

Crosby Housing Authority

REQUEST FOR PROPOSALS (RFP) NO. 2022-002

Solid Waste and Recycling Services - General



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Solid Waste and Recycling Services - General

RFP Document

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INTRODUCTION

The Crosby Housing & Redevelopment Authority (hereinafter, “HA”) is a public entity that was formed to provide federally subsidized housing and housing assistance to low-income families. Our mission is to provide affordable housing and redevelopment opportunities to strengthen our neighborhoods and community. Our plan is to keep continuing our efforts and provide high quality, safe and affordable housing for existing and potential residents and participants. The HA is headed by an Executive Director (ED), is governed by a five-person board of commissioners and is subject to the requirements of Title 24 of the Code of Federal Regulations (hereinafter, “CFR”) and the HA’s procurement policy.

Currently, the HA owns and/or manages 59 units in the City of Crosby and administers approximately 61 project-based voucher units located in the limits of the City of Crosby. The HA’s housing units are public housing and income-based units located in multiple buildings throughout the City of Crosby.

The HA is soliciting proposals for Solid Waste and Recycling services for the Crosby Housing Authority from qualified licensed and insured entities, individuals or firms.

All proposals submitted in response to this solicitation must conform to all of the requirements and specifications outlined within this document and all attachments in its entirety.

RFP INFORMATION AT A GLANCE

[Table No. 2]

AGENCY CONTACT PERSON (NOTE: Unless otherwise specified, any reference herein to “Contracting Officer” or “(CO)” shall be a reference to Mr. Schommer.)	John Schommer Telephone: (218) 824-3432 E-mail: john@brainerdhra.org TDD: (800)735-2989
HOW TO OBTAIN THE RFP DOCUMENTS ON THE EPROCUREMENT MARKETPLACE	<ol style="list-style-type: none"> 1. Access www.crosbyhra.org 2. Hover over resources at the top. 3. Select Employment/Contracting Opportunities 4. Under the contracting opportunities section click on to Housing Agency Marketplace. 5. Follow the listed directions. <p>If you have any problems in accessing or registering on the Marketplace, please call customer support at (866)526-9266.</p>
PRE-PROPOSAL CONFERENCE	None scheduled at this time.
QUESTION DEADLINE	Wednesday, August 17, 2022, 3:00 PM
PROPOSAL SUBMITAL RETURN & DEADLINE	<p>Wednesday, August 24, 2022, 3:00 PM</p> <p>Agency Administrative Office 324 East River Road, Brainerd MN, 56401</p> <p>*(The proposed costs must be entered within the aforementioned eProcurement Marketplace and the proposal must be submitted through the eProcurement software and time-stamped by the Agency by no later than 3:00 PM on this date).</p>

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1.0 THE AGENCY'S RESERVATION OF RIGHTS. The Agency reserves the right to:

- 1.1 Right to Reject, Waive, or Terminate the RFP.** Reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by the Agency to be in its best interests.
- 1.2 Right to Not Award.** Not award a contract pursuant to this RFP.
- 1.3 Right to Terminate.** Terminate a contract awarded pursuant to this RFP, at any time for its convenience upon 10 days written notice to the Contractor(s).
- 1.4 Right to Determine Time and Location.** Determine the days, hours and locations that the successful proposer (hereinafter, "Contractor") shall provide the services called for in this RFP.
- 1.5 Right to Retain Proposals.** Retain all proposals submitted and not permit withdrawal for a period of 60 days subsequent to the deadline for receiving proposals without the written consent of the Agency Contracting Officer (CO).
- 1.6 Right to Negotiate.** Negotiate the fees proposed by the proposer entity.
- 1.7 Right to Reject Any Proposal.** Reject and not consider any proposal that does not meet the requirements of this RFP, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services.
- 1.8 No Obligation to Compensate.** Have no obligation to compensate any proposer for any costs incurred in responding to this RFP.
- 1.9 Right to Prohibit.** At any time during the RFP or contract process, prohibit any further participation by a proposer or reject any proposal submitted that does not conform to any of the requirements detailed herein. By accessing the eProcurement Marketplace (hereinafter, the "Marketplace") and by downloading this document, each prospective proposer is thereby agreeing to abide by all terms and conditions listed within this document and within the Marketplace, and further agrees that he/she will inform the CO in writing within 5 days of the discovery of any item listed herein or of any item that is issued thereafter by the Agency that he/she feels needs to be addressed. Failure to abide by this time frame shall relieve the Agency, but not the prospective proposer, of any responsibility pertaining to such issue.
- 1.10 Obtaining Competitive Solicitation Documents.** The Marketplace-based software is the only official and appropriate venue to obtain the competitive solicitation documents (and any other information pertaining to the competitive solicitation such as addenda). Accordingly, by submitting a response to this competitive solicitation the respondent thereby affirms that he/she obtained all information on the noted software. Any other group such as a bid depository that informs potential respondents of the availability of such competitive solicitations are hereby instructed to not distribute these documents to any such potential respondents, but to instruct the potential respondents to visit the Marketplace to obtain the documents. The Agency will reject without consideration any response submitted from a firm that has not obtained the documents from the Marketplace.

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- 2.0 SCOPE OF WORK.** The Agency is seeking proposals from qualified and licensed entities to provide the Agency with the following detailed services:
- 2.1 Special Award Conditions pertaining to this RFP.** The Agency reserves the right to, at any time during the ensuing contract period(s), complete award to different companies for the different services we require. Please see the following Section 3.3.1 herein for more information as to how such potential multiple awards will be accomplished.
- 2.2 General Requirements.** The Agency is seeking proposals for garbage and recycling services. These services are a necessary supplement to the operations of the Agency. The vendor needs to provide garbage and recycling services to the government authority located in Crosby. The vendor will supply and maintain all refuse containers. The vendor will have to pick up at all addresses for the quoted number of times per week. Additionally, the vendor will be responsible to pull the dumpsters out of the building(s) for the disposal of garbage and will be responsible for replacing all containers back in their designated spots inside the building(s). The agency will provide access to the building. Recycling containers will be located outside of the building. Quote for additional services, more information provided in section 2.3. Pick up quantity per week and size below include, but are not limited to, the following:
- 2.2.1 Dellwood Apartments:** 300 3rd Avenue Northeast
Quantity 2: 2 yd Garbage (Picked up 3x weekly)
Quantity 1: 98-gallon residential recycling (Picked up 1x weekly)
- 2.2.2 Edgewood Apartments:** 400 3rd Avenue Northeast
Quantity 2: 2 yd Garbage (Picked up 3x weekly)
Quantity 3: 98-gallon residential recycling (Picked up 1x weekly)
- 2.3 Additional Services.** Often, the HRA has used additional services for special pick-up items. Please provide a list for oversized and electronic items by price and special pick-up fee. Also, price out your roll off dumpsters by size.
- 2.4 Renewal Options.** This contract is initially executed for the period of 1 year with the option, at the Agency's discretion, of 4 additional one-year option periods, for a maximum total of 5 years.

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3.0 PROPOSAL FORMAT.

- 3.1 Proposal Submittal.** The Agency intends to retain the Contractor pursuant to a “Best Value” basis, not a “Low Bid” basis (“Best Value,” in that the Agency will, as detailed within the following Section 4.0, consider factors other than just cost in making the award decision). Therefore, so that the Agency can properly evaluate the offers received, all proposals submitted in response to this RFP must be formatted in accordance with the sequence noted following. Each category must be separated into sections. See attachment A for different sections. None of the proposed services may conflict with any requirement the Agency has published herein or has issued by addendum.

[Table No. 3]

RFP Section	Section No.	Description
3.1.1	1	Form of Proposal. This Form is attached hereto as Attachment A to this RFP document. This 1-page Form must be fully completed, executed where provided thereon and submitted under this section as a part of the proposal submittal.
3.1.2	2	Form HUD-5369-A (11/92), Representations, Certifications, and Other Statements of Bidders. This Form is attached hereto as Attachment B to this RFP document. This 2-page Form must be fully completed, executed where provided thereon and submitted under this section as a part of the proposal submittal.
3.1.3	3	Profile of Firm Form. The Profile of Firm Form is attached hereto as Attachment C to this RFP document. This 2-page Form must be fully completed, executed and submitted under this section as a part of the proposal submittal.
3.1.4	4	Proposed Services. As more fully detailed within Section 2.0, <i>Scope of Proposal/Technical Specifications</i> , of this document, the proposer shall, at a minimum, clearly detail within the information submitted under this section documentation showing:
3.1.4.1		As detailed within Section 4.1, Evaluation Factor No 2, the proposer’s DEMONSTRATED UNDERSTANDING of the REQUIREMENT, the APPROPRIATENESS of the TECHNICAL APPROACH and the QUALITY of the WORK PLAN.
3.1.4.2		As detailed within Section 4.1, Evaluation Factor No. 3, herein, the proposer’s TECHNICAL CAPABILITIES (in terms of personnel, equipment and materials) and the MANAGEMENT PLAN (including staffing of key positions, method of assigning work and procedures for maintaining level of service, etc.).

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RFP Section	Section No.	Description
3.1.4.3		As detailed within Section 4.1, Evaluation Factor No. 4, the proposer's DEMONSTRATED EXPERIENCE in performing similar work and the proposer's DEMONSTRATED SUCCESSFUL PAST PERFORMANCE (including meeting costs, schedules and performance requirements) of contract work substantially similar to that required by this solicitation as verified by reference checks or other means.
3.1.4.4		If appropriate, how staff are retained, screened, trained, and monitored.
3.1.4.5		The proposed quality assurance program.
3.1.4.6		An explanation and copies of forms that will be used and reports that will be submitted and the method of such reports (i.e. written; fax; internet; etc.).
3.1.4.7		A complete description of the products and/or services the firm provides.
3.1.4.8		Evaluation Factor No. 5, herein, the proposer's Section 3 Procurement Preference Documentation, Attachment D-3. Include applicable forms and provide description of qualitative activities proposer is or will perform.
3.1.5	5	Managerial Capacity/Financial Viability. The proposer entity must submit under this section a concise description of its managerial and financial capacity to deliver the proposed services, including brief professional resumes for the persons identified within areas (5) and (6) of Attachment C, <i>Profile of Firm Form</i> . Such information shall include the proposer's qualifications to provide the services; a description of the background and current organization of the firm (including a current organizational chart).
3.1.6	6	Client Information. The proposer shall submit a listing of former or current clients, including Public Housing Authorities, for whom the proposer has performed similar or like services to those being proposed herein. The listing shall, at a minimum, include:
3.1.6.1		The client's name;
3.1.6.2		The client's contact name;
3.1.6.3		The client's telephone number and email address; and
3.1.6.4		A brief narrative description and scope of the service(s) and the dates the services were/are provided.

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RFP Section	Section No.	Description
3.1.7	7	Equal Employment Opportunity/Supplier Diversity. The proposer must submit under this section a copy of its Equal Opportunity Employment Policy and a complete description of the positive steps it will take to ensure compliance, to the greatest extent feasible, with the regulations detailed within the following Section 3.6 herein pertaining to supplier diversity (e.g. small, minority-, and women-owned businesses).
3.1.8	8	Subcontractor/Joint Venture Information (Optional Item). The proposer shall identify hereunder whether or not he/she intends to use any subcontractors for this job, if awarded, and/or if the proposal is a joint venture with another firm. Please remember that all information required from the proposer under the proceeding sections must also be included for any major subcontractors (10% or more) or from any joint venture.
3.1.9	9	Section 3 Business Preference Documentation (Optional Item). For any proposer claiming a Section 3 Business Preference, he/she shall under this section include the fully completed and executed Section 3 Business Preference Certification Form attached hereto as Attachment D and any documentation required by that form.
3.1.10	10	Other Information (Optional Item). The proposer may include hereunder any other general information that the proposer believes is appropriate to assist the Agency in its evaluation.
3.1.11	Optional Sections. If no information is to be placed under any of the above noted sections (especially the "Optional" sections), please place there under a statement such as "NO INFORMATION IS BEING PLACED UNDER THIS SECTION" or "THIS SECTION LEFT INTENTIONALLY BLANK." <u>DO NOT</u> eliminate any of the sections.	

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- 3.2 Entry of Proposed Fees.** The proposed pricing shall be submitted by the proposer and received by the Agency where provided on the eProcurement Marketplace System only. Do not submit, enter or refer to any fees or costs within the 10-section submittal detailed within Section 3.0 – any proposer that does so may be rejected without further consideration.

[Table No. 4]

RFP Section	Item No.	Qty	U/M	Service Description	Pick-up
3.2.1	1	2	Each	2 yd Dumpster (Dellwood)	3 x Weekly
3.2.2	2	2	Each	2 yd Dumpster (Edgewood)	3 x Weekly
3.2.3	3	1	Each	98-Gallon Recycling (Dellwood)	1 x Weekly
3.2.4	4	3	Each	98-Gallon Recycling (Edgewood)	1 x weekly

3.3 Additional Information Pertaining to each of the above Pricing Items.

- 3.3.1 Quantities.** All quantities entered by the Agency herein and within the corresponding Pricing Items within the eProcurement Marketplace are for *calculating purposes only*. As may be further detailed herein, the Agency shall retain one Contractor only and shall retain the right to order from that Contractor (successful proposer), on a service order basis, any amount of services the Agency requires. Please see the following exception.

- 3.3.1.1 Exception to 3.3.1.** Though the Agency anticipates that it will make award to one firm only, the Agency retains the right to, at any time during the ensuing contract period(s), complete award to more than one contractor if the Agency determines that such is in its best interests. If such occurs, the ensuing contract(s) awards shall become an Indefinite Quantities Contract (IQC), and the following clause shall apply:

- 3.3.1.1.1 Guaranteed Contract Minimum Amount and Not-to-exceed Maximum Amount.** As may be further detailed herein, most specifically within the preceding Section 3.3.1.1, if the ensuing contract becomes an Indefinite Quantities Contract (IQC), which, pursuant to HUD regulation, requires the Agency to award to each responsive and responsible contractor a Guaranteed Contract Minimum Amount (GCMA) and a Not-to-exceed Maximum Contract Amount (NMCA) of work, those required minimum and maximum contract levels are: (a) GCMA:

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\$2,000; (b) NMCA: \$200,000 (each shall be annual amounts).

3.3.1.2 Reimbursable Expenses. Reimbursable expenses are not allowed under the ensuing contract except as listed immediately following:

3.3.1.2.1 Pre-approval by the Agency. All reimbursable expenses as detailed herein must have the prior written approval of the Agency.

3.3.1.3 Review the Entry of Proposed Fees. After a proposer has entered where provided within the eProcurement Marketplace his/her proposed unit costs for the Pricing Items, the Marketplace will automatically multiply the proposed unit costs by the listed quantities. The Agency strongly recommends that each proposer, after entry of these proposed fees within the eProcurement Marketplace, print the receipt provided and review the entry to ensure that the proposer has entered the proposed fees correctly (the Marketplace will allow the proposer to immediately re-enter the Marketplace at any time prior to the posted deadline to correct any such entry). The proposer will NOT be able to correct this entry after the posted deadline has expired, which means that the Agency will utilize such entry, correct or incorrect, to assign the points pertaining to Evaluation Factor No. 1 detailed within the following Table No. 6 herein.

3.3.2 IMPORTANT NOTICE!!! Entry of Costs. Except as provided for otherwise (e.g. a “No Charge” option), proposers must submit, where provided within the eProcurement Marketplace system, a realistic cost for each and every Pricing Item detailed within the preceding Table No. 4. The eProcurement Marketplace system will automatically perform all required calculations.

3.3.2.1 Realistic Cost for each Pricing Item. Each proposer is strongly encouraged to enter where provided within the eProcurement System a realistic cost for each Pricing Item, especially the hourly fees required. For example, if the successful proposer enters \$1.00 per hour for any hourly fee Pricing Item (proposers typically do so in an effort to improve their position in regards to Evaluation Factor No. 1, as detailed within Table No. 6 herein), then the \$1.00 per hour is what the successful proposer will charge the Agency for any work that the Agency may retain the successful proposer to provide if the Agency deems such retention is in the Agency’s best interests to do so. Accordingly, it is the Agency’s opinion that it is very much in the best interests of the proposer to propose a realistic hourly

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fee for each Pricing Item. If, despite this warning, the successful proposer proposes an hourly fee that the Agency deems is not realistic, then the Agency reserves the right to require the successful proposer to, at contract execution, present a cash bond in a suitable amount (e.g. \$5,000.00, which the Agency will hold during the term of the ensuing contract period) to ensure that the successful proposer will fulfill his/her obligation in this matter.

3.3.3.2 No Negotiation of Proposed Fees after the Submittal Deadline. The Agency WILL NOT, after the submittal deadline negotiate an increase to any unit costs or fees proposed prior to the submittal deadline; accordingly, proposers are strongly cautioned to submit a realistic price for each Pricing Item identified within the preceding Table No. 4 herein that the proposer chooses to submit a proposed cost for.

3.3.4 No Deposit/No Retainer. The Agency will NOT pay any deposit or retainer fees as a result of award of the ensuing contract. This means that the Agency will pay the successful proposer(s) for the solid waste and recycling services, pick-ups actually completed. Pertaining to Pricing Items, the Contractor will be required to submit full pricing details by item on each bill submitted to the agency.

3.3.3 Potential Escalation of Rates. Pertaining to the ensuing contract, the successful bidder may receive an escalation in costs as detailed following:

3.3.3.1 Labor Costs. At the discretion of the Agency, at the end of the first one-year contract period (and at the end of any ensuing extended contract period), there may be an escalation of costs allowed in the same amount of any escalation that occurs pertaining to the corresponding or most similar State of Minnesota Prevailing Wage Rates for the Crow Wing County area ("most similar," as determined by and at the sole discretion of the Agency). For example, if, at the end of the first contract period the listed prevailing wage rates increase 5% as compared with the listed rates on the date of contract execution, then the Contractor will, at the CO's discretion, be entitled to a 5% increase in the labor rates that he/she submitted in response to this RFP. Similarly, for ensuing years, the end-date of the previous contract period shall be the base-line date to determine the previous listed wage rate.

3.3.3.1.1 Notification must be received from the Contractor. The Contractor must notify the ED, in writing, of such desired escalation at least 60 days prior to the end of the noted contract period(s).

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Such escalations may occur no more than once in any 12-month period without the express written consent of the ED.

3.3.3.1.2 Right to Reject. As stated within this Section 3.3.3, the Agency reserves the right to reject any such request for an increase in fees if the Agency feels doing so is in its best interests. Similarly, the Contractor has the right to terminate services if the Agency rejects the request for an increase. This will occur in the following manner (procedure):

3.3.3.1.2.1 Step No. 1. The Contractor submits his/her written request for an increase, accompanied by the required documentation, to the Agency ED within the required 60-day period (please see the preceding Section 3.3.3.1 herein); then,

3.3.3.1.2.2 Step No. 2. The Agency considers the requested increase and, within 10 days of receipt of such, issues a written response to the Contractor as to whether the request is approved or rejected: and,

3.3.3.1.2.3 Step No. 3. If rejected and the Contractor wishes to, as a result, cease providing the services to the Agency, the Contractor has 10 days from the receipt of the written notice of rejection to deliver to the Agency ED a written notice that he/she is hereby invoking his/her right to discontinue the services within 120 days of the date this notice was delivered to the Agency (the specific date 120-days hence shall be written within the notice); then,

3.3.3.1.2.4 Step No. 4. The Agency will then endeavor to ensure that it makes other arrangements to replace the Contractor (i.e., contract with

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another firm; do the services in-house; etc.); further, if such other arrangements are completed by the Agency prior to the aforementioned 120-day date, the Agency shall retain the right to deliver to the original Contractor a 10-day written notice to cease services (meaning, the 120-day period is a maximum additional contract period that the Agency may, at its discretion, shorten with such written notice).

3.4 Proposal Submission. All proposals shall be submitted and received on time in the eProcurement Marketplace by no later than the submittal deadline stated herein (or within any ensuing addendum).

3.4.1 Submission Conditions. DO NOT FOLD OR MAKE ANY ADDITIONAL MARKS, NOTATIONS OR REQUIREMENTS ON THE DOCUMENTS TO BE SUBMITTED! Proposers are not allowed to change any requirements or forms contained herein, either by making or entering onto these documents or the documents submitted any revisions or additions; and if any such additional marks, notations or requirements are entered on any of the documents that are submitted to the Agency by the proposer, such may invalidate that proposal. If, after accepting such a proposal, the Agency decides that any such entry has not changed the intent of the proposal that the Agency intended to receive, the Agency may accept the proposal and the proposal shall be considered by the Agency as if those additional marks, notations or requirements were not entered on such. By accessing the eProcurement Marketplace System, registering and downloading these documents, each prospective proposer that does so is thereby agreeing to confirm all notices that the Agency delivers to him/her as instructed, and by submitting a proposal, the proposer is thereby agreeing to abide by all terms and conditions published herein and by addendum pertaining to this RFP.

3.4.2 Submission Responsibilities. It shall be the responsibility of each proposer to be aware of and to abide by all dates, times, conditions, requirements and specifications set forth within all applicable documents issued by the Agency, including the RFP document, the documents listed within the following Section 3.7, and any addenda and required attachments submitted by the proposer. By virtue of completing, signing and submitting the completed documents, the proposer is stating his/her agreement to comply with the all conditions and requirements set forth within those documents. Written notice from the proposer not authorized in writing by the CO to exclude any of the Agency requirements contained

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within the documents may cause that proposer to not be considered for award.

- 3.5 Proposer's Responsibilities—Contact with the Agency.** It is the responsibility of the proposer to address all communication and correspondence pertaining to this RFP process to the CO only. Proposers shall not make inquiry or communicate with any other Agency staff member or official (including members of the Board of Commissioners) pertaining to this RFP. Failure to abide by this requirement may be cause for the Agency to not consider a proposal submittal received from any proposer who may has not abided by this directive.

- 3.5.1 Addenda.** All questions and requests for information must be addressed in writing to the CO. The CO will respond to all such inquiries in writing by addendum to all prospective proposers (i.e. firms or individuals that have obtained the RFP Documents). During the RFP solicitation process, the CO will NOT conduct any *ex parte* (a substantive conversation – “substantive” meaning, when decisions pertaining to the RFP are made – between the Agency and a prospective proposer when other prospective proposers are not present) conversations that may give one prospective proposer an advantage over other prospective proposers. This does not mean that prospective proposers may not call the CO – it simply means that, other than making replies to direct the prospective proposer where his/her answer has already been issued within the solicitation documents, the CO may not respond to the prospective proposer's inquiries but will direct him/her to submit such inquiry in writing so that the CO may more fairly respond to all prospective proposers in writing by addendum.

- 3.6 Proposer's Responsibilities – Equal Employment Opportunity and Supplier Diversity.** Both the Contractor and the Agency have, pursuant to HUD regulation, certain responsibilities pertaining to the hiring and retention of personnel and subcontractors.

- 3.6.1** Within 2 CFR §200.321 it states:

- 3.6.1.1** Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- 3.6.1.2** (a) The Non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

- 3.6.1.3** (2) Affirmative steps must include:

- 3.6.1.3.1** (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

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- 3.6.1.3.2 (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- 3.6.1.3.3 (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- 3.6.1.3.4 (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- 3.6.1.3.5 (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- 3.6.1.3.6 (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

3.6.2 Within HUD Procurement Handbook 7460.8 REV 2 it states:

- 3.6.2.1 Section 15.5.A, Required Efforts. Consistent with Presidential Orders 11625, 12138, and 12432, the <Agency> shall make every effort to ensure that small businesses, MBEs, WBEs, and labor surplus area businesses participate in <Agency> contracting.
- 3.6.2.2 Section 15.5.B, Goals. <The Agency> is encouraged to establish goals by which they can measure the effectiveness of their efforts in implementing programs in support of . . . contracting with disadvantaged firms. It is important to ensure that the means used to establish these goals do not have the effect of limiting competition and should not be used as mandatory set-aside or quota, except as may otherwise be expressly authorized in regulation or statute. Some localities have adopted minority contracting set-aside policies or geographic limitations, which may be in conflict with Federal requirements for full and open competition.

3.6.3 Section 3 Policy: states that our Agency will do the following: Include in contracts, to the greatest extent feasible, a clause requiring contractors, to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in

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connection with the project to business concerns which provide opportunities to low-income residents, as described in 24 CFR Part 75, Attachment D-1.

3.6.3.1 Requirements. Complete and submit to the HRA of Section 3 covered project and all of his/her subcontractors. To be completed annually, due date is by December 31st or at the completion of the project if before, as described in Section 3 contract, Attachment D-3.

3.6.4 Requirements. Accordingly, please see Section 3.1.7 within Table No. 3 herein, which details the information pertaining to this issue that the bidder must submit in response to this bid showing compliance, to the greatest extent feasible, with these regulations.

3.7 Pre-proposal Conference. There is currently no pre-proposal conference scheduled.

3.8 Recap of Attachments. It is the responsibility of each proposer to verify that he/she has downloaded the following attachments pertaining to this RFP, which are hereby reference included as a part of this RFP:

[Table No. 5]

RFP Section	Document No.	Attachment	Attachment Description
3.8.1	1.0		This RFP Document
3.8.2	2.0	A	Form of Proposal
3.8.3	3.0	B	Form HUD-5369-A (11/92), <i>Representations, Certifications, and Other Statements of Bidders</i>
3.8.4	4.0	C	Form HUD-5370-C
3.8.5	5.0	D	Profile of Firm Form
3.8.6	6.0	E	Section 3 Explanation
3.8.5.1	5.1	D-1	Section 3 24 CFR Part 75
3.8.5.2	5.2	D-2	Section 3 Business Concern Certification for Contracting
3.8.5.3	5.3	D-3	Section 3 Contract - Recipient Compliance and Reporting
3.8.6	6.0	E	Form HUD-5369-B (8/93), <i>Instructions to Offerors, Non-Construction</i>
3.8.7	7.0	F	<i>Supplemental Instructions To Proposers & Contractors (SIPC)</i>
3.8.8	8.0	G	Sample Contract Form (please note that this contract and the listed appendices are being given as a sample only—the Agency reserves the right to revise any clause herein and/or to include within the ensuing contract any

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RFP Section	Document No.	Attachment	Attachment Description
			additional clauses that the Agency feels it is in its best interests to do so)
3.8.8.1	8.1	G-1	Sample Contract Appendix No. 1: form HUD-5370-C (01/2014), <i>General Conditions for Non-Construction Contracts Section I (With or without Maintenance Work)</i>
3.8.8.2	8.2	G-2	Sample Contract Appendix No. 2: form HUD 50071 (01/14), <i>Certification of Payments to Influence Federal Transactions</i> (NOTE: This form will only be completed and included as a part of the ensuing contract if the Agency anticipates that total awards pursuant to the ensuing contract may or will exceed \$100,000.)
3.8.8.3	8.3	G-3	Sample Contract Appendix No. 3: Standard Form LLL (Rev. 7/97), <i>Disclosure of Lobbying Activities</i> (NOTE: This form will only be completed and included as a part of the ensuing contract if the Contractor designates an affirmative answer to Item No. (2) within the immediate identified form 50071.)

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4.0 PROPOSAL EVALUATION.

- 4.1 Evaluation Factors.** The following factors will be utilized by the Agency to evaluate each proposal submittal received; award of points for each listed factor will be based upon the documentation that the proposer submits within his/her proposal submittal:

[Table No. 6]

NO.	MAX POINT VALUE	FACTOR TYPE	FACTOR DESCRIPTION
1	20 points	Objective	The PROPOSED COSTS the firm proposes to charge the Agency.
2	10 points	Subjective (Technical)	The proposer's DEMONSTRATED UNDERSTANDING of the REQUIREMENT , the APPROPRIATENESS of the TECHNICAL APPROACH and the QUALITY of the WORK PLAN .
3	30 points	Subjective (Technical)	The proposer's TECHNICAL CAPABILITIES (in terms of personnel, equipment and materials) and the MANAGEMENT PLAN (including staffing of key positions, method of assigning work and procedures for maintaining level of service, etc.).
4	30 points	Subjective (Technical)	The proposer's DEMONSTRATED EXPERIENCE in performing similar work and the proposer's DEMONSTRATED SUCCESSFUL PAST PERFORMANCE (including meeting costs, schedules and performance requirements) of contract work substantially similar to that required by this solicitation as verified by reference checks or other means.
5	10 points	Subjective (Technical)	The OVERALL QUALITY, ORGANIZATION and PROFESSIONAL APPEARANCE OF THE PROPOSAL SUBMITTED , based upon the opinion of the evaluators.
	100 points		Total Points (other than preference points)
Note: Points will be awarded for each Subjective Factor by each of the appointed evaluation committee members based on his/her opinion after a thorough review of the information submitted by each proposer within his/her proposal.			

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4.1.2 Preference Evaluation Factor. The following factors will be utilized by the CO to evaluate each proposal submittal received:

[Table No. 6a]

NO.	MAX POINT VALUE	FACTOR TYPE	FACTOR DESCRIPTION
6		Objective	SECTION 3 BUSINESS PREFERENCE PARTICIPATION. A firm may qualify for Section 3 status as detailed within Attachments D-2 (NOTE: A max of 15 points awarded).
6a	15 points		Priority I, Category 1a. Business concerns that are 51 percent or more owned by residents of the housing development or developments for which the Section 3-covered assistance is expended.
6b	13 points		Priority II, Category 1b. Business concerns whose workforce includes 30 percent of residents of the housing development for which the Section 3-covered assistance is expended, or within three (3) years of the date of first employment with the business concern, were residents of the Section 3-covered housing development.
6c	11 points		Priority III, Category 2a. Business concerns that are 51 percent or more owned by residents of any other housing development or developments.
6d	9 points		Priority IV, Category 2b. Business concerns whose workforce includes 30 percent of residents of any other public housing development or developments, or within three (3) years of the date of first employment with the business concern, were "Section 3" residents of any other public housing development.
6e	7 points		Priority V, Category 3. Business concerns participating in HUD Youth-build programs being carried out in the metropolitan area in which the Section 3-covered assistance is expended.
6f	5 points		Priority VI, Category 4a. Business concerns that are 51 percent or more owned by Section 3 residents in the metropolitan area, or whose permanent, full-time workforce includes no less than 30 percent of Section 3 residents in the metropolitan area, or within three (3) years of the date of employment with the business concern, were Section 3 residents in the metropolitan area.
6g	3 points		Priority VII, Category 4b. Business concerns that subcontract in excess of 25 percent of the total amount of subcontracts to Section 3 business concerns.
6h	15 points		Maximum Available Preference Points (Additional)
	115 points	Total Possible Points	

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4.2 Evaluation Method.

- 4.2.1 Initial Evaluation for Responsiveness.** Each proposal received will first be evaluated for responsiveness (i.e. meets the minimum of the requirements).
- 4.2.2 Evaluation Packet.** An evaluation packet will be prepared for each evaluator, including the following documents:
- 4.2.2.1** Instructions to Evaluators;
 - 4.2.2.2** Proposal Tabulation Form;
 - 4.2.2.3** Written Narrative Form for each proposer;
 - 4.2.2.4** Recap of each proposer's responsiveness;
 - 4.2.2.5** Copy of all pertinent RFP documents.
- 4.2.3 Evaluation Committee.** The Agency anticipates that it will select a minimum of a three-person committee to evaluate each of the responsive proposals submitted in response to this RFP. PLEASE NOTE: No proposer shall be informed at any time during or after the RFP process as to the identity of any evaluation committee member. If, by chance, a proposer does become aware of the identity of such person(s), he/she **SHALL NOT** make any attempt to contact or discuss with such person anything related to this RFP. As detailed within Section 3.5 of this document, the designated CO is the only person at the Agency that the proposers shall contact pertaining to this RFP. Failure to abide by this requirement may (and most likely will) cause such proposer(s) to be eliminated from consideration for award.
- 4.2.4 Evaluation.** The CO will evaluate and award points pertaining to Evaluation Factors No. 1 and 5 (the "Objective" Factors). The appointed evaluation committee shall evaluate the responsive proposals submitted and award points pertaining to Evaluation Factors No. 2, 3, and 4 (the "Subjective" Factors). Upon final completion of the proposal evaluation process, the evaluation committee will forward the completed evaluations to the CO.

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4.2.4.1 Points Awarded Range. Pertaining to the Subjective Factors, please note the following range of points awarded (points pertaining to this RFP are shaded—please also see the Evaluation Factors detailed within the preceding Section 4.1):

[Table No. 7]

Points Awarded Range						
Classification*	Rating	%	10	20	30	100**
Acceptable	Excellent	95%/+	9-10	19	24-30	95-100
Acceptable	Very Good	90%/+	7-8	18	19-24	90-94
Potentially Acceptable	Good	80%/+	5-6	16-17	13-18	80-89
Potentially Acceptable	Average	70%/+	3-4	14-15	7-12	70-79
Unacceptable	Poor	<70%	1-3	1-13	1-6	0-69
<i>*Pursuant to Section 7.2.N.3 of HUD Procurement Handbook 7460.8 REV 2.</i>						
<i>**Total available points to be awarded, including cost points, minus preference points.</i>						

4.2.5 Potential “Best and Finals” Negotiations. The Agency reserves the right to, as detailed within Section 7.2.N through Section 7.2.R of HUD Procurement Handbook 7460.8 REV 2, conduct a “Best and Finals” Negotiation, which may include oral interviews, with all firms deemed to be in the competitive range. Any firm deemed not to be in the competitive range shall be notified of such in writing by the Agency in as timely a manner as possible, but in any case within no longer than 5 days after the beginning of such negotiations with the firms deemed to be in the competitive range.

4.2.6 Determination of Top-ranked Proposer. The subjective points awarded by the evaluation committee shall be combined with the objective points awarded by the CO to determine the final rankings, which may be forwarded by the CO to the ED for approval. If the evaluation was performed to the satisfaction of the ED and the contract award amount exceeds \$175,000, then the final rankings will be forwarded to the Housing Authority Board of Commissioners (BOC) at a scheduled meeting for approval.

4.2.6.1 Minimum Evaluation Results. To be considered to receive an award a proposer must receive a total calculated average of at least 70 points (of the 115 total possible points detailed within Section 4.1 herein).

4.2.6.2 Ties. In the case of a tie in points awarded, the award shall be decided as detailed within Section 6.12.C of HUD Procurement Handbook 7460.8 REV 2, by “drawing lots or other random means of selection.”

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- 4.2.7 Notice of Results of Evaluation.** If an award is completed, all proposers will receive a Notice of Results of Evaluation. Such notice shall inform all proposers of:
- 4.2.7.1** Which proposer received the award;
 - 4.2.7.2** Where each proposer placed in the process as a result of the evaluation of the proposals received;
 - 4.2.7.3** The cost or financial offers received from each proposer;
 - 4.2.7.4** Each proposer's right to a debriefing and to protest.
- 4.2.8 Restrictions.** All persons having familial (including in-laws) and/or employment relationships (past or current) with principals and/or employees of a proposer entity will be excluded from participation on the Agency evaluation committee. Similarly, all persons having ownership interest in and/or contract with a proposer entity will be excluded from participation on the Agency evaluation committee.

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5.0 CONTRACT AWARD.

5.1 Contract Award Procedure. If a contract is awarded pursuant to this RFP, the following detailed procedures will be followed:

5.1.1 By completing, executing and submitting the Form of Proposal, Attachment A, the “proposer is thereby agreeing to abide by all terms and conditions pertaining to this RFP as issued by the Agency will be noted in the eProcurement Marketplace,” including the contract clauses already attached as Attachment G, G-1 through G-3. Accordingly, the Agency has no responsibility to conduct after the submittal deadline any negotiations pertaining to the contract clauses already published.

5.2 Contract Conditions. The following provisions are considered mandatory conditions of any contract award made by the Agency pursuant to this RFP:

5.2.1 Contract Form. The Agency will not execute a contract on the Contractor’s form—contracts will only be executed on the Agency form (please see Sample Contract, Attachments G, G-1 through G-3), and by submitting a proposal the Contractor agrees to do so (please note that the Agency reserves the right to amend this form as the Agency deems necessary). However, the Agency will during the RFP process (*prior to the posted question deadline*) consider any contract clauses that the proposer wishes to include therein and submits in writing a request for the Agency to do so; but the failure of the Agency to include such clauses does not give the Contractor the right to refuse to execute the Agency’s contract form. It is the responsibility of each prospective proposer to notify the Agency, in writing, prior to submitting a proposal, of any contract clause that he/she is not willing to include in the final executed contract and abide by. The Agency will consider and respond to such written correspondence, and if the prospective proposer is not willing to abide by the Agency’s response (decision), then that prospective proposer shall be deemed ineligible to submit a proposal.

5.2.1.1 Mandatory HUD Forms. Please note that the Agency has no legal right or ability to (and will not) at any time negotiate any clauses contained within ANY of the HUD forms included as a part of this RFP.

5.2.2 Assignment of Personnel. The Agency shall retain the right to demand and receive a change in personnel assigned to the work if the Agency believes that such change is in the best interest of the Agency and the completion of the contracted work.

5.2.3 Unauthorized Sub-Contracting Prohibited. The Contractor shall not assign any right, nor delegate any duty for the work proposed pursuant to this RFP (including, but not limited to, selling or transferring the contract) without the prior written consent of the CO. Any purported assignment of interest or delegation of duty, without the prior written consent of the CO

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shall be void and may result in the cancellation of the contract with the Agency, or may result in the full or partial forfeiture of funds paid to the Contractor as a result of the proposed contract; either as determined by the CO.

- 5.3 Contract Period.** The Agency anticipates that it will initially award a contract for the period of 1 year with the option, at the Agency's discretion, of 4 additional one-year option periods, for a total maximum contract period of 5 years.
- 5.4 Licensing and Insurance Requirements.** Prior to award (but not as a part of the proposal submission) the *Contractor* will be required to provide:
- 5.4.1 Workers Compensation Insurance.** An original certificate evidencing the proposer's current industrial (worker's compensation) insurance carrier and coverage amount (NOTE: Workers Compensation Insurance will be required of any Contractor that has employees other than just the owner working on-site to provide the services);
 - 5.4.2 General Liability Insurance.** An original certificate evidencing General Liability coverage, naming the Agency as an additional insured, together with the appropriate endorsement to said policy reflecting the addition of the Agency as an additional insured under said policy (minimum of \$5,000,000 each occurrence, general aggregate minimum limit of \$5,000,000, together with damage to premises and fire damage of \$50,000 and medical expenses any one person of \$5,000), with a commercially reasonable deductible (e.g. "commercially reasonable," meaning not greater than 1% of the "general aggregate minimum" of the policy, with a maximum deductible amount of \$50,000;
 - 5.4.3 Professional Liability Insurance.** An original certificate showing the proposer's professional liability and/or "errors and omissions" coverage (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$1,000,000), with a commercially reasonable deductible (e.g. "commercially reasonable," meaning not greater than 1% of the "general aggregate minimum" of the policy, with a maximum deductible amount of \$50,000;
 - 5.4.4 Automobile Insurance.** An original certificate showing the proposer's automobile insurance coverage in a combined single limit of \$5,000,000. For every vehicle utilized during the term of this program, when not owned by the entity, each vehicle must have evidence of automobile insurance coverage with limits of no less than \$100,000/\$300,000 and medical pay of \$5,000.
 - 5.4.5 City/County/State Business License.** If applicable, a copy of the proposer's business license allowing that entity to provide such services within the City of Crosby, Crow Wing County, and/or the State of Minnesota.

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5.4.6 Certificates/Profile of Firm Form. Pertaining to the aforementioned (within Sections 5.4.1 through 5.4.5) insurance certificates and licenses, each proposer is required to enter related information where provided for on the Profile of Firm Form (do not attach or submit copies of the insurance certificates or licenses within the proposal submittal – we will garner the necessary documents from the successful proposer prior to contract execution).

- 5.5 Right to Negotiate Final Fees.** The Agency shall retain the right to negotiate the amount of fees that are paid to the Contractor, meaning the fees proposed by the top-rated proposer may, at the Agency's options, be the basis for the beginning of negotiations. Such negotiations shall begin after the Agency has chosen a top-rated proposer. If such negotiations are not, in the opinion of the CO successfully concluded within 5 business days, the Agency shall retain the right to end such negotiations and begin negotiations with the next-rated proposer. The Agency shall also retain the right to negotiate with and make an award to more than one proposer, as long as such negotiation(s) and/or award(s) are addressed in the above manner (i.e. top-rated first, then next-rated following until a successful negotiation is reached).
- 5.6 Contract Service Standards.** All work performed pursuant to this RFP must conform and comply with all applicable local, state and federal codes, statutes, laws and regulations.
- 5.7 Prompt Return of Contract Documents.** All documents required to complete the contract, including insurance information, shall be provided to the Agency within 14 days of Notification of Award.

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