

**HAMBLEN COUNTY-MORRISTOWN SOLID WASTE DISPOSAL SYSTEM
REQUEST FOR PROPOSALS - LANDFILL OPERATOR**

INVITATION FOR REQUEST FOR PROPOSALS

Hamblen County-Morristown Solid Waste Disposal System
3849 Sublett Road
Morristown, TN 37813

INTRODUCTION

The Hamblen County-Morristown Solid Waste Disposal System (SYSTEM) is requesting proposals from entities interested in operating the day-to-day activities of the System.

Proposer shall return Request for Proposals in **SEALED** envelope to:

**City of Morristown
Attn: Ashley Ahl, Purchasing Assistant
100 West 1st North Street
Morristown, TN 37814**

Public opening of the Request for Proposals will be held at the above address at the deadline date and time designated in the Invitation for Request for Proposal.

DATE ISSUED:	Tuesday, May 25, 2021
RFP TITLE:	LANDFILL OPERATOR
RFP DEADLINE DATE & TIME:	Tuesday, June 29, 2021; 10:00 a.m. Eastern Time (local prevailing time)
RFP OPENING LOCATION:	City of Morristown, 100 West 1 st North Street; Training Room, First Floor
MANDATORY PRE-RFP CONFERENCE	Friday, June 18, 2021; 10:00 a.m. Eastern Time (local prevailing time); Hamblen County Health Department at 331 West Main St.
RFP CONTACT:	Ashley Ahl, Purchasing Assistant
CONTACT PHONE:	423-585-4622
CONTACT EMAIL:	purchasing@mymorristown.com

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TERMS AND CONDITIONS

1. REQUIREMENTS FOR RFP SUBMISSION.

- a. COMPLETE, UNBOUND, ORIGINAL, Invitation for Request for Proposals.
 - b. Complete, bound, completed (initialed) copy of Invitation for Request for Proposals.
 - c. All Request for Proposals shall be submitted SEALED, envelope clearly marked with the bid name, date, and time ON THE OUTSIDE OF THE SEALED ENVELOPE.
 - d. Copy of Firm's IRS W-9 Form.
- 2. RFPs RECEIVED ON TIME.** Proposals and amendments thereto, if received by the SYSTEM after the date and time specified for opening, will not be considered. It will be the responsibility of the PROPOSER to see that the RFP is received by the SYSTEM'S Office by the specified time and date. There will be no exceptions. Date of postmark will not be considered. Telephone, facsimile, electronic, and verbal proposals will not be accepted. Any proposal received after the opening date and time will remain unopened and on file. The SYSTEM will not be responsible for proposals received late because of delays by a third party delivery service, i.e., U.S. Mail, UPS, Federal Express, etc.
- 3. TAX EXEMPT.** The SYSTEM is a tax exempt entity. The successful vendor will be provided with an executed copy of tax exempt form.
- 4. ANTI-COLLUSION.** The proposer certifies by signing this document that the RFP is made without prior understanding, agreement, or accord with any person submitting a RFP for the same services and that this RFP is in all respects bona fide, fair, and not the result of any act of fraud or collusion with another person engaged in the same line of business or commerce. Any false statement hereunder constitutes a felony and can result in a fine and imprisonment, as well as civil damages.
- 5. AWARD IN WHOLE OR IN PART.** The SYSTEM reserves the right to: award by item, groups of items, or total proposal; to reject any and/or all proposals in whole or in part, and to waive any informality if it is determined to be in the best interest of the SYSTEM.
- 6. OPEN RECORDS ACT.** Once the RFP document is submitted to the SYSTEM and is opened, it constitutes a public record and is subject to open records requests pursuant to the Tennessee Open Records Act.
- 7. PAYMENT TERMS.** The SYSTEM pays from monthly statements for services rendered. Payments are made within 15 days of the previous month's statement being received by the SYSTEM.
- 8. RECEIPT DOES NOT CONSTITUTE AWARD.** Receipt of your RFP by the SYSTEM is not to be construed as an award for services.

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9. **AVAILABILITY OF FUNDS.** Obligations on those contracts that envision extended funding through successive fiscal periods shall be contingent upon actual appropriations for the following years.
10. **AUTHORIZED SIGNATURE.** All proposals must be signed by an authorized, responsible officer or employee having the authority to enter into contracts. Obligations assumed by such signature must be fulfilled.
11. **NO SUBMISSION.** If you choose not to respond to this Request for Proposals, advise the SYSTEM of your intent and state the reason. Failure to do so may risk removal of your name from our mailing list/e-mail list.
12. **KNOWLEDGE OF LAWS AND REGULATIONS.** The proposer shall keep fully informed of all Federal, State, and Local laws, ordinances, and regulations that in any manner affect the conduct of the work. The proposer shall observe and comply with all such laws, ordinances, and regulations and shall protect and indemnify the SYSTEM and its representatives against any claim or liability arising from or based on any violations of the same, whether by the proposer, the proposer's subcontractors, suppliers, or others by the proposer or the employee of any of them.
13. **DRUG-FREE WORKPLACE.** The proposer understands that the SYSTEM operates a drug-free workplace program. Any good or service provided to the SYSTEM by the bidder must comply with all State and Federal drug-free workplace laws, rules and regulations. The proposer agrees to comply by the execution of the "Proposer Initial" located at the bottom of the page.
14. **DIRECT CONTACT PROHIBITED.** Direct contact with SYSTEM other than the representative on the subject of this RFP is expressly forbidden except with the foreknowledge and permission of the City of Morristown representative.
15. **NON-DISCRIMINATION.** During the performance of this contract, the proposer agrees as follows: he/she will not discriminate against any employees or applicants for employment because of race, religion, color, sex, national origin, age, disability or any other basis prohibited by federal or state law relating to discrimination in employment, except where one or more of these are a bona fide occupational qualification reasonably necessary to the normal operations of the proposer. The proposer agrees to post in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause. During the performance of this contract, the contractor agrees to provide a drug-free workplace.
16. **RIGHT TO WITHDRAWAL.** Proposers have the right to request withdrawal of their proposals from consideration due to error by giving notice at any time before and not later than two (2) days after proposals are publicly opened.
17. **ORIGINAL RFP DOCUMENT.** The original RFP document maintained by the SYSTEM shall be considered the official copy document.

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18. **CLOSED FOR BUSINESS.** If the SYSTEM is closed for business at the time scheduled for the RFP opening, for whatever reason, sealed RFPs will be accepted and opened on the next business day of the SYSTEM, at the originally scheduled hour.
19. **RFP APPROVAL BY LEGISLATIVE BODY.** The RFP awarding must be approved by the SYSTEM's Board.
20. **REFERENCE TO BRAND NAMES.** Any reference to brand names, trade names, model numbers, catalog numbers or other descriptions peculiar to any item is made to establish a required level of quality and functional capabilities and is for reference only; it is not intended to exclude other products of that level. Please include with RFP any specifications, brochures, catalogs, etc., or other data as will provide adequate basis of determining the quality and functional capabilities of the product offered if applicable.
21. **VENDOR POOR PERFORMANCE.** The SYSTEM may cancel the contract with the vendor at any time for vendor poor performance. Cancellation shall not release the vendor from legal remedies available to the SYSTEM.
22. **FORCE MAJEURE.** The SYSTEM or bidder shall not be liable for any failure of or delay in the performance of this contract for the period that such delay or failure is due to causes beyond reasonable control, including but not limited to acts of God, labor disputes, government orders or any other force majeure event.
23. **PURCHASE ORDERS.** The SYSTEM utilizes purchase orders for ordering goods and/or services. An order may not be fulfilled without a purchase order number from the SYSTEM.
24. **PAST PERFORMANCE.** If it is determined to be in the best interest of the SYSTEM, the SYSTEM reserves the right to reject any proposal based on unsatisfactory past performance.
25. **IRAN DIVESTMENT ACT.** By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each part thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each proposer is not on the list created pursuant to TCA 12-12-106.
26. **ADDENDA.** In the event that it becomes necessary to revise any part of this RFP, written addenda will be issued. Any and all addenda will be numbered in sequence, dated as of the date of issue, and sent via fax or email to all prospective proposers. The proposer shall acknowledge receipt of each addendum by signing in the space provided on the issued addendum and by submitting all addenda with their proposal.
27. **QUESTIONS.** All questions shall be directed to the RFP contact listed on the first page of this document unless otherwise stated. All communication shall be received by email to purchasing@mymorristown.com.

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VENDOR INFORMATION and ANTI-COLLUSION STATEMENT

Please print or type clearly. Complete each section entirely and verify for accuracy.

By signing this form, the proposer agrees that he/she has not divulged to, discussed, or compared his/her RFP with other proposers and has not colluded with any other proposer or parties regarding the RFP whatsoever. Note: no premiums, rebates or gratuities to any employee or agent are permitted with, prior to, or after any delivery of service and or materials. Any such violation will result in the cancellation and/or return of material (as applicable) and the removal from the RFP list and could constitute a felony and result in a fine, imprisonment, as well as civil damages.

In compliance with this Invitation for Request for Proposals, and subject to all the conditions thereof, the undersigned offers, if this RFP is accepted, to furnish any or all of the items and/or services as described herein. The undersigned certifies that he/she has read, understands, and agrees to all terms, conditions, and requirements of this RFP, and is authorized to contract on behalf of the firm named below. This form must be signed personally by the proposer or the proposer's authorized agent. All signatures must be original and not photocopies.

COMPANY NAME:	
CONTACT PERSON:	
CONTACT PERSON TITLE:	
SIGNATURE OF AUTHORIZED REPRESENTATIVE:	
FEDERAL TAX ID # (or Social Security #, if applicable)	
STREET ADDRESS:	
STREET ADDRESS:	
CITY, STATE, ZIP:	
TELEPHONE NUMBER:	
FAX NUMBER:	
EMAIL:	
DATE:	

**By signing this form, the proposer signifies understanding and agreement with the SYSTEM's Terms and Conditions.

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EXCEPTIONS

Proposer MUST sign the appropriate statement below, as applicable.

Proposer understands and agrees to all terms, conditions, requirements and specifications stated herein. **NO EXCEPTIONS ARE TAKEN.**

FIRM NAME:	
AUTHORIZED REPRESENTATIVE: (printed)	
AUTHORIZED REPRESENTATIVE: (signature)	
DATE:	

Proposer takes exception to the following terms, conditions, requirements and specifications stated herein.

FIRM NAME:	
AUTHORIZED REPRESENTATIVE: (printed)	
AUTHORIZED REPRESENTATIVE: (signature)	
DATE:	
EXCEPTIONS TO NOTE:	

Vendors should note that any exceptions taken from the stated terms and/or specifications may be cause for their submittal to be deemed “Non-Responsive”, risking the rejection of their submittal.

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INTRODUCTION

It is the SYSTEM's intent and purpose to seek proposals from independent offerors to provide solid waste management, development, and operations on behalf of the SYSTEM. The System is seeking experienced operators of landfill operations within the State of Tennessee. Proposals from qualified and responsible proposers to manage and operate the existing operation are being sought. Proposers should consider the current location and its remaining capacities, development of future cells, need to acquire additional properties, and/or closing the current location for an alternative location. There are no limitations as to the types of waste that is to be considered for disposal as is permissible with existing permit. It is the SYSTEM's desire to award the proposal to the most qualified entity that protects the financial interest of the citizens and taxpayers of Hamblen County and the City of Morristown, while ensuring that the operations are compliant with all regulations.

BACKGROUND INFORMATION

The SYSTEM was originally created on July 26, 1988, as a joint venture by Hamblen County and the City of Morristown, each of which is a political subdivision of the State of Tennessee. The SYSTEM was formed so solid waste disposal operations would be cooperatively managed. The SYSTEM's Board is comprised of eight (8) members, three (3) appointed by the Hamblen County Commission, three (3) from the City Council of the City of Morristown, one (1) appointed by the County Mayor subject to confirmation by the Hamblen County Commission and one (1) appointed by the City Administrator, subject to confirmation by the City Council of the City of Morristown. The SYSTEM has historically employed a Director that was appointed by the Board. The Director was responsible for the supervision over the maintenance and operation of the facilities.

Over the years, the SYSTEM has acquired properties for expansion. Today, the current landfill location occupies approximately 150 acres. Of the approximately 150 acres, there are two old closed landfills, an active area under partial closure at this time, and 31 acres remain available for future expansion possibilities. The current permitted and usable cells have 2.5 years of useful lives. The SYSTEM has begun the permitting process for expansion and development of additional cells.

The SYSTEM accepts refuse primarily from residential curbside collection. Hamblen County and the City of Morristown provide door-to-door collection as a service to its citizens. The SYSTEM is not responsible nor manages the door-to-door collections. Additionally, the SYSTEM accepts refuse from taxpayers within Hamblen County and the City of Morristown that is brought to the landfill. Third-party haulers, contractors, etc. also are allowed to dispose of waste at the landfill. Overall, approximately 70,000 tons per year are received by the landfill.

Other pertinent information will be provided at the MANDATORY pre-proposal conference. Proposals will not be accepted from anyone who fails to attend the pre-proposal conference. As listed on the cover, that meeting is set for Friday, June 18, 2021 at 10:00 a.m. EST at the Hamblen County Health Department located at 331 West Main Street, Morristown, TN 37814.

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Interested parties can obtain inspection reports from the Tennessee Department of Environment & Conservation at the following website address:

http://environment-online.tn.gov:8080/pls/enf_reports/f?p=19035:34202:::

Following the pre-proposal conference, a site tour will be conducted. This will allow all interested parties to further familiarize themselves with the current location and its operations.

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STATEMENT OF PROPOSALS\QUALIFICATIONS

For ease of review, please submit your Proposals with the following information:

Operational Qualifications

1. Proposer shall have a minimum of ten (10) years of relevant and documented experience in landfill operations in the State of Tennessee. That experience shall include landfill operation with a mandatory minimum of ten (10) years of continuous operation. Documentation shall be provided to support this qualification.
2. Proposer shall have knowledge and experience in the operation of single-stream recycling program. This shall be discussed within the proposal and documentation of experience is encouraged.
3. Proposer shall have knowledge and experience in the processing of waste tires. This shall be discussed within the proposal and documentation of experience is encouraged.
4. Proposer shall have knowledge and experience in the processing of hazardous waste. This shall be discussed within the proposal and documentation of experience is encouraged.
5. Proposer shall have knowledge and experience in the processing of construction and demolition materials. This shall be discussed within the proposal and documentation of experience is encouraged.
6. Proposer shall have knowledge and experience in the processing of organic sludge waste. This shall be discussed within the proposal and documentation of experience is encouraged.
7. The proposal shall include the organizational chart and provide information as to who will be the individual responsible for overseeing landfill operations.
8. The proposal shall include detail and resumes of key personnel that will be assigned to the landfill and his/her experience of managing employees in landfill operations. The proposal shall include a recommendation as to how the successful proposer would staff the landfill and management thereof. Proposer's consideration of current staff should be included in the response.
9. The proposal shall include a list of all owned and operated solid waste operations currently in operation or under construction by the proposer. The listing is considered enclosure information and it thus excluded from counting towards the page count. The listing shall include the following information:
 - a. Name and type of facility
 - b. Geographical location
 - c. Permitting agency(ies)
 - d. Permitted capacity
 - e. Size

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- f. Average annual wastes received and amounts
 - g. Time period of operation by proposer
 - h. Types of wastes received

 - i. Inspections reports
 - j. Notices of Violation or other enforcement actions, Consent Orders for the past five (5) years
 - k. List of references and a statement of permission to contact references
10. The proposer shall furnish its equipment preventative maintenance program for equipment that is utilized in landfill operations.
11. The proposer shall include a detailed compliance, safety, training and contingency plan or plans for personnel on site.

Financial Qualifications

- 1. The proposer's annual financial reports for the last three (3) years.
- 2. Certification that proposer or predecessor company if applicable has not ever filed under the Bankruptcy Act within the past seven (7) years.
- 3. Statement of financial stability and corporate commitment to its business.
- 4. Copies for insurance policies intended to satisfy contractual requirements of this RFP.
- 5. Proposal shall present cost structure as to how the SYSTEM is to compensate the successful proposer. The proposer should provide fee that would be charged for operations. This would exclude costs of expansion of existing location. The SYSTEM Board, upon recommendations from the successful proposer shall determine the plan for expansion. The SYSTEM will require an initial, minimum term of five (5) years that may be renewed for an additional five (5) years as negotiated by the SYSTEM and the proposer.
- 6. The SYSTEM shall determine all tipping fees to be charged in consultation with the successful proposer. The SYSTEM's Board must approve any changes to the approved tipping fee.

Other Qualifications for Proposal

- 1. The proposer shall provide a statement in the response to this RFP that proposal shall remain valid for 90 days from the date of its submission (due date of the RFP).
- 2. A signed and notarized copy of the Conflict of Interest Statement must be submitted with the proposal.
- 3. Proposer must be willing to provide a copy of Certificate of Insurance that will list the SYSTEM named as additional insured and in the amount of at least five million dollars.

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PROPOSAL FORMAT

Proposals must conform to the following format:

1. Letter size (i.e. 8.5 x 11 inches) paper
2. All documents shall have original signatures
3. No more than ten (10) double-sided or twenty (20) single-sided pages (excluding attachments, cover page, tabs, enclosures and the initialed Request for Proposals)
4. One-inch top and bottom margins
5. One-half (1/2) inch right and left margins
6. Font size should be at 12 point; there is no preferred font
7. Must include to separate each section
8. Compliance with other items described in item number one in the Terms and Conditions

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SELECTION CRITERIA

<u>Item</u>	<u>Point Value</u>
<i>Operational Qualifications:</i> <ul style="list-style-type: none"> • Experience • Knowledge and Experience – Recycling • Knowledge and Experience – Waste Tires • Knowledge and Experience – Hazardous Waste • Knowledge and Experience – Construction and Demolition • Knowledge and Experience – Organic Sludge • Key personnel • Strength of Operational Portfolio • Compliance and Maintenance Programs 	25 points maximum 15 points maximum 15 points maximum 15 points maximum 15 points maximum 15 points maximum 20 points maximum 50 points maximum 20 points maximum
<i>Financial Qualifications:</i> <ul style="list-style-type: none"> • Financial Strength • Proposed costs to operate the SYSTEM 	50 points maximum 50 points maximum
<i>Organization:</i> <ul style="list-style-type: none"> • Presentation and organization of information 	10 points maximum
TOTAL Points Available	300 maximum

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**THE HAMBLLEN COUNTY-MORRISTOWN SOLID WASTE DISPOSAL
SYSTEM
COMPANY/CONTRACTOR AFFIDAVIT FORM**
Conflict of Interest Statement

THE AFFIANT STATES TO THE HAMBLLEN COUNTY-MORRISTOWN SOLID WASTE DISPOSAL SYSTEM (SYSTEM):

I (WE) HEREBY CERTIFY THAT IF THE CONTRACT IS AWARDED TO OUR FIRM THAT NO MEMBER OR MEMBERS OF THE GOVERNING BODY, ELECTED OFFICIAL OR OFFICIALS, EMPLOYEE OR EMPLOYEES OF SAID SYSTEM, OR ANY PERSON REPRESENTING OR PURPORTING TO REPRESENT THE SYSTEM OR ANY FAMILY MEMBER INCLUDING SPOUSE, PARENTS, CHILDREN OF SAID GROUP, HAS RECEIVED OR HAS BEEN PROMISED, DIRECTLY, OR INDIRECTLY, ANY FINANCIAL BENEFIT, BY WAY OF FEE, COMMISSION, FINDER'S FEES OR ANY OTHER FINANCIAL BENEFIT ON ACCOUNT OF THE ACT OF AWARDED AND/OR EXECUTING THE CONTRACT.

THE UNDERSIGNED HEREBY CERTIFIES THAT HE/SHE HAS FULL AUTHORITY TO BIND THE COMPANY AND THAT HE/SHE HAS PERSONALLY REVIEWED THE INFORMATION CONTAINED IN THIS REQUEST FOR PROPOSALS (RFP), INCLUDING ALL ATTACHMENTS, ENCLOSURES, APPENDICES, ETC. AND DO HEREBY ATTEST TO THE ACCURACY OF ALL INFORMATION CONTAINED IN THIS RFP, INCLUDING ALL ATTACHMENTS, ENCLOSURES, EXHIBITS, ETC.

THE UNDERSIGNED ACKNOWLEDGES THAT ANY MISREPRESENTATION WILL RESULT IN IMMEDIATE DISQUALIFICATION FROM ANY CONTRACT CONSIDERATION.

THE UNDERSIGNED FURTHER RECOGNIZES THAT THE CITY OF MORRISTOWN CITY COUNCIL HAS THE RIGHT TO MAKE THE CONTRACT AWARD FOR ANY REASON CONSIDERED IN THE BEST INTEREST OF THE SYSTEM.

This certification shall be included with the RFP. Failure of this properly executed document to be included with the proposal shall render the proposal as incomplete and void.

COMPANY NAME _____

NAME (PRINT) _____ PHONE _____

TITLE _____ FAX _____

SIGNATURE _____ DATE _____

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**(TO BE COMPLETED BY NOTARY)**

STATE OF: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

*Before me personally appeared \_\_\_\_\_, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the foregoing for the purposes therein contained.*

*Witness my hand and seal at office this day of \_\_\_\_\_, 20\_\_*

\_\_\_\_\_  
*Notary Public*

*My commission expires:* \_\_\_\_\_