

Request for Proposal

**FOR
A Report on Refuse Collection, Hauling, and Disposal
for the
City and County of San Francisco
on behalf of the
San Francisco Local Agency Formation Commission**



***CITY AND COUNTY OF SAN FRANCISCO
LOCAL AGENCY FORMATION COMMISSION
(SF LAFCO)***

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The City and County of San Francisco Local Agency Formation Commission (“SF LAFCO”) invite consultants to submit written proposals to the SF LAFCO to conduct a study of public agency practices in the greater San Francisco Bay area of the process to select a contractor for the collection of refuse, recycling, hauling and disposal of refuse.

I. INTRODUCTION

The San Francisco LAFCo periodically issues Requests for Proposals for special studies of municipal services under Government Code section 56378. Recently the SF Department of Environment proposed a contract with a provider for refuse collection, hauling and disposal. The Commission intends to complete a study to ascertain the practices of other jurisdictions in the greater Bay Area as to best practices for procurement of such services and to review San Francisco’s unique policies for refuse collection, hauling and disposal.

II. LOCAL CONTEXT AND RELEVANCE OF SF LAFCO INVOLVEMENT

A. Foundation of SF LAFCO Authority based in concept of Home Rule

In 1879, the California Constitution was amended to grant local jurisdiction the five basic aspects of “home rule.” They are:

1. Cities may enact any local police, sanitary and other ordinances and regulations that are not in conflict with general law of the state.
2. The state may not enact special laws which affect specific cities.
3. The state shall not impose local taxes, but instead keep its taxing authority restricted to state purposes on an across-the-board basis.
4. Cities may establish, purchase and operate municipal utilities to provide their residents with light, water, power, heat, transportation, means of communications and other types of services.
5. Charter cities may exercise exclusive jurisdiction over “municipal affairs.”

Cities are granted many express powers in statute. They also have the implied power to do everything necessary to implement an express power. Over the years, limitations have been imposed by statute and case law upon these “home rule” powers. San Francisco is a chartered, consolidated City and County whose Board of Supervisors, elected by district, also acts as its city council.

B. LAFCo Establishment under State Law

In 1963, the State Legislature created Local Agency Formation Commissions (LAFCOs) to help direct and coordinate California's growth in a logical, efficient, and orderly manner. Each county within California is required to have a LAFCO. LAFCOs are charged with the responsibility of making difficult decisions on proposals for new cities and special districts, spheres of influence, consolidations, and annexations.

LAFCOs are required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("**CKH Act**", Government Code §56000 et seq.) to prepare service reviews of local agencies. LAFCOs are required to conduct these reviews prior to, or in conjunction with, updating spheres of influence ("**SOIs**").

SF LAFCO is responsible for reviewing and approving proposed jurisdictional boundary changes, including annexations and detachments of territory to and/or from cities and special districts, incorporations of new cities, formations of new special districts, and consolidations, mergers and dissolutions of existing districts. The full text of the LAFCO law can be found in Government Code Section 56000, et seq.

The jurisdiction of the City and County of San Francisco is both a city and county. Therefore SF LAFCO reviews special projects and municipal services.

The purpose and scope of any contract(s) resulting from this RFP will be to assist San Francisco agencies, commissions, or divisions, in providing (or empowering them to provide) the services and programs contemplated. The selected consulting firm(s) will perform services under the direction of the SF LAFCO Executive Officer.

The SF LAFCO is comprised of the following Commissioners:

<u>Commissioners</u>	<u>Represents</u>
David Campos – Chair	Board of Supervisors
Ross Mirkarimi – Vice Chair	Board of Supervisors
John Avalos	Board of Supervisors
Eric Mar	Board of Supervisors - Alternate
Vacant	Board of Supervisors
Hope Smeltzer	Public Member
Leah Pimentel	Public Member - Alternate

The SF LAFCO meets at on the 4th Friday of the month at 2:00 p.m.

III. SCOPE OF SERVICES

The SF LAFCo seeks a proposal to provide the following services:

1. A study to include an analysis of the policies and procedures in place by other Greater Bay Area jurisdictions for the selection of providers for refuse collection, hauling, transfer, transport, recycling and disposal services. The study shall focus on those Bay Area jurisdictions that haul/transport refuse outside their jurisdictional boundaries. The selected consultant shall work with staff to identify potential providers, which may include, but shall not be limited to:

- Alameda County Waste Management Authority
- Marin County Hazardous & Solid Waste Management JPA
- West Valley Solid Waste Management JPA
- South Bayside Waste Management Authority's (RethinkWaste)
- Central Contra Costa Solid Waste Authority
- Individual Jurisdictions with Independent Contracts (such as Daly City, San Jose, Santa Clara County, etc.)

2. The Study shall include a brief discussion of the San Francisco Department of the Environment's procedures for selection of a provider for refuse collection, hauling and disposal services including a discussion of the current procedure.

3. The Study shall include a comparison of the results of (1) and (2) above.

4. The Study shall include a brief history of the selection process for each refuse providers for each reviewed jurisdiction.

5. Information on the location and capacity of the landfills for the jurisdictions reviewed.

6. The Study shall include an assessment of the franchise fees that other jurisdictions receive related to refuse collection, hauling, and disposal.

7. Brief review of the jurisdictions, if any that currently use barging over water as a means to haul/transport refuse. List beneficial impacts/revenue potential with barging as well as detriments. The Consultant will meet with the San Francisco Port Authority and provide a short summary of the Port's ability to provide refuse barging services, if any.

IV. PREFERRED PROCESS FOR CONDUCT OF THE STUDY

A. This RFP contemplates consultant selection and contracting for Study Tasks, as assigned.

1. Tasks will be assigned in writing to the Consultant(s). No work will be performed until a Task is assigned in writing.
 2. A working group meeting of SF LAFCO staff, possibly Board members (to the extent consistent with the Brown Act), and other designated staff will be held to coordinate with the consultant(s) and advise the assembled stakeholders with respect to the consultant's recommendations regarding the relevant Task.
 3. Each Task will be analyzed and a written report will be submitted to the SF LAFCO within the time frame allotted. The SF LAFCO will consider the written Task Study or report at a public hearing.
 4. Task Study(s) approved by the SF LAFCO may be forwarded to the Board of Supervisors, Mayor and SF Department of the Environment.
- B. The SF LAFCO is committed to conducting the Study and any Tasks in a fair, accurate, open and objective manner. The intent is to provide valuable and practical conclusions for possible improvements to the City and County of San Francisco process. Also, the SF LAFCO wishes to provide effective and meaningful opportunities for public participation in the review process.

V. DATA

To the extent appropriate and feasible, research for preparation of phase reviews should include the following sources and subjects. The SF LAFCO will make available any resources, data and information at their disposal; however, the consultants are expected to gather data from the agencies or other sources, if necessary. Other information will be specific to the agencies affected by the phase review.

- Principal acts
- General plans/zoning ordinances
- Recent and proposed projects
- Master service plans
- Agency maps
- District/city policies
- Board, management and administrative manuals/procedures
- Existing spheres of influence
- Demographic information
- Projected growth
- Communities of interest
- Regional agencies providing support
- Criteria/best practices as used by appropriate industry groups
- Capital improvement plans
- Existing operating/capital improvement budgets
- Environmental impact reports, if applicable and/or available
- Existing joint agreements and contracts
- Infrastructure map
- Current and planned financing plans for service upgrades and capacity improvements
- Agency bond ratings
- Agency investment policies, if applicable
- Joint financing/shared facilities
- Agency budgets and financial reports, including revenue sources and expenditures
- District cost avoidance practices
- Insurance
- Customer needs and preferences

- Competitive bid policies
- Comparable rate information
- Current organizational chart
- Mission statement
- Continuing education/training
- Staffing levels
- Opportunity for customer comments
- Available revenues
- Amounts and types of reserves
- Adopted policies for reserves
- Asset disposition plan
- Surplus property policies
- Board policies and practices
- Annual reports/status reports
- Newsletters
- Voter participation

VI. BUDGET

The SF LAFCO has limited resources to devote to the report. A budget amount for this Study and any additional Tasks will be will be negotiated with the selected firm.

VII. SCHEDULE

Timing is a concern to SF LAFCo, given the need for the Board of Supervisors to execute a contract for its refuse collection, hauling and disposal. The Study is scheduled to be completed within three (3) weeks of execution of the Contract but no later than April 14, 2011.

VIII. MINIMUM QUALIFICATIONS AND PROPOSAL REQUIREMENTS:

A. Minimum Qualifications

1. The Respondent must be able to perform all or part of the aforementioned scope of work in a timely manner. A general description of the firm and its qualifications in performing contemplated services must be provided. Include a description of pertinent projects successfully completed during the past five (5) years, including client, reference and telephone numbers for at least three (3) of the projects, and staff members who worked on each project. Descriptions should be limited to one page for each project. Indicate whether the firm has any staff having experience in refuse collection, hauling and disposal. Also provide evidence of the firm's ability to conduct multiple tasks in a short period of time. In addition, the firm must demonstrate knowledge and experience in the following areas:
2. The SF LAFCO expressly reserves the right to reject any proposal.

B. Essential Elements of Responses

1. Responses to this RFP must address the following to the satisfaction of SF LAFCo:
 - a. A statement about the firm's qualifications, describing history, competencies and résumés of the principal and of all professionals who will be involved in the work, including the names and resumes of personnel who shall be assigned. Experience in governmental organization analysis, including performance measurement and evaluation
 - b. Ability to facilitate and synthesize input from a variety of sources
 - c. Ability to interpret varied budget and planning documents

- d. Experience in identifying and fostering multi-agency cooperation
 - e. Public input processes and handling the presentation and dissemination of information to local agencies and the public for review and comment
 - f. The ability to work cooperatively with divergent interests
 - g. Specifically substantiated statement of the firm's or individual's qualifications to perform the work, ability to stay within budget and meet deadlines
 - h. Identification and designation of the individuals who would be available to perform the work, including résumés documenting their experience and competence to perform that work. Include a contact person with telephone number.
2. Identification of any sub-consultants who will be involved. If sub-consultants are proposed, describe the work they will perform and include the same information for each sub-consultant as required for items 1 and 2 above.
 3. Information about the availability of all the professionals who will be involved in the work, including any sub-consultants.
 4. A statement of similar or related experience accomplished in the last three years and references for each such project, including the contact name, address and telephone number.
 5. Description of the anticipated approach for the SF LAFCO Study.
 6. Disclosure of potential conflicts of interest with local agencies in San Francisco City and County or the Greater Bay Area.
 7. Identification of any information, materials and/or work assistance required from the SF LAFCo to complete the Study.
 8. The anticipated cost for the Study, including:
 - a. A not-to-exceed total budget amount and an hourly price for additional services that may be requested on an as needed basis by the Commission.
 - b. The cost for each major sub-task identified in the draft scope of services.
 - c. The hourly rates for each person who will be involved in the work, including the rates for any sub-consultants.
 - d. The Proposal shall include estimated costs for attendance at a minimum of two (2) meetings of the Commission and three (3) meetings with SF LAFCo and or Department of the Environment staff.
 9. The ability of the Respondent to complete the Study within twenty one (21) days.
 10. The Respondent must provide three (3) references for similar work; name and telephone number is required.
 11. The Respondent will be expected to meet with San Francisco LAFCo staff (2), Commission meeting (1), other City staff, San Francisco Department of the Environment, and San Francisco Port Authority.

IX. OTHER INFORMATION REQUIRED IN RESPONSE

The Respondent shall make a positive statement that it has the required insurance policies in force in acceptable amounts of coverage for Professional Liability, Workers Compensation, Comprehensive General Liability and Auto (Owned and Non-Owned). Prior to any commencement of services, the firm will be required to provide certificates of insurance coverage to SF LAFCO.

Such certificates must bear an endorsement naming the SF LAFCO and the City and County of San Francisco as an additional insured within ninety (90) days of contract execution.

The firm shall provide documentation substantiating its authorization to act as a vendor to The City and County of San Francisco.

X. SUBMITTAL REQUIREMENTS:

DUE DATE:

On or before 5 P.M., Monday, March 14, 2011 .

NUMBER OF COPIES:

Eight (8) electronic copies (CD) and one (1) fully reproducible copy.

DELIVER TO:

San Francisco LAFCO
c/o Linda Wong, Clerk to SF LAFCO
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

XI. EVALUATION CRITERIA

Responses will be evaluated based upon their response to the provisions of this Request for Proposal and by the following criteria:

- A. Ability to work with pertinent parties and knowledgeable experts.
- B. Familiarity with local ordinances and SF Charter provisions pertaining to refuse collection, hauling and disposal.
- C. Understanding of the background and requirements of the project.
- D. The overall and technical approaches to be followed and the tasks to be performed, including detailed steps and resources required and proposed project schedule.

- E. The relative allocation of resources, in terms of quality and quantity, to key tasks including the time and skills of personnel assigned to the tasks and consultant's approach to managing resources and project output.
- F. Credible substantiation and amount of detailed cost estimates.

Please note that this will be a competitive selection process.

Based on the criteria above, the completeness of the responses, cost and the overall approach identified in the responses received, the most qualified firms may be invited, at their expense, for an interview with the selection committee. The selection committee may be composed of Commissioners, the Executive Officer, other staff of the SF Department of the Environment and/or SF LAFCO, and possibly representatives from other public agencies.

The agreement including budget, schedule and a scope of services will be negotiated. Final selection will be made by the SF LAFCO Chair, the Commission, or the Executive Director, by approving a professional services agreement(s) for the assigned tasks.

XII. OTHER INFORMATION

Firms with any questions relating to this RFP are encouraged to contact:

At SF LAFCO: Nancy Miller, Executive Officer at (916) 447-7933 or Linda Wong clerk to the SF LAFCO at (415) 554-7703.

There is no expressed or implied obligation for the SF LAFCo to reimburse responding firms for any expenses incurred in preparing responses to this request.

To be considered, a response to this request must be received by SF LAFCO as indicated in Section XII above. The SF LAFCo reserve the right to reject any or all responses submitted.

During the evaluation process, SF LAFCo reserve the right, where it may serve their respective best interests, to request additional information or clarifications from responders, or to allow corrections of errors or omissions.

At the discretion of the SF LAFCo, firms submitting responses may be requested to make oral presentations as part of the evaluation process.

The SF LAFCo reserve the right to retain all responses submitted and to use any ideas in a response, regardless of whether that firm is selected. Submission of a response is acceptance by the firm of the conditions contained in this RFP, unless clearly and specifically noted in the response submitted and confirmed in the contract between SF LAFCo and the firm(s) selected.

It is anticipated the selection of firm(s) will be completed by March 21, 2011. Following the notification of the selected firm(s), it is expected contracts will be executed between both parties, subject to confirmation by SF LAFCo no later than the end of March 2011.

XIII. ERRORS AND OMISSIONS IN, MODIFICATION OR WITHDRAWAL OF RESPONSES

Failure by the Executive Officer to object to an error, omission, or deviation in a response will in no way modify the RFP or excuse the respondent from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

Unauthorized conditions, limitations, or provisions attached to a response, may cause its rejection. No oral, telegraphic, telephonic, or facsimile proposals or modifications will be considered. A response may be withdrawn upon request by the Respondent without prejudice, provided that the request is in writing, has been executed by the Respondent or the Respondent's duly authorized representative, and has been filed prior to the deadline for submittal of responses.

XIV. FINANCIAL RESPONSIBILITY

The SF LAFCO accepts no financial responsibility for any costs incurred by a firm in responding to this RFP. Submissions in response to the RFP will become the property of the SF LAFCO and may be used by either of them in any way deemed appropriate.

XV. SUNSHINE ORDINANCE

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFP's and all other records of communications between the SF LAFCO and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

XVI. RESERVATION OF RIGHTS BY THE SF LAFCO

The issuance of this RFP does not constitute an agreement by either the SF LAFCO that any contract will actually be awarded. The SF LAFCO expressly reserves the right at any time to:

1. Waive any defect or informality in any response, proposal, or proposal procedure;
2. Reject any or all responses;
3. Reissue a Request for Proposal;
4. Procure any service by any other means;
5. Extend deadlines for accepting responses, or accept amendments to responses after expiration of deadlines; or
6. Determine that no Project will be pursued.

XVII. STATEMENTS OF ECONOMIC INTERESTS

The SF LAFCO will require that the consultant(s) comply with the Political Reform Act and provide a Statement of Economic Interests (see attachment).

XVIII. STANDARD CONTRACT PROVISIONS

- A. The successful respondents will be required to enter into contract substantially in the form of the SF LAFCO Agreement for Professional Services attached to this RFP as **Exhibit A**, whichever is applicable. Failure to timely execute the contract, or to furnish any and all certificates, bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. SF LAFCO, in their sole discretion, may select another firm and may proceed against the original selectee for damages.
- B. Respondents should note that the SF LAFCO contract includes the following provision concerning ownership of materials produced in connection with the work performed: "Consultant agrees that all work products including, but not limited to, notes, spreadsheets, calculations, designs, drawings, reports, memoranda, and all other tangible personal property of whatever nature produced in the performance of this Agreement, shall be the sole property of SF LAFCo, provided that Consultant may retain file copies of said work products. Consultant shall provide said work products to SF LAFCo upon request.

Consultant represents and warrants that all materials or work product to be furnished to SF LAFCo will be produced by Consultant or that required permissions and license agreements will be obtained and paid for by Consultant and that SF LAFCo is free to use, reuse, publish or otherwise deal with all such material attached hereto. Consultant shall indemnify and hold harmless SF LAFCo and its commissioners, officers, employees, agents and representatives, from any claim, loss, damage, cost, liability or expense arising from any falsity or violation of the foregoing representation and warranty."

XIX. SAN FRANCISCO BUSINESS TAX REQUIREMENTS

The successful respondent must have a San Francisco Businesses Tax Certificate. Businesses not already having this certificate must apply for a certificate and pay the \$200 registration fee in order to be awarded this contract.

XX. HUMAN RIGHTS COMMISSION REQUIREMENTS

Contracts will require that the contractor comply with the requirements of the SF Human Rights Commission.

XXI. GLOSSARY OF ACRONYMS

City, or San Francisco: The City and County of San Francisco.

CKH Act: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code §56000 *et seq.*

MSA: Municipal Service Audits required under the CKH Act.

SF LAFCO: The City and County of San Francisco Local Agency Formation Commission.

SOI: Sphere of influence.

EXHIBIT A

SF LAFCO Form Contract