



Waste Management Division

REQUEST FOR PROPOSAL

SEALED BID

Contract for the Implementation of the State Standard Plan for Electronic Collection and Recycling

DATE: **March 1, 2013**

QUESTIONS DUE BY: **April 1, 2013**

DATE OF BID OPENING: **May 2, 2013**

TIME OF BID OPENING: **1:00 PM**

BIDS DUE: **May 1, 2013 by 2:00 PM**

LOCATION OF BID OPENING: **DEC, Waste Management and Prevention Division
1 National Life Drive, Davis 1
Montpelier, VT 05620-3704**

Please be advised that all notifications, releases and amendments will be posted here. The state will make no attempt to contact vendors with updated information. It is the responsibility of each vendor to periodically check this site for the latest details.

Waste Management Division Contact: **Karen Knaebel**
Telephone: **(802) 522-5736**
FAX: **(802) 828-1544**
E-mail: karen.knaebel@state.vt.us

1. OVERVIEW

1.1. SCOPE

The State of Vermont, Agency of Natural Resources (Agency), Department of Environmental Conservation (DEC) seeks proposals to implement the State Standard Plan for Electronic Waste Collection and Recycling.

1.2. SINGLE POINT OF CONTACT

All communications concerning this Request for Proposal (RFP) are to be addressed to the attention of:

Karen Knaebel
DEC Waste Management Division and Prevention Division
1 National Life Drive, Davis 1
Montpelier, VT 05620-3704
Telephone: 802 522-5736
FAX: (802) 828-1544
karen.knaebel@state.vt.us

Ms. Knaebel is the sole contact for this proposal. Attempts by bidders to contact any other party could result in the rejection of their proposal.

1.3. ATTACHMENTS

- Attachment A-1 Budget and Finance Worksheet Instructions
- Attachment A-2 Budget and Finance Worksheet
- Attachment B-1 Summary Sheet for Collection Locations
- Attachment B-2 Collection Facility Convenience Worksheet
- Attachment C Recycling Facility Worksheet
- Attachment D-1 Standard State Contract Provisions
- Attachment D-2 Certificate of Compliance
- Attachment E 10 V.S.A. Chapter 166 Collection and Recycling of Electronic Devices
- Attachment F State Standard Plan – Minimum Program Requirements
- Attachment G List of Existing E-Cycles Facilities Including Weight of Electronic Waste Collected By Collection Site
- Attachment H Procedure for the Environmentally Sound Management of Electronic Devices for Collectors, Transporters, and Recyclers (Procedure)

1.4. DEFINITIONS

- 1.4.1.** “Agency” means the Agency of Natural Resources.
- 1.4.2.** “Banned Electronic Devices” means a device banned from landfill disposal under 10 V.S.A. § 6621a(a)(8).
- 1.4.3.** “Collector” means a public or private entity that receives covered electronic devices from covered entities or from another collector and performs any of the following:
 - arranges for the delivery of the electronic waste to a recycler..
 - sorts electronic waste.
 - consolidates electronic waste.
 - provides data security services in a manner approved by the secretary.

- 1.4.4.** “Convenience” and “Convenient Service” means an analysis to determine whether the collection network provides a high level of service and availability to Covered Entities. In conducting this analysis the following are considered:
- the number of facilities included in the program design.
 - the number of days per week the facility is open.
 - the hours of operation at the facility.
 - whether the days open are on the weekend.
 - the number and frequency of collection events to increase service.
- Note: Collection events cannot be used as a substitute for the minimum number of facilities required by the State Standard Plan.
- 1.4.5** “Covered Electronic Device” means a: computer; computer monitor; device containing a cathode ray tube; printer; or television from a covered entity. "Covered electronic device" does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development, or commercial setting; security or anti-terrorism equipment; monitoring and control instruments or systems; thermostats; hand-held transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device; commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the term "device" is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.
- 1.4.6.** “Covered Entity” means any household, charity, or school district in the state; or a business in the state that employs ten or fewer individuals. If seven or fewer covered electronic devices are delivered to a collector at any given time, those devices shall be presumed to be from a covered entity.
- 1.4.7.** “Disassembly” means the proper dismantling of electronic waste (1) for the purpose of marketing, reselling, reusing or recycling the components of electronic waste; (2) in a manner that is protective of human health and the environment; (3) without treating the device or any component thereof; and (4) without breaking the cathode ray tube. A facility dismantling electronic waste in this manner shall not be considered a destination facility.
- 1.4.8.** “Downstream vendor” means a facility to which a recycler transfers electronic wastes, or any component thereof, for reuse, refurbishing, de-manufacturing, disassembly, processing, materials recycling, energy recovery, and disposal.
- 1.4.9.** “Electronic Waste” means a: computer; computer monitor; computer peripheral; device containing a cathode ray tube; printer; or television from a covered

entity. "Electronic waste" does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, library, research and development, or commercial setting; security or antiterrorism equipment; monitoring and control instruments or systems; thermostats; handheld transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device; commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the term "device" is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.

- 1.4.10.** "Local Reuse" means the reuse of electronic waste within the United States of America.
- 1.4.11.** "Non-local Reuse" means the use of electronic waste for its originally intended purpose outside of the United States of America.
- 1.4.12.** "Procedure" means the Procedure for the Environmentally Sound Management of Electronic Devices for Collectors, Transporters, and Recyclers.
- 1.4.13.** "Program year" means the period from October 1 through September 30.
- 1.4.14.** "Recycler" means a person who accepts electronic waste from covered entities and collectors for the purpose of recycling. A person who takes products solely for reuse, refurbishment, or repair is not a recycler.
- 1.4.15.** "Recycling" means the process of collecting and preparing electronic wastes for use in manufacturing processes or for recovery of useable materials followed by delivery of such materials for use. Recycling does not include destruction by incineration; waste-to-energy incineration, or other such processes; or land disposal.
- 1.4.16.** "Refurbish" means to repair electronic waste to restore or improve it so that it may be used for the same purpose for which it was originally designed.
- 1.4.17.** "Reuse" means electronic waste changes ownership and is used, as is, for the same purpose for which it was originally purchased.
- 1.4.18.** "Service providers" means a collector, transporter, or contractor who has subcontracted to deliver services under the State Standard Program.
- 1.4.19.** "State Standard Plan" means the plan adopted by the Secretary that forms the minimum requirements for this Request for Proposal and is attached as Attachment F.
- 1.4.20.** "State Standard Program" means the program put into place implementing the State Standard Plan.

- 1.4.21.** “Transporter” means a person that moves electronic waste from a collector to either another collector or to a recycler.
- 1.4.22.** “Universal waste” means a universal waste as defined by § 7-911 of the Vermont Hazardous Waste Management Regulations.
- 1.4.23.** “Vendor” means the person submitting a bid under this Request for Proposal.

2. METHOD OF AWARD

2.1. CONTRACT AWARD

Funding for this contract is made from payments by the manufacturers of covered electronic devices and is contingent on availability.

2.2. EVALUATION CRITERIA

The Agency will consider the following criteria when reviewing the proposal and selecting a Vendor or multiple Vendors:

- The completeness and clarity of meeting the program description detailed in Section 3.4;
- The ability of the Vendor to meet or exceed minimum program requirements established by the State Standard Plan;
- The ability of the Vendor to implement the program design not later than October 1, 2013;
- The ability of the Vendor to use existing infrastructure when implementing the Program;
- The convenience of the program design. When considering convenience the Agency will consider the following: (1) the number of facilities included in the program design; (2) the number of days the facility is open; (3) the hours of operation at the facility; (4) whether one collection location per county is open on the weekend; and (5) the number and frequency of collection events to increase service;
- The experience and qualifications of the Vendor and project team;
- The Vendor and key officers and employees shall be in good standing with the Federal Internal Revenue Service, State of Vermont Department of Taxes, and not debarred from receiving federal contracts; and
- The price of the proposal.

3. VENDOR RESPONSE – SPECIFIC CONTENT AND FORMAT

A vendor shall include in his or her bid one paper copy of the bid and one compact disc containing an electronic copy of the bid. There is no intent to limit the content of the proposals or in any way to inhibit a presentation in other than the vendor's favor. The vendor may include such additional information or data as may be appropriate, or offer alternate solutions but should not exclude any portion requested in this document. All proposals should contain the following information:

3.1. IDENTITY OF PREPARER(S)

A statement identifying individuals who were involved in the preparation of the proposal, as well as a single point of contact for clarification of bid information must be included.

3.2. BACKGROUND AND EXPERIENCE

3.2.1. Company Experience. Provide Vendor's company management and organization structure. Provide a brief description of Vendor's history, primary areas of expertise, and any similar project experience or managed service provider experience. Include any innovative approaches Vendor has used in the past and would propose using for the State Standard Program that would minimize costs and provide effective services and results.

3.2.2. Program Team Experience. Vendor must identify the Vendor Program Team who will perform the work. Demonstrate team qualifications, expertise and experience relating to the requested services under Tasks 3.4.1 and 3.4.5 through 3.4.11, including that of any subcontractors. If subcontractors are used for any of these tasks please identify which tasks or work will be performed by which subcontractors. However, the State reserves the right, in its sole and absolute discretion, to require the Vendor to replace any subcontractor if in the best interest of the public. For all Vendor Program Team members, the proposal should address the following:

3.2.2.1. Extent of principal involvement;

3.2.2.2. Name of key members who will be performing the work on this project and their responsibilities, including a description of duties or tasks and estimated time needed to perform those duties or tasks;

3.2.2.3. Qualifications (including any pertinent licenses or certifications) and relevant individual experience for all persons assigned to work on this project, including subcontractors;

3.2.2.3.1. Short description of experience using teams on similar or related projects;

3.2.2.4. Project Manager's experience with similar projects or programs and interdisciplinary teams. Include experience with any innovative approaches that minimize costs and provide effective services and results; and

3.2.2.5. Statement of any actual or potential conflicts of interest with respect to the State of Vermont, any manufacturer who may use the services of the State Standard Program, or any potential Service Provider to the State Standard Program.

3.3. ACKNOWLEDGMENT OF TERMS

A statement acknowledging all Standard State Contract Provisions (Attachment D-1 and D-2), and Purchasing and Contract Administration Terms and Conditions, with any exceptions or additional provisions noted. (These will be considered when making an award).

3.4. PROGRAM DESCRIPTION

3.4.1. Overview of Program description. Design the State Standard Program that will accomplish tasks of this Program Description. Provide a clear and concise description of the design and structure of the State Standard Program and how it will operate statewide. The overview shall also include a general narrative of how the Vendor will deliver services to covered entities as a part of the State Standard Program. The design should address the following:

- A description of how any transitions from current operations will be managed to avoid any disruption of service.
- A description of how the task will be accomplished;
- Work elements necessary to accomplish the tasks;
- Milestones;
- Timelines;
- Level of effort needed to complete the work; and
- Who will do the work.

3.4.2. Electronic waste recycling. The Vendor must complete the Recycling Facility Worksheet (Attachment C). The Vendor shall also provide a narrative of the recycling services that the recyclers will provide under the State Standard Program. The recycler and all downstream vendors are strictly prohibited from using child or prison labor. If the recycler possesses financial responsibility the Vendor shall provide a copy of the closure plan and copy of the financial instrument. Vendor shall establish and maintain a network of at least two recyclers and assure all recycling services for the State Standard Program meet the following:

- All recyclers comply with the Procedure (Attachment H);
- All recyclers and downstream vendors comply with either R2 or e-Stewards standards.
- Network of recycling services is available on a continuous basis; and
- Services are competitively priced.

3.4.3. Electronic waste collection. The Vendor must complete the Summary and Collection Facility Convenience Worksheets (Attachment B-1 and B-2). Vender must also establish and maintain collection sites and services throughout the State that meet the following requirements:

- Collection services that, at a minimum, meet the collection services outlined in the State Standard Plan;
- Collection services provide convenient service;
- Compliance with the Procedure (Attachment H); and
- Use of existing collection sites to the extent practical.
- Subject to Agency approval, a contractor may request an alternative location from towns specified in Attachment A of the State Plan, provided the town to be replaced does not have a population greater than 10,000, the alternate town borders the town listed in Attachment A of the State Standard Plan, and adequate rationale is provided.”

3.4.4. Electronics waste transportation. Provide for transportation of electronic waste collected to the established network of recyclers. Assure transportation is

conducted in a manner that minimizes breakage and complies with the Procedure (Attachment H).

3.4.5. Payments for State Standard Program Service Providers.

3.4.5.1. Establish a system for paying Service Providers. The system should include:

- An auditable system to track and reconcile payments to pounds of electronic waste collected, transported, and recycled by Service Providers; and
- Any other tracking and documentation necessary to assure fiscal accountability for the Vendor and the Service Providers.

3.4.5.2. Establish a fee structure for services provided. The fee structure should account for the following:

- Benefits of competition and efficiency;
- Market value and fluctuation in market value of materials recycled;
- Economies of scale and geographical location of services;
- Recycling methods and safe management of electronic waste;
- Fair compensation for services in a timely manner;
- Simple screening for reuse at some collection points;
- Collection and recycling of as much electronic waste as possible; and
- Periodic review and adjustment.

3.4.5.3. Pay Service Providers for services. Payment for services should provide for:

- Regularly scheduled payments no less frequently than monthly;
- Resolution of any billing or payment issues in a timely manner;
- Proof of services delivered, including weight of electronic waste collected, transported, and recycled by Service Providers in compliance with all requirements; and
- Negotiated price agreement with Service Providers.

3.4.5.4. Financial Audit. The Vendor shall conduct an annual financial audit of the financial management aspects of the State Standard Program. The audit shall be conducted by a third-party auditor who is approved by the Agency.

3.4.6. Data Collection, Management, and Reporting.

3.4.6.1. Data Collection. Establish a data collection system that tracks and aggregates the following data:

- Weight of electronic waste collected by collector and by county of origin;
- Type of electronic waste collected by collector and recycler;
- Weight of electronic waste locally reused by a collector;
- Weight of electronic waste not destined for recycling in Vermont collected by a transporter;
- Weight of electronic waste collected by recycler;

- Weight of electronic waste sent for local reuse or refurbishment by recycler;
- Weight of electronic waste sent for non local reuse or refurbishment by recycler;
- Weight, number of truckloads, and size of truckloads of electronic waste transported from each collection site to each recycler; and
- Any other data identified by the Vendor or the Agency as necessary to assure and document accurate payments on a per pound basis for collection, transportation, and recycling services and to provide an accurate accounting of total weight of electronic waste collected and recycled by the State Standard Program.

3.4.6.2.Reports. Provide the following reports to the Agency:

- Monthly weight of covered electronic waste and type of electronic waste collected and recycled;
- Monthly weight of electronic waste removed from program materials for reuse and refurbishment by a recycler and whether that refurbishment or reuse was local or non-local reuse; and
- Monthly weight of electronic waste not destined for recycling in Vermont collected by a transporter.

3.4.7. State Standard Program Administration and Management. Carry out the following activities:

- Manage and maintain data and records;
- Produce annual State Standard Program report (including status, evaluation, and recommendations related to program operations) and other reports and information as needed. After the end of each program year, the Agency may conduct a full audit of Vendor’s performance, based in part on the annual report. Depending upon the results of such audit, the Agency may adjust the compensation and any other contract requirements. The Agency further reserves the right to take further action as the Agency deems necessary.
- Meet with the Agency monthly or more often if needed;
- Procure, develop, award, and manage subcontracts for Service Providers;
- Assure the following:
 - Subcontractors have insurance and financial assurance;
 - Subcontractors meet standards outlined in the Procedure; and
 - Subcontractors have sound financial history and history of good performance.
- Assure adequate staffing and personnel management;
- Communicate with the Agency, participating manufacturers, and Service Providers;
- Document work completed under tasks 3.4.5 through 3.4.11 on a monthly basis and invoice the Agency for payment; and
- Conduct ongoing program evaluation and make improvements as needed.

3.4.8. Inspections and Oversight.

3.4.8.1.For all Collectors, Transporters, Recyclers and other subcontractors:

- Oversee collectors, transporters, recyclers, and other subcontractors to assure compliance with the contract and subcontracts;
- Maintain documentation and records of oversight, inspections, and compliance status;
- Report any areas of concern, nonperformance, or substandard performance in monthly reports to the Agency;
- Take immediate steps to correct areas of concern, substandard performance, and nonperformance; and
- Provide documentation to Agency upon request.

3.4.8.2. Conduct at a minimum two random electronics waste sorts at the direction of the Agency. These sorts shall classify the different types of electronics waste collected under the State Standard Program. Prepare a report of these waste sorts that meets criteria defined by the Agency.

3.4.9. Insurance and Financial Assurance. Demonstrate for all State Standard Program operations that the following insurance, at a minimum, is in place and current throughout the term of the contract:

3.4.9.1. Generally, for the Vendor:

- Workers' compensation insurance as in State Standard Contract Provisions (Attachment D-1 and D-2);
- Commercial general liability insurance as in State Standard Contract Provisions (Attachment D-1 and D-2);
- Automobile liability as in State Standard Contract Provisions (Attachment D-1 and D-2);

3.4.9.2. For Transporters: Automobile liability insurance as in State Standard Contract Provisions (Attachment D-1 and D-2).

3.4.9.3. For Collectors:

- Workers' compensation insurance, as in State Standard Contract Provisions (Attachment D-1 and D-2);
- Commercial general liability insurance as in State Standard Contract Provisions (Attachment D-1 and D-2);
- Automobile liability as in State Standard Contract Provisions (Attachment D-1 and D-2); and

3.4.9.4. For recyclers in addition to the requirements under the Procedure:

- Workers' compensation insurance, as in State Standard Contract Provisions (Attachment D-1 and D-2);
- Commercial general liability insurance as in State Standard Contract Provisions (Attachment D-1 and D-2);
- Automobile liability as in State Standard Contract Provisions (Attachment D-1 and D-2);

3.4.10. Covered Entity Data Security. Assure Covered Entities are clearly informed of possible data security issues and are informed that Covered Entities are responsible for protecting their data or otherwise ensuring that it is removed from electronic waste returned to the State Standard Program.

3.4.11. Public Outreach.

3.4.11.1. Provide a narrative of the public outreach efforts that Vendor will provide as a part of the State Standard Program. Print and disseminate outreach materials to retailers as well as recycling facilities, transfer stations and collection locations which will be made available by the Agency. Provide outreach to Covered Entities and Retailers of Electronics waste that includes:

- Collection opportunities for reuse and recycling of electronics waste;
- Location and times of operation for collection sites and access to services; and
- Covered Entities' responsibility for data security.

3.4.11.2. Use logos and messaging developed by Agency to achieve a consistent statewide message for consumers. Include Agency website or hot line number, if available, in outreach materials.

3.4.11.3. A Vendor shall construct its Public Outreach program using a variety of media to reach the public. Media may include television, radio, internet, newspaper, informational materials or posters. All outreach materials and media promotions must be pre-approved by the Agency prior to release.

3.4.11.4. A Vendor shall work with the Agency and other Vendors on a collaborative media strategy if more than one Vendor is chosen to implement the State Standard Program.

3.5. PRICING

Provide a project budget. In addition, complete the Budget and Finance Worksheet (Attachment A-1 and A-2).

3.6. QUESTION AND ANSWER PERIOD

Any vendor requiring clarification of any section of this proposal or wishing to comment or take exception to any requirements or other portion of the RFP must submit specific questions in writing no later than April 1, 2013. Questions may be e-mailed to karen.knaebel@state.vt.us faxed to (802) 828-1544 or sent through the mail to:

**Karen Knaebel, DEC Waste Management and Prevention Division
1 National Life Drive, Davis 1, Montpelier, VT 05620-3701**

Any objection to the RFP or to any provision of the RFP that is not raised in writing on or before the last day of the question period is waived. At the close of the question period, a copy of all questions or comments and the State's responses will be posted on

the State's web site www.bgs.state.vt.us/pca/bids. Every effort will be made to have these available as soon after the question period ends, contingent on the number and complexity of the questions.

3.7. CONFIDENTIALITY

The successful response will become part of the contract file and will become a matter of public record, as will all other responses received. If the response includes material that is considered by the bidder to be proprietary and confidential under 1 V.S.A., Chapter 5, the bidder shall clearly designate the material as such, explaining why such material should be considered confidential. The bidder must identify each page or section of the response that it believes is proprietary and confidential with sufficient grounds to justify each exemption from release, including the prospective harm to the competitive position of the bidder if the identified material were to be released. Under no circumstances can the entire response or price information be marked confidential. Responses so marked may not be considered.

3.8. NON COLLUSION:

The State of Vermont is conscious of and concerned about collusion. It should therefore be understood by all that in signing bid and contract documents they agree that the prices quoted have been arrived at without collusion and that no prior information concerning these prices has been received from or given to a competitive company. If there is sufficient evidence to warrant investigation of the bid/contract process by the Office of the Attorney General, all bidders should understand that this paragraph might be used as a basis for litigation.

3.9. NUMBER OF COPIES

Submit one original bid and one compact disc containing an electronic copy of the bid.

4. PROPOSAL SUBMISSION

CLOSING DATE

The closing date for the receipt of proposals is **2:00 PM May 1, 2013**. Bid must be delivered to:

**DEC Waste Management and Prevention Division
Attn: Karen Knaebel
1 National Life Drive, Davis 1
Montpelier, VT 05620-3704**

Proposals or unsolicited amendments submitted after that time will not be accepted and will be returned to the vendor. Vendors are cautioned that it is their responsibility to originate the mailing of bids in sufficient time to ensure receipt prior to closing time on the date specified at the appointed place of the bid opening.

NEITHER ELECTRONIC OR FAX BIDS WILL BE ACCEPTED.

The bid opening will be held at 1 National Life Drive, Davis 1, Montpelier, VT on May 2, 2013 and is open to the public.

Submit one copy of the proposal and a compact disc containing an electronic copy of the bid; this must be an original (clearly marked as such). All proposals shall be submitted in a sealed package and must be clearly marked as follows:

**PROPOSAL FOR IMPLEMENTING THE STATE STANDARD PLAN
FOR THE COLLECTION OF ELECTRONICS WASTE**

If bids are being sent via an express delivery service, be certain that this designation is clearly shown on the outside of the delivery envelope or box.

!!!!REMEMBER!!!!

PLEASE BE ADVISED THAT ALL NOTIFICATIONS, RELEASES AND AMENDMENTS WILL BE POSTED AT www.bgs.state.vt.us/pca/bids . THE STATE WILL MAKE NO ATTEMPT TO CONTACT VENDORS WITH UPDATED INFORMATION. IT WILL BE THE RESPONSIBILITY OF EACH VENDOR TO PERIODICALLY CHECK THIS SITE FOR THE LATEST DETAILS.