Use and Disposal Facilities Related to Commercial Waste Zones. DSNY released the RFEI to the public in December 2020 to gather information from interested parties that have available facilities, or that propose to develop such facilities, for materials collected under the CWZ program. The table summarizes data submitted from 17 parties, detailing specification on 37 facilities within New York City and the region. Appendix E only provides a summary of the submissions; however, the complete submission materials from every listed party are available for download at DSNY's CWZ website: nyc.gov/commercialwaste.

I.B Commercial Waste Zones Program Overview

Typically, more than 100,000 New York City office buildings, retailers, restaurants, manufacturers, and other commercial establishments generate more than 3,000,000 tons of waste. The Department of Sanitation ("DSNY" or "the Department") collects waste from New York City residents, and a network of approximately 90 private waste carters collect waste from commercial establishments.

The current system for collecting commercial waste from the City's businesses is an inefficient and chaotic network of overlapping operations. The system creates conditions that encourage dangerous driving and provide insufficient attention to public safety, environmental impacts, and customer service.

In some parts of the city, more than 50 carters service a single neighborhood, and an individual commercial block may see dozens of different private waste collection trucks on a given night. This has resulted in millions of excess truck miles driven every year that harm the City's air quality, increase greenhouse gas emissions, create noise pollution and negatively impact public health. Additionally, the industry has lacked strong customer service standards, and pricing has remained unclear and confusing to most customers, putting small businesses at a significant disadvantage.

Local Law 199 of 2019 ("LL 199", attached hereto as Appendix A) sets out a framework for Commercial Waste Zones ("CWZ") that will maximize routing efficiency in the commercial waste sector and provide significant environmental, safety, and other benefits for the City. Under Local Law 199, the Sanitation Commissioner has divided the geographic area of New York City into 20 "commercial waste zones." Maps of the zones can be found in Appendix D. Further information, including the environmental review that DSNY conducted for the CWZ program can be found at: nyc.gov/commercialwaste.

Under the framework, as further developed in Title 16 of the Rules of the City of New York, private commercial waste carters (i.e., Proposers) will compete for the right to service businesses within 20 geographically-based Zones with up to three carters servicing each Zone. LL 199 also specified that the Department may select up to five carters to provide containerized commercial waste collection services Citywide (i.e. without restrictions as to Zone boundaries) to commercial establishments that choose to utilize this service.

The Department is using a Request for Proposals (RFP) process to award up to three Selected Proposers the right to provide commercial waste hauling services for each of the designated collection Zones and to

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

award up to five Selected Proposers the right to provide containerized commercial waste collection services citywide in accordance with LL 199.

After implementation of the commercial waste zones system, no private carter will be authorized to collect commercial waste from any commercial establishment in New York City, unless the carter has been selected as an Awardee pursuant to this RFP or is operating as a subcontractor for an Awardee as authorized by an agreement entered into pursuant to this RFP. Operation of an unauthorized commercial waste carting business in New York City will be subject to civil and criminal penalties, as set forth in LL 199.

LL 199 represents a significant milestone in the process of reforming New York City's commercial waste industry. Commercial Waste Zones will align the private carting industry with the City's overall vision of growth, equity, sustainability, and resiliency.

I.C RFP Overview

In this RFP, DSNY is seeking appropriately experienced and qualified firms to perform a full range of commercial waste collection, transport, removal and disposal services. The Department will select and enter into an agreement with each Awardee under this RFP permitting the Awardee to provide for commercial waste collection services within the zone or zones for which the Awardee has been selected, and/or for containerized commercial waste collection services citywide, as set forth in such agreement.

This RFP is being issued for all Commercial Waste Zones (20 total zones, up to 3 Awardees per Zone) and citywide containerized commercial waste service awards (up to 5 Awardees). There will be a total of up to 65 awards.

A single Awardee may be selected for multiple Zones, and an Awardee may be selected for Zone service and for containerized commercial waste collection services citywide. However, the maximum number of awards a single Awardee may be granted is 15 commercial waste zone Awards plus one Award for collection of containerized commercial waste services citywide.

There will not be RFPs issued for each individual Zone, or separately for the containerized commercial waste citywide service. **Each Proposer may only submit one Proposal; in it, the Proposer must identify which Zones, if any, for which it is proposing to receive an award and whether it is seeking an award for containerized commercial waste service citywide. Each Proposer must own or lease its own equipment or utilize the equipment of a subcontractor, and may not submit a Proposal using equipment that is shared with another Proposer.**

Proposers that are awarded Agreements for commercial waste collection services in Zones and/or for containerized commercial waste services will be required to meet strict standards for safety and customer service, offer a range of services and embrace innovative approaches to move New York City businesses toward a zero-waste future.

The result of this RFP process is projected to reduce truck traffic resulting from commercial waste removal by more than 50 percent while improving customer service and safety standards, promoting fairness and

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

transparency, and advancing efforts to reduce waste disposal and increase diversion from landfills through recycling and organics services.

The commercial waste zones system will provide NYC businesses with a robust, efficient, and reliable commercial waste collection system as we head into the future. This will improve the quality of life for New Yorkers in neighborhoods across New York City by creating safer streets, cleaner air, and quieter nights.

I.D Release of this RFP in Two Parts

LL 199 required the Department to release an RFP for commercial waste collection services in the designated commercial waste zones by November 20, 2020.

In compliance with the statutory deadline, this RFP is being released in two parts. Part 1 of this RFP was released on November 19, 2020, with responses due on February 19, 2021. Part 1 of the RFP requested information about Proposers' qualifications to participate in the CWZ program, as well as additional information outlined in LL 199, such as financial history and compliance with applicable laws.

DSNY is now issuing Part 2 of this RFP, which has been added to the RFP by addendum.

The Release Date for Part 2 of this RFP is: November 16, 2021.

The Due Date for submissions of Part 2 is: March 17, 2022 at 4:00 p.m.

I.E Authorized Agency Contact Person

The authorized Agency Contact Person (ACP) for all matters concerning this Request for Proposals is:

Justin Bland, Director of Commercial Waste
375 Pearl Street, 18th Floor
New York, NY 10038
Tel: (212) 291-1345

Email: CWZRFP@dny.nyc.gov

I.F Mandatory Pre-Proposal Conference for Part 2 of the RFP

Two Pre-Proposal Conferences will be held. Proposers *must* attend at least one of these Pre-Proposal Conferences. These conferences will be held virtually. Details on how to access the virtual Pre-Proposal Conferences are below:

Pre-Proposal Conference Information- December 8, 2021 at 10:30am:

Meeting link: <https://dsnynyc.webex.com/dsnynyc/j.php?MTID=m794191c51361c46b68d0ff58eddc722>

Meeting number: 2634 556 3682; Password: 12345

Join by video system Dial [26345563682@dny.nyc.gov](tel:26345563682)

You can also dial 173.243.2.68 and enter your meeting number.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

Join by phone: +1-415-655-0001 US Toll; Access code: 2634 556 3682

Pre-Proposal Conference Information- January 11, 2022 at 10:30am

Meeting link: <https://dsnynyc.webex.com/dsnynyc/j.php?MTID=mb85bd5bebc5d3b7bb6490f17ad8c3ee6>

Meeting number: 2631 709 3205; Password: 12345

Join by video system: Dial 26317093205@dsnynyc.webex.com You can also dial 173.243.2.68 and enter your meeting number.

Join by phone: +1-415-655-0001 US Toll; Access code: 2631 709 3205

Proposers are requested to inform the ACP, no later than 48 hours before the scheduled date, of the number of persons attending the Pre-Proposal Conference. Proposers are encouraged to submit written questions in advance of the Conference. Nothing stated at the Pre-Proposal Conference shall change the RFP unless a change is made by a written addendum to the RFP.

Each Proposer is required to attend at least one Pre-Proposal Conference. Proposers that do not attend at least one Pre-Proposal Conference shall have their proposals deemed non-responsive.

I.G Deadline to Submit Questions to DSNY About this RFP

If you would like your question addressed at one of the scheduled Pre-Proposal Conferences, you must submit your question no later than **14 days prior to** the scheduled Pre-Proposal Conference date.

All other questions regarding this RFP should be submitted no later than **February 24, 2022 at 4:00pm**. The Department does not guarantee a response to any question submitted after such date.

All questions must be submitted in writing to the ACP at the address provided in Section I.E of this RFP Part 2.

I.H Minimum Qualifications and Requirements for Submission of this RFP

Proposers must have submitted a timely and complete response to Part 1 of the RFP in order to be eligible to respond to this Part 2 of the RFP. The Department is not able to consider any submission from a Proposer that did not submit a timely and complete response to Part 1 of this RFP.

Additionally, every Proposer must have attended at least one Pre-Proposal Conference, as described in Section I.F in order for the Proposer's proposal to be considered.

At the time of submission, the Proposer must continue to meet the following minimum qualifications that the Proposer attested to in its submission of Part 1:

- The Proposer must have an active Trade Waste Removal License provided by the Business Integrity Commission ("BIC") or have applied for a License by the time the Part 1 of the RFP Proposal was submitted.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

Proposers determined to satisfy the minimum qualifications will be further evaluated in accordance with the criteria defined in Section III of this Part 2 of the RFP.

Please note that all information submitted in response to Part 1 of the RFP is required to be updated, if such information has changed, when submitting a Proposal in response to Part 2 of the RFP.

DSNY has issued rules that detail minimum program requirements for Awardees selected for commercial waste collection services in zones and/or for containerized commercial waste citywide services pursuant to this RFP. All RFP Part 2 submissions must comply fully with the requirements of LL 199 and its implementing rules, which can be found in Appendix B. Reading these rules is necessary for completion of Part 2 of the RFP.

Proposals that do not satisfy the minimum qualifications and requirements set forth herein will be determined to be non-responsive and will be rejected.

I.I Anticipated Timeline

CWZ Program Timeline	Dates (Approximate)
RFP Part 2 Release Date	November 16, 2021
Pre-Proposal Conference Dates	December 8, 2021 and January 11, 2022
RFP Part 2 Due Date	March 17, 2022
Selection and Award	Spring 2022
Finalization of Agreement Negotiations	Summer 2022
Registration of Agreements	Summer 2022
Contract Start Date; Zone Transition Period Start Date; Commencement of Services	Autumn 2022 for first zones
Final Implementation Date for Zone	Winter/Spring 2023 for first zones
End of Contract Initial Term	Autumn 2032
Contract Renewal Periods	2032-2042

Please note: Transition Period phase start and end dates will differ by zone.

I.J Definitions and Acronyms

All definitions provided in § 16-1000 of the NYC Administrative Code and in 16 RCNY § 20-01, some of which are repeated below for reference, apply to this RFP Part 2, except where specifically stated otherwise. For purposes of this RFP Part 2, the following terms have the following meanings:

Agreement. The term “Agreement” shall mean an agreement between DSNY and the Awardee, made pursuant to this RFP. It shall have the same meaning as “Contract,” as defined below.

Award. The term “Award” means a determination by the Department that a Proposer has been selected to provide commercial waste collection services within a particular Zone or has been selected to provide Citywide containerized commercial waste collection services, and that the Department will negotiate with the Proposer to enter into an Agreement with such Proposer to authorize such services. A single Proposer may be selected for up to 15 individual commercial waste zone Awards and/or up to one Award for Citywide containerized commercial waste services.

Awardee. The term “Awardee” means an entity with which the Department enters into an Agreement for the provision of commercial waste collection services pursuant to this RFP and section 16-1002 of the Administrative Code of the City of New York. The term “Awardee” includes entities that have been selected for Awards for commercial waste collection services within one or more Zones and entities that have been selected for Awards to provide Citywide containerized commercial waste collection services, or both. The term “Awardee” shall have the same meaning as “Selected Proposer.”

Commercial establishment. The term “commercial establishment” means an entity required to provide for the removal of commercial waste pursuant to the provisions of section 16-116 of the Administrative Code.

Commercial waste. The term “commercial waste” means all trade waste, as defined in subdivision f of section 16-501 of the Administrative Code of the City of New York and in the definition of “trade waste”, below, 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. References to “commercial waste” shall be construed to also refer to “containerized commercial waste” unless otherwise specified.

Commercial Waste Collection Services. The term “Commercial waste collection services mean services for the collection, transport, removal and disposal of commercial waste from Commercial Establishments within a Designated Zone, as authorized pursuant to the Agreement between an Awardee and the Department.

Commercial waste zone. The term “commercial waste zone” or “zone” means a geographic area designated by the Commissioner pursuant to section 16-1001 of the Administrative Code of the City of New York.

Commissioner. The term “Commissioner” means the Commissioner of Sanitation.

Containerized commercial waste. The term “containerized commercial waste” means commercial waste that: (i) is stored on the premises of the commercial establishment that generates such waste in a container that has a capacity of 10 cubic yards or more, and which may or may not be equipped with

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

compaction ability and (ii) is transported directly in such container when such container is at or near capacity from such commercial establishment to a transfer, processing or disposal location.

Contract. The term “Contract” shall mean a contract between DSNY and the Awardee, made pursuant to this RFP. It shall have the same meaning as “Agreement,” as defined above.

CWZ Plans. The term “CWZ Plans” or “Plans” refers to the plans that Proposers are required to submit in response to this RFP, and which will be incorporated into the Proposer’s Agreement with the Department pursuant to LL 199. These Plans include: the Subcontracting Plan; Customer Transition Plan; Education and Outreach Plan; Customer Service Plan; Zero Waste Plan; Waste Management Plan; Health and Safety Plan; and Air Pollution Reduction Plan.

Department. The term “Department” means the Department of Sanitation.

Designated carter. The term “designated carter” or “carter” means a licensee that is authorized to provide commercial waste collection services pursuant to an agreement between an Awardee and the Department entered into pursuant to section 16-1002 of the Administrative Code of the City of New York. The term “designated carter” may describe the Awardee or another licensee that the Awardee has designated, with Department approval, to fulfill the terms of such agreement as specified therein, and provided further that notwithstanding any other provision of this section, the term “designated carter” may also include a person that the Awardee has designated to fulfill the terms of such agreement as specified therein who is operating in accordance with the provisions of title 16-A of the Administrative Code of the City of New York and the rules promulgated pursuant to such title and who is authorized by the Business Integrity Commission to collect certain categories of commercial waste without a license.

Licensee. The term “licensee” means any person (or commercial entity) licensed to collect trade waste pursuant to title 16-A.

Organic waste. The term “organic waste” has the same meaning as such term is defined in subdivision a of section 16-306.1.

Proposal. The term “Proposal” shall mean all records and documents submitted to the Department by a Proposer in response to this RFP for consideration to provide commercial waste collection services for select Commercial Waste Zones (“Zones”).

Proposer. The term “Proposer” shall mean the primary entity (or entities of a joint venture or prime contractor in a prime contractor/subcontractor relationship) that submits a proposal to the Department for the provision of commercial waste collection services as described in this Request for Proposals.

Selected Proposer. The term “Selected Proposer” shall have the same meaning as “Awardee,” as defined above.

Subcontractor. The term “Subcontractor” shall mean any secondary entity that has contracted directly with an Awardee to provide a specific subset of commercial waste collection services or any other services under the Agreement. As used herein, the term “subcontractor” refers to both “designated carters,” as defined above, as well as entities that the Awardee subcontracts with to perform any other services under the Agreement.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

Trade waste. The term “trade waste” has the same meaning as such term is defined in subdivision f of section 16-501 of the Administrative Code of the City of New York, as copied herein. “Trade waste” shall mean:

- (1) all putrescible and non-putrescible materials or substances, except as described in paragraph (2) of this subdivision, that are discarded or rejected by a commercial establishment required to provide for the removal of its waste pursuant to section 16-116 of this code as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, street sweepings, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, medical waste, offal and any other offensive or noxious material. Such term shall also include recyclable materials as defined in subdivision i of section 16-303 of this code that are generated by such commercial establishments.
- (2) The following are not "trade waste" or "waste" for the purposes of this chapter: sewage; industrial wastewater discharges; irrigation return flows; radioactive materials that are source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 41 U.S.C. § 2011, et seq.; materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process; and hazardous waste as defined in section 27-0901 of the environmental conservation law.

Acronyms

All acronyms used in this document are defined below:

ACCO	Agency Chief Contracting Officer	MTS	Marine Transfer Station
BIC	New York City Business Integrity Commission	NYC	New York City
CDL	Commercial Driver License	PDF	Portable Document Format
CWZ	Commercial Waste Zone	PPB	New York City Procurement Policy Board
DSNY	New York City Department of Sanitation	RCNY	Rules of the City of New York
GPS	Global Positioning System	RFP	Request for Proposal
LL	Local Law		

SECTION II: HOW THE COMMERCIAL WASTE ZONES PROGRAM WILL OPERATE FOR AWARDEES

This Section describes how the Commercial Waste Zones Program will operate once Awardees are selected and after Agreements are entered into between the Department and Awardees pursuant to this RFP. The components of this section describe the obligations that Awardees will be required to meet under

the CWZ program. The following is intended as summary background information for Proposers to utilize when preparing their Proposals. For a full description of Awardees' obligations, see LL 199 (Appendix A), the Department's rules (Appendix B) and the Template Agreement (Appendix C). If there are any discrepancies between the information outlined in the RFP document and the Agreement, the Agreement governs.

II.A City Goals and Objectives

The Commercial Waste Zones Program is designed to serve several important City goals, as outlined in LL 199. When responding to the required submission forms in Section VI, Proposers should keep in mind these goals and objectives of the CWZ Program:

- Zero Waste: Reduce commercial waste disposal and increase recycling and organic waste collection.
- Environmental Benefits: Reduce environmental impacts, including reductions in air pollutants such as greenhouse gases and particulate matter, less nighttime noise, less roadway wear and tear, and improved quality of life in neighborhoods, through a reduction in truck traffic, cleaner vehicles, operational improvements, and infrastructure investment.
- Pricing Structure: Provide transparent pricing to customers with financial incentives for waste reduction and diversion.
- Customer Service: Strengthen customer service standards such as guaranteed levels of service, service accountability, waste assessments, and language access.
- Health and Safety: Improve industry safety standards, track industry performance and accountability, and make streets safer for the public.
- Disposal: Ensure disposal of waste is sustainable, reliable, and equitable.
- Infrastructure: Ensure truck upgrade compliance and encourage further modernization of fleet and facilities.

As noted in Section III.B.2, submissions that demonstrate a commitment to these goals and objectives through specific operational approaches or infrastructure investments will be viewed more favorably by the Department when Proposals are evaluated.

II.B Scope of Services

If awarded an agreement pursuant to this RFP to operate in a Zone, the Awardee will have an exclusive right to provide commercial waste collection services to commercial establishments in the Zone for which the Awardee has been selected, shared only by up to two other Awardees selected for the Zone and up to five additional Awardees selected to operate containerized collection service citywide.

If awarded an agreement pursuant to this RFP to operate containerized collection service citywide, the Awardee will have an exclusive right to provide commercial waste collection services to commercial establishments in all geographic areas of the City, shared only by up to four additional Awardees selected to operate containerized collection service Citywide. Note that Awardees selected as Zone carters will be allowed to provide containerized commercial waste collection services within the Zone for which they have

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

been selected, as long as such services are provided in accordance with all applicable laws and rules for Zone carters.

The key required services to be provided by each Awardee include, but are not limited to the collection, transport, removal and disposal of commercial waste to commercial establishments within the zone or zones for which the Awardee has been selected, or for the collection, transport, removal and disposal of containerized commercial waste citywide, as applicable. Each Awardee must provide continuous services and must meet all obligations required under and performed in accordance with an Agreement entered into with the Department (Appendix C: Template Agreement), Local Law 199 of 2019 (Appendix A), and the Department's rules (Appendix B) for the duration of the contract term.

The following section II.E highlights certain aspects of these program requirements. However, all Proposers should read Appendices A through C to fully understand the requirements they will be obligated to follow if selected as Awardees. Each Proposer must ensure that they can meet all program requirements. If a Proposer is not currently meeting a program requirement at the time of submission, the Proposer must have a clear plan for being able to do so by the contract start date.

II.C Anticipated Contract Term

The initial term of the Agreement awarded pursuant to Part 2 of this RFP will be **ten (10) years**. The Department reserves the right to renew the Selected Proposer's term of contract for up to two (2) periods of up to five (5) years each, at the sole discretion of the Department. Further details regarding the commencement of services under the Commercial Waste Zones program, including information on how Agreements will be handled in the case of Awardees who are awarded multiple zones may be found in Section II.F ("Transition to Commercial Waste Zones Program") and Section III ("Proposal Evaluation and Contract Award Procedures").

II.D Payment for Services

Awardees will receive no compensation or other payments from the City relating to the Awardee's performance of commercial waste collection services. Each Awardee will be responsible for negotiating fee arrangements with customers requesting service, subject in all respects to the Maximum Rate Schedule and any other pricing requirements in the Awardee's Agreement with the Department, all applicable provisions in Local Law 199 (Appendix A), and its implementing Rules (Appendix B).

II.E Commercial Waste Zones Program Requirements

1. Overview of Minimum Program Requirements for Awardees

Local Law 199 (Appendix A) and the Department's rules (Appendix B) set out clear minimum program requirements that all Awardees must meet.

All submissions to this Part 2 of the RFP must reflect the Proposer's ability to meet these minimum program requirements, and all Proposers must attest that they will be able to meet the minimum program requirements in full by the beginning of the contract start date (see Section VI – Proposal Package).

For reference only, the following is a summary of CWZ minimum program requirements. This summary is not a complete description of the CWZ minimum program requirements. In order to understand the full CWZ minimum program requirements, Proposers must read LL 199 (Appendix A) and the Department's rules (Appendix B).

Please note that while the majority of CWZ minimum program requirements apply equally to Awardees selected to operate in Zones as to Awardees selected for citywide containerized commercial waste collection, there are some differences in the requirements for Awardees selected for citywide containerized commercial waste collection. These differences are noted, where applicable.

1. Customer Pricing Structure and Maximum Rates. Under the Commercial Waste Zones program, the following what and how the customer pricing structure is detailed:

- a. Maximum Rates (General). When charging customers for commercial waste collection services, each Awardee will be held to a schedule of maximum rates ("Maximum Rate Schedule"), broken down by refuse, recyclable material and organics, and additional fees. The Awardee must not charge customers prices above the maximum rates and maximum fees in the Maximum Rate Schedule, although the Awardee may negotiate lower rates and fees with customers.
- b. How Maximum Rates Will Be Determined. Unlike the current system where BIC establishes a rate cap for trade waste carters by rule, under the CWZ Program, the maximum rates and fees will be set in the Awardee's Agreement with the City. Proposers must include their proposed maximum rates in their Proposals (See Section VI, Attachment 14). If the Proposer is awarded an Agreement as a result of this RFP, the Selected Proposer will be held to any rates and fees as proposed or finalized through negotiation. The Proposer should assume prices proposed in the Maximum Rate Schedule, unless otherwise negotiated prior to the finalization of an Agreement, are best and final.

A Proposer must submit a proposed Maximum Rate Schedule for each Award the Proposer is applying for. Each Award will have its own applicable Maximum Rate Schedule. Therefore, if an Awardee has been selected to operate in multiple Zones, the Awardee may be subject to a different Maximum Rate schedule in each Zone, as applicable. Similarly, if an Awardee has been selected for a Zone Award, plus an Award for Citywide containerized commercial waste, the Awardee may be subject to a different Maximum Rates schedule for each type of Award.

- c. How Rates Will Be Structured Under the CWZ Program. One of the goals of the CWZ Program is transparent pricing for all customers. In support of this goal, all Awardees will be required to structure their rates as follows:

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- i. Zone Awardees. Rates for collection of commercial waste by Zone Awardees must follow a two-part structure:

- a) A charge based on frequency of collection by waste stream: refuse, designated recyclable materials and source separated organic waste. (Note: For purposes of the proposed Maximum Rate Schedule in the Proposal, this component must be submitted as a fixed monthly charge per waste stream, based on the frequency of collection of the waste stream (see Section VI, Attachment 14)); and
- b) A charge based on weight or volume of waste collected by waste stream: refuse, designated recyclable materials and source separated organic waste.

(Note: For purposes of the proposed Maximum Rates Schedule in the Proposal, charges for roll-off container customers serviced by Zone Awardees must be submitted as a charge imposed each time the container or compactor is collected from the customer based on the volume of the container, and a monthly container rental fee.)

- ii. *Citywide Containerized Commercial Waste Awardees*. Rates for Citywide containerized commercial waste collection will follow the following pricing structure:

- a) A charge imposed each time containerized commercial waste is collected from the customer based on the volume of the container; and
- b) A periodic container rental fee, if applicable.

- d. Lower Rates for Recyclable Materials and Organics.

- i. One of the goals of the CWZ Program is diverting more material from landfills and moving toward the City's vision for zero waste. Accordingly, LL 199 requires the Department to consider the Proposer's commitment to charging rates for collection of designated Recyclable Materials and source separated Organic Waste that are proportionally lower than rates for Refuse collection services when selecting Awardees. However, in the case of a proposal to provide for the collection of containerized commercial waste citywide, a description of the Proposer's commitment to providing lower rates for organics and recycling collection shall only be required where such proposal includes organics or recycling collection services.
- ii. Proposals that include rates for recyclable materials and organics that are proportionally lower than prices for refuse will be viewed more favorably. The Department strongly prefers that the rate for Recyclable Materials and the rate for

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

Organic Waste each be at least 30% lower, relative to the rate for Refuse. See Section III.B (Evaluation Criteria).

- iii. An Awardee must only charge rates for recyclable materials and organic waste that are proportionally lower than the rates for refuse in the proportion stated in the Awardee's Agreement with the Department, where the Agreement includes such a discount. This is true, even if the Awardee is charging the customer rates for refuse that are lower than the maximum rate allowed under the Agreement. This requirement only applies to the collection, removal or disposal of containerized waste where the Agreement with the Department covers the collection of designated recyclable materials or source separated organic waste.
 - e. Additional Fees. An Awardee may not charge any additional fees or charges on top of the maximum rates described above in (c), except for the fees listed in the Department's rules (Appendix B) that have been included in the Agreement with the Department.
 - f. Automatic rate adjustments. The contracted maximum pricing structure will increase based on an automatic rate adjustment as described in the Template Agreement (Appendix C).
 - g. Awardee petition for rate adjustment. In addition to any automatic rate adjustments set forth in the Agreement, an Awardee may petition the Department for an adjustment to the maximum rates and maximum fees in a form and format prescribed by the Department as described in the implementing Rules found in Appendix B.
2. **Subcontracting**. Under the Commercial Waste Zones program, subcontractors are viewed in two categories:
- a. Designated Carters - subcontractors that are performing commercial waste collection services under the Agreement.
 - b. All other subcontractors - subcontractors that are not performing commercial waste collection services under the Agreement.

Designated carters: A Proposer may utilize up to two designated carters to perform commercial waste collection services per Zone. However, a subcontracting arrangement with a designated carter that collects waste exclusively using bicycles will not count toward this numerical limit. Every designated carter must fully comply with all terms of the Awardee's Agreement and must be licensed by the Business Integrity Commission (BIC). The Department must review and approve all contracts between the Awardee and all designated carters. The Department will evaluate designated carters according to the same evaluation criteria as Proposers (see Section III.B), as applicable.

Other subcontractors: Awardees may also utilize subcontractors to meet requirements under the Agreement other than commercial waste collection services, such as customer service functions. There is no numerical limit on the number of subcontractors for services other than commercial

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

waste collection services. Awardees will be required to utilize the City's web-based system to identify all subcontractors in order to obtain subcontractor approval pursuant to Procurement Policy Board (PPB) Rule section 4-13, and will also be required to enter all subcontractor payment information and other related information in such system during the contract term. Please read Article XVI of Appendix C: Template Agreement for Solid Waste Management Services for Commercial Waste Zones. The City's web based subcontractor reporting system is located online at the Payee Information Portal at: <https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService>.

3. **No Refusal of Service.** No Awardee selected to operate in a zone will be allowed to refuse commercial waste collection service to any commercial establishment located in that zone, except under the narrow circumstances described in the Department's rules (Appendix B). This requirement does not apply to Awardees selected for citywide containerized commercial waste collection.
4. **Assignment of Customers.** A commercial establishment that does not enter into a signed written agreement with an Awardee selected to operate in the zone in which the commercial establishment is located will be assigned to an Awardee by the Department. Awardees may also be expected to serve customers assigned to them in the case of default by another Awardee. Further details regarding the process for how customers will be assign are provided in the Template Agreement (Appendix C).
5. **Recyclable Materials Service Required.** Every Awardee selected to operate in a zone will be required to provide recyclable materials collection service to all of the Awardee's customers in the zone. This requirement does not apply to Awardees selected for citywide containerized commercial waste collection.
6. **Organics Service.**
 - a. Awardees selected to operate in a zone will be required to provide organics collection service to all customers in the zone who are required to source separate organics and have chosen to use a private carter to meet their requirements.
 - b. Awardees must also have a plan for providing organics collection to customers that are not required to source separate organics.
 - c. The above requirements (a and b) do not apply to Awardees selected for citywide containerized commercial waste collection.
7. **Disposal.**
 - a. Every Awardee must ensure proper disposal of all commercial waste collected and retain dump tickets for at least 5 years.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- b. Under Department rules, recyclable materials collection may be single stream or dual stream. However, co-collection of recyclable materials is prohibited under the Department's rules.
 - c. Awardees must report to the Department on where the commercial waste they collect goes. Every Awardee must collect and report information on the final processing location, final disposal location, final use, or final reuse of all commercial waste collected by the Awardee and any of its designated carters, including but not limited to where the commercial waste is sent after it is first tipped, and the mode of transport.
8. **Operations.** The Department's rules set out minimum requirements that all Awardees must follow when servicing customers in their designated zones or collection containerized commercial waste citywide. For example, an Awardee may only provide commercial waste collection service to a customer located in a zone in which the awardee is authorized to operate pursuant to the Awardee's agreement with the Department. If an Awardee is authorized to operate in more than one zone, the Awardee may not operate a collection route with pick-ups of commercial waste from customers in more than one zone, except as specifically outlined in the Department's rules (Appendix B).
9. **Customer Service Standards.** The Department's rules set out minimum requirements related to customer service, including but not limited to:
 - a. Awardees must enter into a written service agreement with each customer.
 - b. Awardees must provide a consolidated bill at least monthly to each customer.
 - c. Awardees must have a process of receiving customer complaints, including a dedicated phone line.
 - d. Awardees must have a plan for providing language access.
 - e. Awardees must reimburse customers for the cost of a waste generation audit.
10. **GPS Telematics System.** All commercial waste vehicles must be equipped with GPS as part of a telematics system that tracks vehicle safety performance.
11. **Emissions compliance.** All of the Awardee's heavy duty commercial waste vehicles must be fully in compliance with section 24-163.11 of the NYC Administrative Code and must be equipped with an engine certified to the applicable 2007 United States Environmental Protection Agency (EPA) standard or be retrofitted to meet the required standard by the start of service of the Awardee's Agreement. Commercial waste vehicles are not eligible for waivers of this requirement.
12. **Safety Requirements.** The Department has established minimum safety requirements for all Awardees by rule, which cover the following:
 - a. Safety records

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- b. Safe vehicle operation
- c. Daily driver vehicle inspections and semiannual qualified inspector inspections
- d. A requirement for cross-over mirrors
- e. A prohibition on obstructions to the windshield
- f. A requirement to install back-up cameras by January 1, 2026
- g. A requirement to install auxiliary exterior lighting by January 1, 2026
- h. Minimum telematics systems requirements.

13. Worker Safety Training.

- a. LL 199 requires that every Awardee ensure that any designated carter that will be providing commercial waste collection services under the Awardee's Agreement with the Department provide a worker safety program to its employees. Every worker employed by the designated carter must receive the required worker safety training no later than 180 days after the date the Awardee enters into the agreement with the Department. Workers who are hired after the Agreement is signed must receive this training within 90 days after the start of employment or before the initial assignment of a worker to a job or task, whichever is earlier.
- b. The worker safety program must include a review of any hazardous activities of the job that are relevant to the tasks and activities to be performed. For vehicle operators, laborers and helpers who are directly assigned to the collection, removal, transport or disposal of trade waste on or about the public right of way, such training must consist of no less than 40 hours, of which no fewer than 16 hours shall be dedicated to classroom instruction. For all other workers, such training shall consist of no less than 8 hours.
- c. Each designated carter shall provide re-training of employees as follows:
 - i. An annual refresher training class to all workers;
 - ii. No more than 90 days after a change in the worker's job assignment or a change in equipment used by the worker that presents a new hazard;
 - iii. No more than 90 days after an inspection by the department reveals, or the designated carter has reason to believe, that there are material deviations from workplace safety requirements or inadequacies in worker knowledge of workplace safety requirements.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- d. Further requirements about the worker safety training program, including required certifications to the Department are described in section 16-1008 of the NYC Administrative Code, which can be found in Appendix A (LL 199).
14. **Records and Reporting.** Every Awardee must meet recordkeeping and reporting requirements described in the Department's rules and set out in further detail in the Template Agreement. **NOTE:** The Department will publish rules establishing recordkeeping and reporting requirements for CWZ Awardees after the release of Part 2 of this RFP, but before the Department enters into Agreements with Awardees.
15. **Administrative Fees.** Every Awardee will be required to pay the Administrative fees established by the Department's rules (See Appendix B).
16. **Public Outreach and Education.** Every Awardee will be required to conduct public outreach and education to customers in the zone or zones in which the Awardee is authorized to operate. Further details will be provided in the Agreement between the Awardee and the Department.
17. **Emergency Action Planning.** All Awardees must prepare for submission and review by the Department an emergency action plan detailing procedures to be deployed in emergency situations, including but not limited to, fires, evacuations, spills or weather emergencies, and addressing continuity and restoration of service. Note: This is not part of the Technical Proposal that must be submitted in response to Part 2 of this RFP.
18. **Transition Obligations.** Awardees will be required to assist the Department in promoting a smooth transition to the Commercial Waste Zones system. More details regarding Awardee obligations during the transition can be found in Section II.F. ("Transition to the Commercial Waste Zones Program") and in the Template Agreement (Appendix C).
19. **BIC Licence.** All Awardees will be required to maintain an active Trade Waste Removal License issued by BIC and remain in good standing in performance of all associated obligations. Such license must be renewed every two years, or be subject to termination of the contract prior to the term end date.
20. **Containerized Commercial Waste Awardees.** Except where otherwise expressly specified in LL 199 (Appendix A), the Department Rules (Appendix B) and the Template Agreement (Appendix C), all obligations and responsibilities of Awardees that apply to Zone Awardees apply to awardees selected to provide containerized commercial waste collection services Citywide. Upon the discretion of the Department, some Awardees may be selected both for a Zone Award and a containerized commercial waste Award. In such a case, where an Awardee is authorized to operate as a containerized commercial waste Awardee and a Zone Awardee in a given Zone, such Awardee must follow all requirements applicable to Zone Awardees set forth LL 199 (Appendix A) and the Department rules (Appendix B), with respect to all customers in such zone.

2. CWZ Plans

The commercial waste zones program as set out in LL 199 is designed to elevate standards in the commercial waste carting industry across the board in order to achieve a safer, cleaner, and more sustainable City, as described in Section II.A (City Goals and Objectives). Under the program, Awardees must develop their own Plans detailing how they will perform commercial waste collection service in a way that is aligned with the City's goals.

In these Plans, Awardees must first ensure that they are meeting the minimum program requirements summarized in Section II.E.1 (Overview of Minimum Program Requirements for Awardees) and fully contained in Appendices A through C. Second, the Plans should demonstrate what the Awardee will do above and beyond the minimum program requirements to further the City's goals.

The Plans will be used in two ways:

1. **RFP Proposal:** Proposers will submit the Plans as part of their response to this Part 2 of this RFP (See Section VI – Proposal Package). The Department will use the plans submitted by Proposers when evaluating and selecting Awardees. In the Proposal Package (Section VI), the Plans are collectively referred to as the “Technical Proposal.”

In order to submit each required Plan as part of a response to this Part 2 of this RFP, each Proposer must fill out the required forms in Section VI (Proposal Package), Attachment 13 (“Technical Proposal: CWZ Plans”). More information on how to prepare and submit these Plans as part of a response to this RFP Part 2 can be found in Section V.

2. **Contract Requirement:** After negotiations between the Department and the Selected Proposer, the final Plans will be incorporated into the Agreement that the Awardee signs with the Department. Each Awardee will be required to follow the terms of its own Plans while performing service under the Agreement.

Each Plan covers a different aspect of commercial waste collection:

- **Subcontracting Plan** (Section VI, Attachment 13.1). The Proposer's plan to subcontract with other entities (“designated carters”) to provide commercial waste collection services. In this Plan Proposers will demonstrate that all designated carters meet the minimum requirements regarding subcontracting. Proposers are encouraged to highlight how their use of subcontractors will further the City's Goals and Objectives (see Section II.A), including but not limited to how such subcontracting will enhance public safety, minimize harmful environmental impacts and improve customer service.
- **Customer Transition Plan** (Section VI, Attachment 13.2). The Proposer's plan describing steps the Proposer will take to ensure a smooth and orderly customer transition as the Commercial Waste Zones program is implemented, including but not limited to, protocols for ensuring continuous services as customers switch carters, such as plans for addressing equipment changes and other aspects of the transition.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- **Education and Outreach Plan** (Section VI, Attachment 13.3). The Proposer's plan describing the customer communication efforts the Proposer intends to undertake during the transition to the Commercial Waste Zones and other communication efforts that will support and supplement the public outreach and education efforts of the Department. The Plan will also include Proposer's plans to provide communication about the Commercial Waste Zone program after the transition during the full term of the Agreement.
- **Customer Service Plan** (Section VI, Attachment 13.4). The Proposer's plan must include, at a minimum, a description of:
 - (1) Customer service support tools, including but not limited to: a dedicated phone line for receiving customer inquiries, service requests and complaints, which must be actively staffed during normal business hours and have the capability for receiving messages 24 hours a day, seven days a week;
 - (2) A company website, which must contain information regarding the awardee's name, office address, e-mail address, the customer service phone number, the maximum rates that the awardee is authorized to charge, instructions for requesting initial service, and instructions for making customer complaints and service requests;
 - (3) A protocol for promptly addressing customer service requests and complaints;
 - (4) Performance metrics or other methods of measuring customer service, including but not limited to a process for tracking customer service requests and complaints and the awardee's response times for addressing such requests and complaints;
 - (5) Customer service standards, including but not limited to hours of operation and emergency contact protocols;
 - (6) The awardee's plan for addressing the language access needs of customers in the zone, including but not limited to an assessment of the primary languages spoken by customers in the zone and a description of the specific tools used to provide quality customer service to customers with limited English proficiency;
 - (7) A process for customers to contest invoices, request changes to level of service provided, and request changes to costs for service based on changes in amount of waste generated by the customer; and
 - (8) The Proposer's plans, if any, for the set-out of commercial waste in a manner that promotes the city's goals of improving cleanliness, rodent mitigation, order and safety on city sidewalks.

For more details see 16 RCNY Chapter 20-B: Customer Service Requirements (Appendix B).

- **Zero Waste Plan** (Section VI, Attachment 13.5). The Proposer's plan describing practices to support waste reduction, reuse and recycling among commercial establishments within the Zone,

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

such as partnerships with local organizations, waste reduction or diversion targets, plans for offering organics collection services to a broad range of establishments within the Zone, customer outreach and education or other practices to further such goals. The Plan must, at a minimum:

- (1) Detail how the Proposer will work with customers to promote compliance with the City's recycling laws and rules, increase the amount and quality of designated recyclable material diverted from the refuse stream, and increase overall diversion through waste reduction, reuse and recycling; and
- (2) Include a protocol for notifying a customer of significant designated recyclable material content in refuse and recommending to the customer steps to improve compliance with the City's recycling requirements and increase diversion of designated recyclable material from the refuse stream.

For more details see 16 RCNY Chapter 20-C: Operations, Delivery of Service (Appendix B).

- **Waste Management Plan** (Section VI, Attachment 13.6). The Proposer's 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.

The City is in the process of determining the feasibility of making the City's Marine Transfer Stations (MTS's) available to receive commercial waste under the CWZ Program. The Department will provide more information about the availability of MTS's for commercial waste as it becomes available. A Proposer should not list a City MTS as a transfer or processing location for commercial waste in its Waste Management Plan. However, in the Waste Management Plan, the Proposer should inform the Department of the Proposer's interest in utilizing a City MTS in the future, should one become available to accept commercial waste.

In evaluating waste management plans submitted by proposers pursuant to this paragraph, the Department will consider:

- (1) 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 transfer stations or other disposal locations to the Zone, as applicable;
- (2) Whether the commercial waste will be transported to or from a solid waste transfer station by a sustainable mode of transport, such as rail or barge;
- (3) 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
- (4) Any other factors that the commissioner deems relevant to promoting the goals of sustainability, reliability and equity in the delivery of waste management services.

For more details see 16 RCNY Chapter 20-C: Operations, Delivery of Service (Appendix B).

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- **Health & Safety Plan** (Section VI, Attachment 13.7). The Proposer's plan detailing compliance with applicable federal, state and local laws and specific practices to further the goals of promoting the health and safety of the general public and the Proposer's employees, including but not limited to the Department's health and safety rules for Awardees. See 16 RCNY Chapter 20-D, Safety Requirements (Appendix B). In the Health and Safety Plan, the Proposer is invited to include commitments to adopt the safety technologies required by the Department's rules in a timeframe that is sooner than required, or to adopt additional safety technologies or protocols beyond the minimum requirements.
- **Air Pollution Reduction Plan** (Section VI, Attachment 13.8). The Proposer's plans, if any, to reduce air pollution and greenhouse gas emissions from commercial waste vehicles, including but not limited to, plans, if any to: provide commercial waste collection services with a fleet comprised of at least 50 percent zero emissions vehicles by 2030, or for any request for proposals issued after 2030, 100 percent zero emissions vehicles by 2040; implement operational best practices; or otherwise utilize zero emissions vehicles in the provision of commercial waste collection services. This should also include the Proposer's plan, if any, to reduce air pollution and greenhouse gas emissions through infrastructure investments, adoption of technologies or other sustainable solutions, including but not limited to, any plans to invest in sustainable facilities or infrastructure for organics and recycling processing.

3. Additional Contract Terms and Obligations of Awardees

Additional contract terms and obligations of Awardees will be set out in the Agreement between the Awardee and the Department. **For reference only**, the following is a summary of some of the additional terms and obligations of Awardees that will be incorporated in the Agreement. For the full set of requirements anticipated for Awardees, see the Template Agreement (Appendix C).

Insurance Requirements

The minimum insurance requirements for a Proposer in accordance with this Part 2 of the RFP are identified in Appendix C: Template Agreement.

Awardees that do not provide proof of compliance with the minimum insurance requirements within ten (10) calendar days of receipt of the Notice of Award may have their Notice of Award revoked by the Department. The Notice of Award will also require the Awardee to return a signed Agreement along with proof of required insurance.

All policies, endorsements, certificates and/or binders shall be subject to approval by the DSNY ACCO as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the DSNY ACCO. The Selected Proposer agrees to provide the Department with a copy of said policies, certificates, and/or endorsements.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

Evidence of all required Insurance in the form of certifications from viable, licensed insurance carrier(s), shall be provided to the Department within at least ten (10) calendar days of receipt of the Notice of Award or of the Department's written request. Failure to provide the required evidence of insurance will result in withdrawal of the award.

Compliance with Local Law 34 of 2007

Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City established a computerized database containing the names of any "person" that has "business dealings with the City" as such terms are defined in the Local Law. For the purposes of the database, Proposers are required to complete the attached Doing Business Data Form (Attachment 08) and return it with this proposal and should do so in a separate envelope. If the Proposer is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form. If the City determines that a Proposer has failed to submit a Data Form or has submitted a Data Form that is not complete, the Proposer will be notified by the Department and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the Department. Failure to do so will result in a determination that the Proposal is non-responsive. Receipt of notification is defined as the day the notice is e-mailed or faxed (if the Proposer has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

Whistleblower Protection

Local Law Nos. 30 and 33 of 2012, codified at sections 6-132 and 12-113 of the New York City Administrative Code, the Whistleblower Protection Expansion Act, protect employees of certain City contractors from adverse personnel action based on whistleblower activity relating to a City contract and require contractors to post a notice informing employees of their rights. Please read Article XXIII of Appendix C: Template Agreement for Solid Waste Management Services for Commercial Waste Zones.

Section 16-1009 of the New York City Administrative Code also contains Whistleblower Protections applicable to employees of designated carters.

Compliance with the Iran Divestment Act

Pursuant to State Finance Law Section 165-a and General Municipal Law Section 103-g, the City is prohibited from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Each Proposer is required to complete the attached Bidder's Certification of Compliance with the Iran Divestment Act, certifying that it is not on a list of entities engaged in investment activities in Iran created by the Commissioner of the NYS Office of General Services. If a Proposer appears on that list, the Department will be able to award a contract to such Proposer only in situations where the Proposer is taking steps to cease its investments in Iran or where the Proposer is a necessary sole source. Please refer to Attachment 05 for information on the Iran Divestment Act required for this solicitation and instructions on how to complete the required form and to <https://ogs.ny.gov/iran-divestment-act-2012> for additional information concerning the list of entities.

HireNYC and Reporting Requirements

The Hiring and Employment Rider describes the HireNYC process and obligations, including reporting requirements throughout the life of the contract. The HireNYC process requires contractors to enroll with the HireNYC system within thirty days after the registration of the contract subject to this solicitation, to provide information regarding all entry to mid-level job opportunities arising from this Agreement and located in New York City, and to agree to interview qualified candidates from HireNYC for those opportunities. The Rider also includes reporting requirements unrelated to HireNYC. (See Attachment 06.) Under this Agreement, both the Awardee and any Designated Carters must participate in the HireNYC process.

Paid Safe and Sick Leave Law

The Earned Sick Time Act, also known as the Paid Safe and Sick Leave Law (PSLL), requires covered employees who annually perform more than 80 hours of work in New York City to be provided with paid sick time. Contractors of the City of New York [or of other governmental entities] may be required to provide sick time pursuant to the PSLL. Section 4.06 of "Additional City Contract Terms," as incorporated into Appendix C: Template Agreement for Solid Waste Management Services for Commercial Waste Zones, incorporates the PSLL as a material term of any Agreement awarded pursuant to this RFP.

Applicable Laws, Rules and Regulations

In performing services under the Agreement, Awardees must be in compliance with all applicable federal, state, and local laws, rules and regulations. Applicable local laws include, but are not limited to:

- Local Law 199 of 2019 (Commercial Waste Zones) (See Appendix A);
- Local Law 145 of 2013 (Vehicle Emission Directive);
- Local Law 146 of 2013 (Commercial Organics Law);
- Local Law 56 of 2015 (Sideguards Requirements);
- All applicable provisions of titles 16-a and 16-b of the Administrative Code; and
- All other applicable laws, including but not limited to, laws relating to waste collection, transport, removal and disposal, environmental protection, antitrust, consumer protection, health and safety, labor and employment, and anti-discrimination protections.

II.F Transition to the Commercial Waste Zones Program

1. Overview

Customer transition will occur during a set period of time following the signing of Agreements (see Section I.I “Anticipated Timeline”). The Department anticipates that the transition to the Commercial Waste Zones Program will occur in multiple phases, with a set number of zones “going live” over the period of approximately two years beginning in 2022. The Department will establish the precise schedule, including a specific start date for each of the 20 Commercial Waste Zones in a future rulemaking. This start date will signal the beginning the “Transition Period” for the Zone.

Once the Transition Period for a particular Zone begins, customers may only make new service agreements with carters authorized to operate in their Zone. The Department will also establish a Final Implementation Date for each Zone, which will signal the end of the Transition Period for that Zone. It is estimated that the Transition Periods will be approximately 120 days long. The Department may select different start dates and end dates for the Transition Periods for different Zones; therefore, Transition Periods for different zones may overlap with one another. The Department will also establish a Transition Period Start Date and Final Implementation Date for the containerized commercial waste awards.

NOTE: The Department will promulgate rules establishing the start and end dates for each Transition Period after the release of Part 2 of this RFP, but before entering into Agreements with Awardees.

2. Customers Must Select a Zone Awardee by the Deadline

The City will notify commercial establishments of the Awardees that have been selected for their Zone and inform them of customers’ rights and responsibilities under the CWZ system.

Every commercial establishment must enter into a written service agreement either a Zone Awardee and/or a containerized commercial waste Awardee to provide all commercial waste collection services for the commercial establishment by the Final Implementation Date for the Zone. If the commercial establishment chooses a containerized commercial waste awardee and the contract with the containerized commercial waste Awardee does not cover the totality of the commercial establishment’s commercial waste, the commercial establishment must contract with a Zone Awardee for the remainder. However, a commercial establishment must not enter into an agreement for the commercial waste collection services with more than one zone Awardee selected for the zone.

Note: commercial establishments registered by the Business Integrity Commission to haul their own commercial waste are exempt from the requirement to select an Awardee.

3. If a Commercial Establishment Fails to Select an Awardee by the Deadline

If a commercial establishment fails to enter into a written agreement with either a Zone Awardee selected for the Zone or a containerized commercial waste Awardee by the Final Implementation date for the Zone, the Department will assign a Zone carter to the commercial establishment.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

In such a case, the Awardee will provide refuse collection service at the minimum level of service required by the Department's rules (see 16 RCNY § 20-22, Appendix B) at the maximum rates the Awardee is authorized to charge pursuant to the Awardee's agreement with the Department, unless and until the customer and the Awardee negotiate alternative terms.

The commercial establishment will have 30 days after the assignment is made by the Department to select a different Zone Awardee or a containerized commercial waste Awardee. Further details regarding the assignment of customers are provided in the Department's rules, Appendix B.

4. Commencement of Services

Commencement of services will begin on the start date of the Agreement between the Awardee and the Department issued pursuant to the RFP.

It is anticipated that in all cases, the start date of the Agreement between an Awardee and the Department will coincide with the start date of the Transition Period for the Zone for which the Awardee has been selected.

The initial term of each Agreement will be 10 years, inclusive of the Transition Period.

If an Awardee is selected for multiple Zones, the Department will determine whether the Zone Transition Period start dates are the same for all of the Zones for which the Awardee has been selected. If the Awardee has been selected for multiple Zones with different Zone Transition Period start dates, the Department will issue multiple Agreements to the Awardee, so that in each case, the start date of the Agreement and the start date Zone Transition Period is the same.

In the case of an Awardee that has been selected for containerized commercial waste collection Citywide, the start date of the Agreement with the Department will coincide with the start date of the Transition Period determined for containerized commercial waste awards. If a single Awardee is issued awards for both Zone collection and containerized commercial waste collection Citywide, the Department will combine awards into one or more Agreement, based on the start dates of the relevant Transition Periods, such that the start date of the Agreement and the commencement of services will coincide with the Transition Period start date.

5. Obligations of Awardees During the Transition Period

The obligations of the Awardee during the Transition Period are as follows:

- **Full Compliance With Minimum Requirements on Day 1:** Beginning on the start date of the Transition Period, which is the same as the start date of the Agreement, the Awardee will be expected to be in full compliance with all minimum program requirements for Awardees, as summarized in Section II.E.1 (Overview of Minimum Program Requirements) of this RFP Part 2 and provided in full in LL 199 (Appendix A) and the Department's rules (Appendix B). Awardees will also be required to meet all contractual obligations that commence on the Transition Period start date under the Agreement with the Department (Appendix C). As Awardees enter into

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

customer service agreements with customers during the Transition Period, such customer service agreements must reflect all such minimum program requirements for Awardees.

- **Timeframe for Implementing Awardee's Plans**: As explained in Section II.E.2 (CWZ Plans), it is expected that Awardees will commit to meeting performance standards above and beyond the minimum program requirements, as reflected in their Plans and incorporated in their Agreements with the Departments. It is fully appropriate for such additional commitments to contain scaled timeframes for implementation of goals that extend beyond the Transition Period. For example, an Awardee may commit to adopting a certain percentage of electric vehicles years after the contract start date.
- **Coordination with the Department**: During the Transition Period, Awardees will be expected to attend recurring progress meetings with the Department to review the status of the transition, evaluate issues that arise, and resolve problems. Each Awardee must appoint a designated project manager to serve as primary point of contact with the Department. Further details regarding the obligations of Awardees to communicate with the Department during the Transition Period can be found in the Template Agreement (Appendix C).
- **Worker Safety Training**: LL 199 requires that every Awardee ensure that any designated carter that will be providing commercial waste collection services under the Awardee's Agreement with the Department provide a worker safety program to its employees. Every worker employed by the designate carter must receive the required worker safety training no later than 180 days after the date the Awardee enters the agreement with the Department. Please be advised that this 180 day statutory deadline may fall either before the start date of the Transition Period and the commencement of services, or may fall during the Transition Period, depending on the timing of whether a particular Awardee's Agreement is signed in relation to the Transition Period start date for the Awardee's zone or zones. However, it is strongly encouraged that worker safety training be completed before commencement of services to further the safety goals of LL 199 and the Commercial Waste Zones program.

6. Enforcement Against Carters Not Awarded Contracts

Any carters that are not awarded a contract for a Zone who are operating lawfully under existing contracts with customers may continue to operate under such contracts until the end of the Transition Period for the Zone. These carters must continue to obey any applicable BIC regulations, including the citywide rate cap, during the Transition Period. Geographic restrictions on movement in and out of the Zone will not be enforced until the end of the zone Transition Period. Carters that are not selected for each Zone will be prohibited from continuing to provide service to customers in that Zone after the end of the Transition Period, and they will be subject to civil and/or criminal penalties for violating Department rules.

7. Application of BIC Rules

Please note that while some of the minimum requirements for commercial waste zone carters are similar to existing Business Integrity Commission (BIC) requirements for trade waste licensees, many of the requirements have changed to meet the standards set out in Local Law 199. The requirements in BIC's rules for trade waste licensees will continue to apply until the transition of the commercial waste zones

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

program occurs in each zone, in accordance with the schedule and further details to be provided in an upcoming DSNY rule.

After the transition to commercial waste zones occurs, most of BIC's requirements will not apply to commercial waste Awardees, but will continue to apply to licensees and registrants that are hauling forms of trade waste other than commercial waste, such as construction and demolition debris. However, certain requirements in BIC rules, such as requirements for licensing, character and fitness standards and certain safety requirements, will continue to apply to commercial waste zone Awardees after the commercial waste zones program is implemented. More details regarding the applicability of BIC rules to the commercial waste zones program will be provided in future rulemakings.

SECTION III: PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

This section describes how the Department will evaluate proposals, select Awardees, and enter into Agreements under this RFP. It also describes post-award requirements. For the estimated timeframe for the overall RFP process, please see Section I.I of the RFP Part 2, "Anticipated Timeline."

III.A Evaluation Procedures

Proposers will only be evaluated after Proposers' RFP Part 2 submissions are received by the Department. The Proposal must contain all documentation required under Section V.A How to Prepare Your Proposal Package of this Part 2 of the RFP. All the required forms, attachments, and plans must be fully completed, and application requirements met at the time of submission. Upon review, the Department, at its discretion, may notify a Proposer that additional information or clarification is necessary.

All timely and complete proposals that meet all Minimum Qualifications and Requirements for Submission of this Part 2 of the RFP (See Section I.H of this RFP Part 2) will be comprehensively evaluated, rated, and ranked by an Evaluation Committee based on the Evaluation Criteria prescribed in Section III.B of this RFP Part 2. The Evaluation Committee will evaluate each Proposal, taking into account the information provided in the Proposal, references, and any other relevant information available to the Department such as, but not limited to, any records available to BIC or other governmental authorities. Where a Proposer selects multiple Zones, the Evaluation Committee will evaluate the Proposer's qualifications for each Zone separately. Likewise, where a Proposer applies for a Citywide containerized commercial waste collection award, the Evaluation Committee will review the Proposer's qualifications for containerized commercial collection separately from its application for Zone awards, if any.

The Department may conduct site visits of facilities the Proposer intends to use under the Agreement, conduct interviews of Proposers, or request that Proposers make presentations and/or demonstrations as the Department deems necessary and appropriate. Although discussions may be conducted with Proposers submitting acceptable proposals, the Department reserves the right to determine Awardees on the basis of

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

initial proposals received, without discussions; therefore, the Proposer's initial Proposal should contain its best programmatic, technical, and price terms. The Selected Proposers will be chosen from among the highest rated and ranked proposals.

The Department may disapprove the inclusion of any member of a Proposer's team, joint venture, or subcontractors and/or require the selected Proposer to substitute other individuals or firms.

The Department may award the right to operate in multiple Zones in Agreements with Proposers, consistent with Local Law 199 of 2019, but no more than the Department believes the Proposer is able to reasonably provide service for under the Scope of Services based on the Proposer's financial standing and Proposal details. The Department will determine the maximum number of Zones a Proposer is able to serve, and/or the Proposer's ability to perform containerized commercial waste services Citywide, based on the Proposal materials and any other relevant information the Department obtains prior to the determination.

III.B Evaluation Criteria

All timely and complete RFP Proposals from Proposers who meet the Minimum Qualifications and Requirements for Submission of this Part 2 of the RFP (Section I.H) will be evaluated according to the following Evaluation Criteria, consistent with the requirements of Section 16-1002(b) of the Administrative Code (See LL 199, Appendix B). Please note that all designated carters will also be evaluated under the same criteria, where applicable.

1. Capacity and Operations (30%) *(Please note that each of the following will be evaluated holistically and each point may not necessarily count equally)*

- **Experience:** A Proposer's experience with providing commercial waste collection services will be evaluated, including but not limited to: the number and locations of existing customers, existing routes, the Proposer's specific experience operating in NYC. Proposers applying for Zone awards will also be evaluated based on their prior experience in the geographic area of the Zone or Zones for which the Proposer is applying. Proposers that are applying for a containerized commercial waste collection award will be evaluated based on their relevant experience collecting containerized commercial waste in NYC. Proposers will also be evaluated based on similar experience and performance of services outside of NYC, where relevant. In addition, Proposals will be evaluated based on the specific experience of the Proposer's key team members to perform the range of services required to service each Zone for which the Proposer is applying or for containerized commercial waste collection, where applicable. Experience in collecting and marketing recyclables and organics will also be considered.
- **Capacity, Financial and Business Information:**
 - A Proposer will be evaluated based on the nature and frequency of the commercial waste collection services proposed and the Proposer's plan for ensuring that the proposer has the ability and adequate capacity to provide such services within the Zone or Zones for which the Proposer is applying, or Citywide, in the case of proposals for containerized commercial

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

waste collection. Specifically, the Proposer will be evaluated based on the following elements in comparison to the Proposer's ability to meet its obligations under the Agreement and provide the services proposed, while remaining in full compliance with all applicable laws, including but limited to LL 199 and the Department's rules, and all applicable environmental, safety, labor and employment laws:

- The Proposer's financial strength, including net worth, profitability, debt to equity ratio, liquidity, and access to credit;
 - The Proposer's organizational structure and size, including its current workforce size and its staffing plan to ensure continuity and safety in the delivery of services;
 - The Proposer's existing fleet and facilities, physical assets and other relevant infrastructure; and
 - The Proposer's plans to acquire additional trucks, physical assets or infrastructure or to hire additional staff as needed to meet the market needs in the Zone or Zones for which the Proposer is applying and/or to meet the market needs for containerized commercial waste collection Citywide, as applicable.
- The Department will evaluate how well the Proposer has self-assessed its capabilities, inclusive of the Department's determination of scale-up capabilities. The Department may evaluate the Proposer's assets, bank or other lender references, and current commitments in order to assess the Proposer's capacity to secure transition and permanent financing, meet lender's equity requirements, absorb any cost overruns, provide transition scale-up in a timely manner, and provide continuous service for the duration of the contract.
 - Compliance History: A Proposer will be evaluated for history of compliance with existing federal, state and local laws, including but not limited to, laws relating to waste collection, transport, removal and disposal, environmental protection, antitrust, consumer protection, health and safety, labor and employment, and anti-discrimination protections, specifically considering historical records of CDL violations, workers' compensation cases, and any history of injuries and fatalities in the last three (3) years.

2. Technical Proposal (CWZ Plans) (35%)

- CWZ Plans: As described in Section II.E.2, Proposers must submit a series of Plans as part of their responses to Part 2 of this RFP. Each Plan will be evaluated during the RFP selection process and then will be incorporated into the Agreement that the Proposer enters into with the Department, subject to requested changes by the Department during the negotiation process.

The Department's review of each Plan will follow the evaluation criteria specific to such Plan as set out in Section II.E.2 of this RFP Part 2 (CWZ Plans), in accordance with the requirements of Section 16-1002(b) of the Administrative Code (See LL 199, Appendix A) and the Department's rules (Appendix B). For each required Plan, Proposers will be evaluated based

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

on the quality, completeness, feasibility and reasonableness of the proposed approach. Such evaluation will consider the Plan's compliance with the minimum program requirements and the degree to which the Plan exceeds the minimum requirements. Plans that include specific operational approaches or investments in personnel, equipment or infrastructure intended to further the Goals and Objectives of the Commercial Waste Zones program set forth in LL 199 and as stated in this RFP Part 2 Section II.A will be viewed more favorably. The Department will give particular attention to affirmative steps the Proposer has already taken or is in the process of taking toward meeting any proposed commitments.

3. Price Proposal (35%)

- ***Price Proposal:*** The pricing structure proposed in the Proposal will be evaluated based on the competitiveness of the prices proposed in comparison with other Proposals received for the Zone proposed upon or for containerized commercial waste services, as applicable. Where the Proposer is applying for multiple Zones, each pricing proposal will be evaluated separately. The proposed pricing structure must conform to all applicable requirements described in Section II.E.1.1, LL 199 (Appendix A), and the Department's rules (Appendix B). As required by LL 199, Proposals that include lower rates for organics and recycling collection than for refuse collection services will be viewed more favorably. The Department strongly prefers that the rate for Recyclable materials and the rate for Organic Waste each be at least 30% lower, relative to the rate for Refuse.

Any additional fees proposed will also be comparatively evaluated. Please note that all fees must be authorized under the Department's Rules (See Appendix B).

The Department will consider the reasonableness of the proposed maximum rate schedule in relation to the Proposer's ability to provide reliable commercial waste collection services in accordance with all requirements of the Agreement and in full compliance with all applicable laws. The Department's assessment of the reasonableness of the proposed rate schedule will include a consideration of market conditions and any additional proposed commitments beyond the minimum program requirements stated in the Proposal.

III.C Basis for Agreement Award

Agreements will be awarded to the Proposers determined to be responsible whose proposals are timely and complete and are determined to represent the best value to the City by optimizing quality, cost, and efficiency, and are therefore the most advantageous to the City by best providing for the efficient and orderly removal of commercial waste, taking into consideration the Evaluation Criteria in Section III.B of this Part 2 of this RFP, the City's Goals and Objectives (Section II.A), and the requirements of LL 199.

Award of an Agreement shall be subject to the timely completion of Agreement negotiations between the Department and the Selected Proposer. The Department shall only enter into an Agreement pursuant to NYC Administrative Code § 16-1002(a) with an Awardee that has obtained a license issued by BIC on or before the date of such Agreement.

III.D Process for Selection and Negotiation of Agreements

Awards will only be made after Proposers' Part 2 submissions are received and evaluated by the Department.

During the evaluation process, the Department will determine the number of Zones to award each of the qualified and responsive Proposers so that sufficient coverage is provided to all Zones.

There will be a maximum of three Awards for each of the 20 geographic Zones, as well as up to five awards for containerized commercial waste collection services citywide, with a total of up to 65 awards.

A single Awardee may be selected for multiple Zones, and an Awardee may be selected for Zone service and for containerized commercial waste collection services citywide. However, the maximum number of awards a single Awardee may be granted is 15 commercial waste zone Awards plus one Award for collection of containerized commercial waste services Citywide.

The Department may award fewer than the maximum number of available Awards if there are fewer than three qualified Proposers for each designated Zone and/or fewer than five qualified Proposers for containerized commercial waste collection services citywide.

At any time (including after awards have been made and after contracts have been assigned), the Department may issue an award for a Zone to a Proposer that did not request that specific zone in its Proposal if the Department deems such award necessary in the best interest of the City. Prior to making such a determination, the Department may request information from a Proposer regarding the Proposer's capacity, proposed pricing, or other zone specific information.

Once the Awards have been determined, the Department will issue a selection notice to each Awardee. The selection notice will list the Commercial Waste Zone or Zones that the Awardee has been awarded, and/or notice that the Awardee has been selected for a citywide containerized commercial waste award.

The Department and the Awardee will then negotiate the Agreement. The Awardee will be held to any commitments proposed within its Proposal, including the pricing structure and the Plans, in the final awarded Agreement, although the Department reserves the right to negotiate specific aspects of the Proposal prior to entering into the final Agreement with the Awardee.

III.E Post-Award Documentation

Additional documents will be required of the Proposers during Agreement negotiation, once the Awards for Zones and containerized commercial waste collection have been awarded. These documents include, but are not limited to, Certificate of Insurance (see Section II.E.3 of this RFP Part 2) and an Emergency Action Plan to be developed in partnership with the Department.

III.F Execution and Registration of Agreements

After negotiation, the Department and the Awardee will then finalize and execute the Agreement, subject to Department approval of post-award documentation described in Section III.E of this RFP Part 2,

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

permitting the Awardee to provide commercial waste collection services within the zone or zones for which the Awardee has been selected, and/or for containerized commercial waste collection services from any commercial establishment within the city of New York as set forth in such agreement.

Upon execution of the Agreement by the Department and the Awardee, the Department will submit the Agreement for registration with the New York City Comptroller, which may delay the eventual start date of each Agreement. The Department will strive to enter into all Agreements at the same time, but will phase the Transition Periods for the Zones to ensure a smooth transition citywide, as described in Section II.F of this RFP Part 2 (Transition to the Commercial Waste Zones Program).

As explained more fully in Section II.F.4, the Department may enter into multiple Agreements with a single Awardee pursuant to this RFP, in an instance where the Awardee has been selected to operate in more than one Zone or where the Award has been selected to provide containerized commercial waste collection services Citywide.

SECTION IV: GENERAL INFORMATION FOR PROPOSERS

IV.A Complaints

The New York City Comptroller is charged with the audit of contracts in New York City. Any Proposer who believes that there has been unfairness, favoritism or impropriety in the Proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 727, New York, NY 10007; contract@comptroller.nyc.gov, or at (212) 669-2323. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

IV.B Applicable Laws

This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable local, state, and federal laws, rules and regulations. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-0010 or at: <http://www.nyc.gov/html/mocs/ppb/html/home/home.shtml>.

IV.C Additional City Contract Terms

Contracts shall be subject to additional City contract terms, as incorporated into Appendix C: Template Agreement for Solid Waste Management Services for Commercial Waste Zones.

IV.D Accuracy of RFP and Related Documents

The Department assumes no responsibility for the completeness, or the accuracy of specific technical and background information presented in the RFP, or otherwise distributed or made available during the procurement process. In addition, the Department will not be bound by or be responsible for any explanation or interpretation of the proposed documents other than those given in writing by the Department through the issuance of addenda. In no event may a Proposer rely on any oral statement by the Department, or its agents, advisors or consultants.

IV.E Personal Investigations

Proposers to this RFP shall satisfy themselves through personal investigation and by such other means as may be deemed necessary concerning the conditions which may affect delivery of the proposed contract services, finalization of the Agreement and subsequent delivery of the contracted services, as well as their costs. No information derived from any part of this RFP shall relieve the Proposer from any risk or from fulfilling the provisions of the Agreement.

IV.F Conflict of Interest

All Proposers must disclose with their Proposals the name of any officer, director or agent who is also an employee of the City. Further, all firms must disclose the name of any City employee who owns, directly or indirectly, an interest of ten (10%) percent or more in the firm or any of its subsidiaries or affiliates.

IV.G Contract Award

Contract award is subject to each of the following applicable conditions and any others that may apply: New York City MacBride Principles Law; submission by the Proposer of the requisite New York City Department of Small Business Services/Division of Labor Services Employment Report and certification by that office; submission by the Proposer of the requisite PASSPort Questionnaires/Affidavits of No Change and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; and applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity.

IV.H Proposer Appeal Rights

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

IV.I Confidential, Proprietary Information or Trade Secrets

Proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification of why such

materials, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the Proposal. All information not so identified may be disclosed by the City.

IV.J RFP Postponement/Cancellation

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

IV.K Proposer Costs

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

IV.L PASSPort Fees

Pursuant to PPB Rule 2-08(f)(2), the Proposer will be charged a fee for the administration of the PASSPort system, including the Vendor Name Check Process, if a Vendor Name Check review is required to be conducted by the Department of Investigation. The Proposer shall also be required to pay the applicable fees for any of its subcontractors for which Vendor Name Check reviews are required. As the estimated value for each contract resulting from this RFP is estimated to be above \$1,000,000, the fee will be \$350.

IV.M Charter Section 312(a) Certification

 X The Department has determined that the contract(s) to be awarded through this Request for Proposals will not result in the displacement of any New York City employee within this Department. See attached Displacement Determination Form.

 The Department has determined that the contract(s) to be awarded through this Request for Proposals will result in the displacement of New York City employee(s) within this Department. See attached Displacement Determination Form.

 The contract to be awarded through this Request for Proposals is a task order contract that does not simultaneously result in the award of a first task order; a displacement determination will be made in conjunction with the issuance of each task order pursuant to such task order contract. Determinations for any subsequent task orders will be made in conjunction with such subsequent task orders.

Agency Chief Contracting Officer

Date

SECTION V: INSTRUCTIONS FOR HOW TO RESPOND TO THIS RFP PART 2

This section provides instructions to Proposers about how to prepare and submit a response to this RFP Part 2. The RFP Part 2 response that Proposers must submit is referred to throughout as the "Proposal Package." Please note that the actual forms that must be filled out that make up the Proposal Package are contained in Section VI (RFP Part 2 Response (Proposal Package) - To Be Filled Out By Proposers).

Failure to comply with any of the instructions herein may make the Proposal non-responsive or may result in the Proposal not receiving full possible evaluation points (see Section III.B of this RFP Part 2 ("Evaluation Criteria")).

Prior to responding to this RFP Part 2, Proposers should carefully read the entire RFP Part 2 document, with particular attention to Section I (Introduction), Section II (How the Commercial Waste Zones Program Will Operate for Awardees), Section III (Proposal Evaluation and Contract Award Procedures), Section IV (General Information for Proposers) and Appendices A through D, in order to understand the full set of obligations that Selected Proposers will be required to meet and the process for selection.

Please note that only Proposals from Proposers who meet the minimum qualifications in Section I.H and who have attended at least one Pre-Proposal conference (see Section I.F) will be considered.

V.A How to Prepare Your Proposal Package

The Proposal Package is comprised solely of responses to the forms contained in Section VI of this RFP Part 2. Please note that some of the required forms ask for supplemental documentation that the Proposer must include.

In order to In order to prepare a complete response to this RFP Part 2, Proposers must fill out all forms contained in Section VI (Attachments 01 through 14) and format and compile the forms for submission by following the instructions in this Section.

Please note that some of the required forms ask for supplemental documentation, which should also be included in the Proposal Package, where noted.

1. What Must Be Included in the Proposal Package?

The required forms that make up the Proposal Package are found in Attachments 01 through 14 of Section VI of this RFP Part 2. In order to facilitate the Department's evaluation of the Proposals, the required forms are grouped as follows:

1. Program Information (Attachments 01 through 08)
2. Capacity and Operations Proposal (Attachments 09 through 12)

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

3. Technical Proposal: CWZ Plans (Attachment 13)

4. Pricing Proposal (Attachment 14)

Specific instructions for how to fill out each of the required forms are provided on the forms themselves in the Attachments to Section VI.

For information on how the Department will evaluate the information provided in the forms, please see the Evaluation Criteria in Section III.B. In addition, where possible, Proposers should highlight in their responses how their approach to the collection of commercial waste will further the City's Goals and Objectives, as described in Section II.A.

If the Proposer is awarded an Agreement as a result of this RFP, it will be held to any commitments proposed within the Proposal Package in the final awarded contract, although the Department reserves the right to negotiate specific aspects of the Proposal prior to entering into the Agreement with the Selected Proposer. The Proposer should give particular attention to commitments made in the Technical and Pricing Proposals, which will be carried over to the Agreement as Exhibits.

2. How to Update Your Part 1 Response

When submitting a Proposal in response to Part 2 of the RFP, all information submitted in response to Part 1 of the RFP must be updated if such information has changed by following the instructions in Attachments 01 through 14 of Section VI.

3. What to Do if You are Applying For Multiple Zones

Each Proposer may only submit *one* Proposal Package, regardless of the number of Zones applied for. If a Proposer is submitting Proposals for more than one Zone, the Proposer should *not* submit multiple Proposal Packages. Zone-specific information will be asked for in the Proposal Package forms as needed.

In the Proposal Package forms, each Proposer will be required to specify which Zone or Zones it wants to be considered for and/or whether it wants to be considered for collection of containerized commercial waste services citywide.

Proposers should inform the City as to the maximum number of Zones they have the ability to service, and they may rank their preferences for which Zones they wish to service. The Department will award Zones based upon the best interests of the City.

4. What to Do if You are Applying For a Containerized Commercial Waste Award

If a Proposer is submitting a Proposal for a Containerized Commercial Waste Award in addition to one or more Zone Awards, the Proposer should *not* submit a separate Proposal Package for the Containerized Commercial Waste Award. Information specific to the Containerized Commercial Waste Citywide awards will be asked for in the Proposal Package forms as needed.

5. What to Do if You are Using Subcontractors

Under the Commercial Waste Zones program, subcontractors are viewed in two categories:

- a) Designated Carters - subcontractors that are performing commercial waste collection services under the Agreement.
- b) All other subcontractors - subcontractors that are not performing commercial waste collection services under the Agreement.

If you are planning to use subcontractors, carefully read section II.E.1.2 for details regarding limitations on and requirements for each type of subcontractor under the program.

As you fill out the required forms in the Proposal Package, read and follow the directions provided within each form regarding when and how to provide information on subcontractors (see Section VI).

6. How to Format and Assemble Your Proposal Package for Submission

a. General

Each Proposer must ensure that the Proposal Package is complete, by filling out all forms contained in Attachments 01 to 14 (Section VI) and appending all required documentation. All forms must be completed by following the instructions in each Attachment and as described in this Section. Information provided that does not follow the instructions in the Attachment or that is provided in an incorrect format may result in the information not being considered by DSNY.

The Department strongly recommends that Proposers use the **Proposal Package Checklist**, contained in Section VI, to ensure that all required forms are included, along with the additional documentation, where required.

b. Filling Out the Proposal Package Forms

Proposers must fill out all required Proposal Package forms by typing electronically, using the “fillable” PDF and Microsoft Excel versions of the forms, as applicable in Attachments 01 through 14 of Section VI. All required Proposal Package forms contained in Attachments 01 through 14 of Section VI may be accessed in “fillable” PDF and Microsoft Excel versions at nyc.gov/commercialwaste under the “Request for Proposals” section.

Handwritten submissions will not be accepted. Scanned or photocopied versions of the required forms in the Proposal Package will not be accepted, although scanned or photocopied versions of supporting documentation is permissible.

When filling out the forms, all fields must be populated. If a field does not apply, populate with “N/A” to signify it does not apply, rather than leaving it blank.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

Some of the questions will ask for a narrative response. If you are attaching additional pages for your narrative response, the extra pages should be typed and labeled with the Attachment and question number. Proposers may provide narratives in bulleted response format. The Proposal will be evaluated on the basis of its content, not length. Please follow all limitations on characters and page numbers, where provided.

A Note About the Price Proposal:

The Price Proposal consists of Attachment 14, which must be completed in Microsoft Excel format (template can be found on DSNY's website at nyc.gov/commercialwaste under the "Request for Proposals" section). The Proposer should complete the pricing tables presented in this Attachment as part of a complete Proposal Package.

c. Assembling the Proposal Package

The Proposal Package must be submitted in hard copy and electronic form. Each type of submission must be formatted and compiled as follows:

- **Preparing the Hard Copy Submission:**

- Two hard copies should be submitted, including one original with seals and inked signatures.
- Each copy should be formatted as follows:
 - Each submission section of the hard copy Proposal Package should be provided with titled sections (dividers are recommended) corresponding with the RFP Proposal Package Template found at nyc.gov/commercialwaste under the "Request for Proposals" section.
 - Each hard copy should be provided in a three-ring binder.
 - The Proposal Package should be printed on both sides of 8 ½" x 11" paper.
 - All pages should be numbered.
 - The Department requests that all Proposals be submitted on paper with no less than 30% postconsumer material content, i.e. the minimum recovered fiber content level for reprographic papers recommended by the Environmental Protection Agency (for any changes to that standard please consult: <https://www.epa.gov/smm/comprehensive-procurement-guidelines-paper-and-paper-products>).

- **Preparing the Electronic Submission:**

- Six (6) USB drives containing electronic versions of the Proposal should be submitted and compiled as follows:
 - The Electronic copy of the Proposal Package should correspond exactly with the structure of folders/files in the Part 2 of the RFP Proposal Package Template found at nyc.gov/commercialwaste under the "Request for Proposals" section.
 - Ex: If the Proposal Package Template file was provided in a PDF, a PDF should be included in the submission.
 - Each Attachment or Attachment subsection should be saved as a single file, appending any additional documentation into such corresponding file.
 - Each file name, as found in the Template, should be followed by: "[Proposer Name]"

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- Ex: If the Template file is titled “Att 01_Proposal Cover Letter with Checklist_[Proposer Name]”, the file in the Carter123’s Proposal Package should be named: “Att 01_Proposal Cover Letter with Checklist_Carter123”.
- All pages within documents should be numbered.
- The Proposal Package (hard copies and electronic copies), including any and all materials submitted in response to this RFP, should be submitted in an envelope that includes Proposer’s complete name and return address. Such outer envelope or wrapper must be addressed as follows:

Proposer’s Name Proposer’s Address Re: Commercial Waste Zones – Part 2 of the RFP PIN: 82720AD0038	To: Kirk Eng NYC Department of Sanitation Agency Chief Contracting Officer 44 Beaver Street, 2 nd Floor Room 201 New York, NY 10004
---	--

V.B How to Submit Your Proposal Package to DSNY

Part 2 of the RFP Due Date and Time and Location

Proposal Due Date:

Date: MARCH 17, 2022

Time: 4:00PM

Proposals submitted in response to Part 2 of the RFP must be submitted by mail or by personal delivery to:

Kirk Eng
NYC Department of Sanitation
Agency Chief Contracting Officer
44 Beaver Street, 2nd Floor
Room
New York, NY 10004

Electronic (e-mail), Telegraphic, Mailgram, or faxed Proposals will not be accepted by the Department.

PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

Hand-carried Proposals may be delivered to the aforementioned address ONLY between the hours of 9:00AM-4:30PM, Mondays through Fridays, excluding holidays observed by the Department. Please leave extra time to pass through the security checkpoint at the entrance to the building.

Proposers are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service (see Section V.A.6). The Department will not provide confirmation of receipt of a Proposal, except at the request of the Proposer.

Proposals received after the Proposal Due Date and Time are late and will not be accepted by the Department, except as provided under the New York City Procurement Policy Board (PPB) Rules.

The Department will consider requests made to the authorized ACP to extend the prescribed Due Date and Time for Proposals. However, unless the Department issues a written addendum to this RFP that extends such Due Date and Time for all Proposers, the initial prescribed Due Date and Time shall remain in effect.

The Department shall not be responsible for any delay in mailing or delivery of the Proposals.

SECTION VI: RFP PART 2 PROPOSAL PACKAGE – TO BE FILLED OUT BY PROPOSERS

This Section contains all required forms that constitute the Proposal Package that must be submitted as a response to this RFP Part 2.

Proposers must fill out all required Proposal Package forms contained in Attachments 01 through 14 of this section. Proposers must fill out each form by typing electronically, using the “fillable” PDF and Microsoft Excel versions of the forms, as applicable, following the instructions provided in each form. All required Proposal Package forms contained in Attachments 01 through 14 of Section VI may also be accessed in “fillable” PDF and Microsoft Excel versions at nyc.gov/commercialwaste under the “Request for Proposals” section.

Instructions on how to format and assemble the completed Proposal Package are provided in Section V of this RFP Part 2.

Any references to “you” in any instructions given throughout this RFP Part 2 document refer to the Proposer (firm or joint venture).

All Proposers must carefully read Sections I through IV and Appendices A through C of this RFP Part 2 document prior to responding to this RFP Part 2 to fully understand the requirements of Awardees selected pursuant to this RFP.

The required Proposal Package forms are as follows:

1. Program Information:

- Attachment 01 - Proposal Cover Letter with Checklist (PDF)
- Attachment 02 - Certification of Compliance with Minimum Qualification Requirements (PDF)
- Attachment 03 - Certification of Authority Affidavit (PDF)
- Attachment 04 - Acknowledgement of Addenda (PDF)
- Attachment 05 - Iran Divestment Act Compliance Certification and Rider for NYC Contractors (PDF)
- Attachment 06 - Hiring and Employment Rider: HireNYC and Reporting Requirements (PDF) (read only)
- Attachment 08 - Doing Business Data Form (PDF)

2. Capacity & Operations Proposal:

- Attachment 09 - Proposer’s Experience (PDF)
- Attachment 10 - History of Compliance (PDF)
- Attachment 11 - Financial and Business Information (PDF)
- Attachment 12 - Capacity and Services (PDF)

3. Technical Proposal (CWZ Plans):

- Attachment 13 - CWZ Plans (PDF)

4. Price Proposal:

- Attachment 14 - Maximum Rate Schedules Form (Microsoft Excel)

ATTACHMENT 13 - TECHNICAL PROPOSAL (CWZ PLANS)

Instructions for Attachment 13: Complete all Attachment 13 sub-attachments listed below, appending any additional documentation as needed. Bulleted responses are acceptable. For the hardcopy, combine appended documents in order behind the applicable subsection. For the electronic copy, combine any appended documentation into one file labeled by Attachment, for example: “Att 13.1_Subcontracting Plan_[Proposer Name]_Appended Documents” to be included in the Technical Proposal folder.

- Attachment 13.1: Subcontracting Plan
- Attachment 13.2: Customer Transition Plan
- Attachment 13.3: Education and Outreach Plan
- Attachment 13.4: Customer Service Plan
- Attachment 13.5: Zero Waste Plan
- Attachment 13.6: Waste Management Plan
- Attachment 13.7: Health & Safety Plan
- Attachment 13.8: Air Pollution Reduction Plan

[See following pages for Attachments]

ATTACHMENT 14 - MAXIMUM RATE SCHEDULES FORM

[Complete the Attachment 14 – Maximum Rate Schedules form in Excel to be submitted as the complete Price Proposal]

The Proposer should carefully review and complete the Attachment 14 - Price Proposal form, which is provided in Excel format. The following Sheets will be found in the Attachment 14 form and should be filled out accordingly:

- 1) Cover Page – Provide the Proposer’s Company Name, Company Address, and BIC License Number(s).
- 2) Market Info (Tonnage, Pickup Frequency, and Business Types) – The Proposer does not need to fill out these pages. These pages provide aggregated market information on customers, estimated waste generation, and pickup patterns to help inform Proposer bids. There is no guarantee as to the accuracy of the information provided.
- 3) Zone Selection – Indicate the Zones that the Proposer is applying for.
- **4) Maximum Rate Schedules – These pages MUST BE COMPLETED for each Zone for which the Proposer is applying, and/or the Citywide Containerized Commercial Waste award, as applicable.**
- **5) Additional Fees – This page MUST BE COMPLETED if the Proposer plans on charging any of the allowed additional fees. If the Proposer does not complete this page, or submits values of \$0 or 0%, it is assumed that the Proposer will absorb such costs into its maximum rate schedule to customers.**

APPENDIX A: LOCAL LAW 199 OF 2019

**APPENDIX B: THE RULES OF THE CITY OF NEW YORK, TITLE
16: DEPARTMENT OF SANITATION, CHAPTER 20:
COMMERCIAL WASTE ZONES**

**APPENDIX C: TEMPLATE AGREEMENT FOR SOLID
WASTE MANAGEMENT SERVICES FOR COMMERCIAL
WASTE ZONES**

APPENDIX D: COMMERCIAL WASTE ZONE MAPS

**APPENDIX E: RFEI RESPONSES FOR TRANSFER,
PROCESSING, BENEFICIAL END-USE OR DISPOSAL
FACILITIES**