



sanitation

Jessica S. Tisch Commissioner

Kirk Eng
Agency Chief
Contracting Officer

September 28, 2022

44 Beaver Street
2nd Floor
New York, NY 10004
nyc.gov/sanitation

Re: Request for Best and Final Offer
Request for Proposals Commercial Waste Zone Implementation, PIN
82720AD0038 (“RFP”)

212.437.5048
kieng@dsny.nyc.gov

Dear Commercial Waste Zone Implementation RFP Proposer,

The New York City Department of Sanitation (“DSNY”) requests that your company submit a Best and Final Offer (“BAFO”) for the above-referenced RFP. This BAFO request covers the whole proposal in response to Part 2 of the RFP. A BAFO may address the whole proposal, or any one or combination of its component parts. For purposes of this BAFO request, the term “whole proposal” is defined as any or all elements of the proposal. However, your company may not propose an additional zone, or substitute a different zone for one previously proposed, and your company may also not propose an additional Designated Carter, or substitute a different Designated Carter for one previously proposed.

This BAFO request is an opportunity for Proposers to revise, correct, clarify and improve their proposals, including the customer pricing component of the proposal. The pricing evaluation is structured to assign the highest scores to Proposers that offer the most competitive rates to their customers by having the lowest maximum prices.

A letter from DSNY specifically addressing your proposal, which will be the starting point for our future discussions with you, will be sent to you today. A BAFO should correct and clarify the responses to the specific sections of the RFP and/or Attachments that are cited in that letter, and should be supplemented with the requested information or materials. Although a proposer is not permitted to propose any additional zones or to propose substituting a different zone for one previously proposed, and is not permitted to propose any additional Designated Carters or substitute proposed Designated Carters, if DSNY requests a clarification about which zones were previously proposed, or about a proposed Designated Carter, the BAFO should respond to that request. If you proposed a Designated Carter but do not provide information about or materials pertaining to the proposed Designated Carter, that Designated Carter may not be considered as part of your proposal.

In addition, the BAFO may improve the whole proposal or any one or combination of its component parts. In this BAFO, Proposers are strongly encouraged to present their most competitive customer pricing proposals. If you submit a BAFO for the whole proposal or any component part or parts of the proposal, the applicable Attachments should be fully completed in accordance with the instructions contained in Part 2 of the RFP and Addenda. All forms contained in Attachments 01 through 14 may be found at nyc.gov/commercialwaste under the "Request for Proposals" section or may be downloaded directly from <https://dsny.cityofnewyork.us/wp-content/uploads/2022/09/RFP-Part-2-BAFO-Proposal-Package.zip>.

For the customer pricing component, the instructions for Attachment 14 (Maximum Rate Schedule) have been clarified in the Appendix to this request. An Excel version of Attachment 14 which has been revised ("Revised Attachment 14") can be found with the other forms at the links above. Revised Attachment 14 has changed from the original in the following respect: For every field where it is possible to enter a dollar value, the entry of a dollar value of zero will now appear as \$0.00 instead of appearing as blank. The rest of the forms, contained in the other Attachments, have not changed other than being marked with the header "BAFO Request Dated September 28, 2022".

The BAFO must be received by DSNY no later than 1:00 p.m. on November 10, 2022 ("BAFO Due Date"), at the following address:

New York City Department of Sanitation
Agency Chief Contracting Officer
44 Beaver Street, Room 203
New York, New York 10004

The Best and Final Offer should be submitted with a transmittal letter on the Proposer's letterhead, signed by an authorized representative of the Proposer and enclosed in a sealed envelope, which includes separate sealed envelopes containing the applicable Attachments. The outer envelope should contain the following identifying information:

BEST AND FINAL OFFER
For Commercial Waste Zone Implementation RFP
PIN: 82720AD0038

The Best and Final Offer should be submitted in one (1) hard copy and should also be submitted electronically on two (2) USB drives using the applicable fillable PDF and Microsoft Excel versions of Attachments 01 through Revised Attachment 14, which have been prepared as part of your response to this BAFO request, pursuant to the directions given in Part 2 of the RFP and Addenda, and as applicable, the clarifications in the Appendix to this request. Responses to missing signatures or notarizations are required to be submitted as a hard copy.

Please note that if you are submitting *any* Attachments (including, but not limited to, Revised Attachment 14 – Maximum Rate Schedules Form) in response to this BAFO Request or the letter from DSNY specifically addressing your proposal, then the Attachment(s) should be *fully completed* for all sections and all questions. You should not submit an Attachment with just the corrected or changed information filled out; if you do so, the Attachment will be considered incomplete and it may result in your proposal being deemed non-responsive. However, if you are submitting documents that are to be submitted with an Attachment (but not the Attachment itself), such as copies of violations for Attachment 10, then you may submit just the documents.

The Best and Final Offer must be valid for a period of one hundred eighty (180) days from the BAFO Due Date.

If a Proposer does not submit a notice of withdrawal or a BAFO, the Proposer's initial proposal will be construed as the Proposer's best and final offer and will be deemed valid for one hundred eighty (180) days from the BAFO Due Date.

Any questions with respect to this BAFO request must be sent to CWZRFP@dsny.nyc.gov.

Sincerely,

Kirk Eng
cc: J. Bland

Sincerely,

Kirk Eng
Kirk Eng

APPENDIX

Clarification for Pricing Instructions

Proposers should use the following supplemental instructions for filling out Revised Attachment 14 of the RFP:

- Customer pricing under Commercial Waste Zones will be based on *both* Curbside and Containerized Service.
- Pricing for curbside service will follow a two-part pricing structure comprised of *both* a charge based on the frequency of collection by waste stream and a charge based on either the weight or volume of waste collected by waste stream. The final price to customers will be the combination of these two charges.

For example: a customer receiving collection 5 days per week and generating 30 cubic yards of waste per month weighing 4,000 pounds would receive a monthly charge for 5 Days Overnight service *plus* a charge based on the amount of waste, either based on volume applied to the 30 cubic yards of waste, or based on weight applied to the 4,000 pounds of waste.

The values entered into Tab 4 are proposed maximum values for each component of customer pricing.

- For each zone selected in Tab 3 of the Pricing Proposal, a value should be entered for every corresponding cell for that zone in Tab 4. This includes all pages in Tab 4—Curbside Service, Containerized Service Maximum Charge per Pull, and Containerized Service Maximum Monthly Rental Charge. Proposers should ensure that the zones selected in Tab 3 and the zones with values entered in Tab 4 match and are consistent.
- In the Curbside Service page of Tab 4, Proposers should enter both a maximum weight-based charge and a maximum volume-based charge. The weight-based charge is to be given as a rate **per 100 lbs**, not per pound.
- In Tab 4, values should be provided for Containerized Service in each zone being proposed for. This should be completed regardless of whether the proposer has included the Citywide Containerized award in their proposal.
- Blank cells will be assumed to be a proposed value of \$0.00 for that component.