



RFP NO. SW-23-014

Phase 1 Leachate Treatment System

Rental or Purchase of Frac Tanks for Landfill Leachate Storage

January 27, 2023

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R equest for Proposals

Rental or Purchase of Frac Tanks for Landfill Leachate Storage

PURPOSE:

The City of Bristol, Virginia is accepting proposals for a rental agreement or purchase of double-walled frac tanks with cumulative storage equivalent to 120,000-gallons in accordance with the requirements set forth in the Request for Proposals. The original proposal and five (5) copies must be received by the issuing office by not later than **February 10, 2023** at **2:00** p.m. eastern time. Offerors shall provide one (1) additional copy with all information considered proprietary redacted and suitable for public inspection in accordance with Section 2.2-4342 of the Code of Virginia.

Proposals must be sealed, addressed and clearly labeled as follows:

City of Bristol, Virginia
Emily Compton, Procurement Specialist
300 Lee Street
Bristol, Virginia 24201
Proposal for Leachate Storage Tanks
February 10, 2023

Questions regarding requirements set forth in the Request for Proposals must be submitted in writing to Emily Compton at Emily.Compton@bristolva.org no later than one (1) week prior to the due date.

PROJECT SCOPE:

The leachate treatment system is to be installed and operated at the Bristol Integrated Solid Waste Management Facility located at 2655 Valley Drive in Bristol, Virginia. This Facility consists of multiple landfills including two closed landfills (designated as Permit No. 498 Landfill and Permit No. 221 Landfill) and one recently active quarry landfill (designated Permit No. 588 Landfill). Landfill leachate and other landfill liquids from the Permit No. 588 Landfill and Permit No. 498 Landfill are collected and piped to discharge to the local publicly owned treatment works (Bristol Virginia Utility Authority (BVUA or BVU). The frac tanks will support a leachate treatment system to be installed in 2023.

The City will evaluate proposals based on criteria as stated within this RFP.

TERM:

An initial rental period, if the rental option is selected, is not to exceed 24 months and is to commence with the delivery and the City of Bristol Virginia's acceptance of the frac tank rental contract. Delivery is expected to occur less than two months from the order date of the capital items. The City of Bristol Virginia reserves the right to negotiate financing with the successful entity on future capital items for a two (2) year period beginning with the date of this award.

COMPETITIVE NEGOTIATION:

The City of Bristol Virginia reserves the right to negotiate pursuant to the Virginia Public Procurement Act, Section 2.2-4302.2.3 – For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal.

Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than others under consideration, a contract may be negotiated and awarded to that offeror.

INSTRUCTIONS for PREPARING PROPOSALS:

Written proposals should address the following:

1. Complete detail and specification of the frac tanks, with sufficient detail as to allow the City to evaluate any deviations (dimensions, valves, inlets, outlets, manway access, etc.).
2. Complete detail of warranty/product support information provided to Renter during full rental term with any limitations, time frames, etc.
3. Options for and payment schedules reflecting full rental term, and all defined rental costs for origination and complete rental terms.
4. Options for and payment schedules for purchase and all defined purchasing costs.
5. Mobilization costs.
6. Entity's acceptable means of payment.
7. Mobilization and start-up lead time.
8. Institution's acceptable means of payment.
9. Financing costs defined for the origination and complete financing term.

EVALUATION CRITERIA:

1. Frac tank to meet City's expectations of use. (15 percent value)
2. Lead time to mobilize and begin operation. (15 percent value)
3. Rental Terms and cost. (30 percent value)
4. Purchasing Terms and costs. (30 percent value)
5. Ability to accept the City of Bristol Virginia's preferred form of payment. (10 percent value)

EMPLOYMENT DISCRIMINATION, DRUG FREE WORKPLACE, IMMIGRATION LAWS:

The City of Bristol, VA in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

By accepting an award to provide the requested services, the financing entity must acknowledge, in writing, compliance with the following provisions of the Virginia Public Procurement Act:

Section 2.2-4311 – Employment discrimination by contractor prohibited; required contract provisions – All public bodies shall include in every contract of more than \$10,000.00 the following provisions:

1. During the performance of this contract, the contractor agrees as follows:
 - a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
 - c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for meeting the requirements of this section.
2. The contractor shall include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

Section 2.2-4312 – Drug-free workplace to be maintained by contractor; required contract provisions – All public bodies shall include in every contract over \$10,000.00 the following provisions:

During the performance of this contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

Section 2.2-4311.1 Compliance with federal, state and local laws and federal immigration law; required contract provisions –

All public bodies shall provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

INSURANCE REQUIREMENTS:

The successful financing entity, and any of its subcontractors, shall, at its sole expense, obtain and maintain during the life of the resulting contract the insurance policies and/or bonds required. All such policies and/or

bonds shall be effective prior to the beginning of any work under the resultant contract.

Professional Liability: The successful financing entity is required to carry, at a minimum, a \$1,000,000.00 (one million dollars) professional liability policy and provide additional coverages as may be described in any resulting contract. In any case, the City of Bristol, Virginia shall be listed as an additional insured in the policy.

COOPERATIVE PROCUREMENT:

The City of Bristol, Virginia authorizes other municipalities, whether located in the Commonwealth of Virginia or not, to use the contract resulting from this procurement transaction. Interested agencies shall deal directly with the firm selected to provide the requested services.

PROPRIETARY INFORMATION:

Trade secrets or proprietary information submitted by the offeror shall not be subject to public disclosure under the Freedom of Information Act, unless otherwise required by law or court. However, the offeror must invoke the protection of Section 2.2-4342(F) of the Code of Virginia, in writing, either before or at the time the data or other material is submitted. The written notice must specifically identify the data or materials to be protected and state the reason why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal document, including any proposal prices as proprietary, or trade secrets, is NOT ACCEPTABLE and may result in the REJECTION of the proposal.

Considering this is a Request for Proposals, no information regarding the proposal records or the contents of responses will be released except in accordance with Section 2.2-4342 of the Code of Virginia. Once an award has been made, all proposals will be open to public inspection subject to the provisions set forth above.

CLASSIFICATION OF OBLIGATION:

It is to be understood that any agreement arising from this Request for Proposals shall constitute a current obligation payable exclusively from legally available funds and shall not be construed to be an indebtedness within the meaning of any applicable constitutional or statutory limitation or requirement, nor shall anything contained within any agreement arising from this Request for Proposals constitute a pledge of the full faith and credit or taxing power of the City of Bristol Virginia.

BUDGETS AND APPROPRIATIONS:

It is understood and agreed that for any rental agreement arising from this Request for Proposals, the City of Bristol Virginia intends to budget and appropriate funds to make all payments for the full rental term as required pursuant to the agreement. The City of Bristol currently intends to do all things lawfully within its power to obtain appropriated funds for the payments under any rental agreement in each succeeding fiscal year for the scheduled term. The City of Bristol acknowledges that the rental entity has relied upon these representations as an inducement to enter this agreement. The City of Bristol responsibly believes that moneys sufficient to make all payments can and will lawfully be appropriated and made available therefor. Notwithstanding the foregoing, the decision whether or not to budget and appropriate funds is within the discretion of the then governing body of the City of Bristol.

It is further understood and agreed to between the Parties hereto that the City of Bristol Virginia shall be bound and obligated only to the extent that funds have been appropriated. In the event that funds are not appropriated, the City of Bristol Virginia will notify the rental entity within thirty (30) days prior to the end of the then current fiscal year of the occurrence with written evidence of such failure by the City of Bristol Virginia's governing body (but failure to deliver such notice shall not extend the Agreement.)

Upon failure to appropriate, the City shall cease use of the frac tank(s) that is subject to this rental and peaceably remove and deliver frac tank to the rental entity at the City of Bristol Virginia's expense (from funds legally available for this use) at such time as designated by rental entity. Rental agreement will cease upon delivery and acceptance of frac tank by rental entity.