



Request for Proposals (RFP) for Organic Materials Processing Facility Development and Services

RFP Circulation Date:

Wednesday, July 15, 2020

Proposal Submission Deadline:

Friday, ~~August 14~~ September 11, 2020, 5:00 p.m. PDT

County of Ventura, Public Works Agency,
Water & Sanitation
Joseph Pope, Director
6767 Spring Road, Moorpark CA 93021

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1 INTRODUCTION TO RFP DOCUMENTS

1.1 RFP Release

The State of California has established a mandate to divert 75% of organic waste. To achieve this goal in Ventura County requires developing more organic material processing capacity. Accordingly, the County of Ventura ("County"), in conjunction with Ventura County Waterworks District No. 1 ("District"), is requesting proposals from qualified entities to develop and operate an organic materials processing facility in unincorporated Ventura County on up to 51 acres of land adjacent to the District's Moorpark Water Reclamation Facility ("MWRF") and not needed for the District's purposes. This Request for Proposals ("RFP") is soliciting proposals from entities with demonstrated experience and qualifications in developing and operating organics processing facilities, accepting organic material, and processing and diverting such material. As detailed in this RFP, proposals should document the proposer's qualifications, describe the proposed facility and services in detail, and propose terms on which the proposer will lease the site and enter a franchise agreement with the County. County will select the proposal that best serves the public interest and represents the best value for the public, considering the proposed facility and services, and lease and franchise agreement terms, and negotiate with that proposer.

Proposals will be accepted through the submission deadline in person at 6767 Spring Road, Moorpark, CA during open hours; by mail to: Ventura County Water and Sanitation, Attn: Compost Facility RFP, P.O. Box 250, Moorpark, CA 93020-0250; or by e-mail to WSAdmin@ventura.org. Prospective proposers should examine this RFP in its entirety and bring any ambiguities or inconsistencies to the attention of the County in writing as soon as possible.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in this process should contact the District via email at WSAdmin@ventura.org at least 48 hours prior to any meetings.

This RFP will be available beginning Wednesday, July 15, 2020 at the following website:
<https://www.vcpublishworks.org/wsd/>

Before submitting a proposal, each proposer should make all investigations and examinations necessary to ascertain all conditions and requirements affecting its ability to fulfill its proposal and to verify information provided in this RFP.

Any questions regarding the availability of the RFP or technical questions regarding the RFP must be directed in writing by either U.S. postal mail or e-mail to:

Ventura County Water and Sanitation
Attn: Compost Facility RFP
P.O. Box 250
Moorpark, CA 93020-0250
WSAdmin@ventura.org

All questions must be submitted in writing and in accordance with the schedule put forth in Section 1.3 of this RFP.

1.2 Pre-Proposal Investigation

Proposers may submit requests to tour the potential site by contacting the District via e-mail at WSAdmin@ventura.org at least 48 hours prior to any requested tour date. The District reserves the right to schedule potential respondents' tours together.

1.3 Schedule

The District plans to adhere to the following procurement schedule to the extent possible. Changes to the procurement schedule shall be at the sole option of the District. Table 1 below provides the major milestones of this RFP process.

| TABLE 1: SCHEDULE | |
|---|--|
| RFP Released | Wednesday, July 15, 2020 |
| Pre-Proposal Site Investigations | Friday, July 17 to Friday, July 31, 2020 |
| Last Day to Submit Questions | Thursday, August 13 September 10, 2020 by 5:00 p.m. PDT |
| Proposals Due | Friday, August 14 September 11, 2020 by 5:00 p.m. PDT |
| Interview Qualified Proposers | August 17—21 September 14-18, 2020 (tentative) |
| Additional Site Visits (as needed) | August 17—21 September 14-18, 2020 (tentative) |
| Award / Proposal Selection | September 1 September 28, 2020 (tentative) |
| Proposer begins more detailed investigations into site suitability, including securing tonnage. | September 2 September 29, 2020 (tentative) |

1.4 Goals/Summary of Intent

The County Public Works Agency's Integrated Waste Management Division oversees contracts with franchised solid waste collection companies and solid waste processing facilities and implements County programs for meeting state-mandated solid waste diversion goals for organic materials. The Public Works Agency will manage the agreements, monitor operations, and collect revenues. The Integrated Waste Management Division may, in its discretion assist the successful proposer through programs such as the Recycling Market Development Zone and in matters such as permitting, securing materials, obtaining financing, and forming local partnerships.

The successful proposer will pay a monthly lease or license fee for use of the site during investigation, permitting, construction and operation of an organics materials processing facility in exchange for the exclusive right to permit, develop, and operate an organics processing facility at the site under the terms of an agreement or agreements to be negotiated. Investigation, permitting, and construction are detailed as "A" through "C" in section 5.3.5 of this RFP. Proposers should propose additional fees to be paid after construction, as detailed as "D" in Section 5.3.5, based on a portion of tip fees, royalties on gas produced, if a system of anaerobic digestion is developed, and a percentage of the operator's gross revenue earned from materials received for processing. The successful proposer will also pay all applicable state and local permitting and regulatory fees. This includes a Solid Waste Control fee, currently set at \$1.17 per ton, to the Ventura County Environmental Health Division.

The successful proposer will be responsible for all matters related to siting, permitting, managing and operating the organic materials processing facility, and for disposing all residuals at a locally permitted solid waste disposal facility. The successful proposer will also be responsible for all environmental regulations and will accept all responsibilities and liabilities of siting, permitting, managing and operating organics processing facilities.

The County has adopted the following goals to guide this project:

- Process and divert organic materials at economical rates, in comparison to other alternatives, for

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a specific and renewable contract duration, and with a minimum guaranteed local available tonnage capacity;

- Divert organic materials in a manner guaranteeing diversion credit under the requirements of AB 939, SB 1383, and AB 1594. Material must be processed for diversion from landfill disposal and is not to be used as Alternative Daily Cover (ADC) at a landfill unless separately agreed to in writing by the District Director;
- Provide Ventura County farmers, homeowners, and landscapers with a local source of high-quality soil amendments and mulches;
- Provide access for the delivery of material from collection routes and/or transfer stations, reducing the need for hauling to more distant organics processing facilities;
- Report the amount of incoming, outgoing, and on-site material monthly, in addition to other reporting requirements of permitting and regulatory authorities;
- Be responsive to the needs of the District and County;
- Maintain full compliance with all local, state and federal regulations and permitting requirements;
- Provide organic processing capacity for yard/green waste with comingled residential food scraps, wood waste, and commercial food scraps. Potentially also provide processing capacity for items such as compostable food ware;
- Increase diversion and reduce disposal through innovative techniques;
- Provide cost-effective, efficient, and environmentally beneficial processing methods;
- Provide insurance and indemnification, including CEQA indemnification;
- Implement environmentally progressive diversion programs that help Ventura County jurisdictions meet AB 939, AB 341, AB 1826, SB 1383 and AB 1594 requirements and address achievement of the state's 75% diversion goal.

The County's intent with the facility development and services provided as part of this RFP, and a subsequent Compostable Materials Handling Facility Agreement with the Integrated Waste Management Division, is to secure organic materials processing services for the people of Ventura County to help meet state mandated levels of organics diversion, at the highest quality facility possible and at the best price available.

Proposers may provide services to entities outside Ventura County but, in the event, the per ton rates charged to out-of-County entities cannot be lower than the rates charged to Ventura County entities for the same organic material category, annual tonnage amounts and contamination levels.

2. SITE AND MATERIALS

2.1 Site

The site address is 9550 East Los Angeles Avenue, Moorpark, CA 93021 in the unincorporated area of Ventura County, just outside Moorpark city limits. The major parcel anticipated for use in composting is 163003134, but the County and the District are also willing to consider proposals that include adjacent, District-owned parcels, including 163003129, 163003130, 163003131, and 163003133. If a proposer's project partially or entirely incorporates parcels other than 163003134, the proposer should clearly indicate the purpose in doing so and the compensation planned for replacing existing infrastructure, if any. Additionally, if adjacent private parcels not owned by the District are proposed for use, the proposer should provide documentation of the owner's likely cooperation.

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The entire site is over 70 acres, with portions dedicated to the District's wastewater processing occupying nearly 20 acres. Much of the approximately 50 acres available for consideration in this RFP was previously committed for use as percolation ponds; however, other methods of water treatment have made the percolation ponds unnecessary.

An 11 acre portion of the site was used for farming; however, farming was not found to be viable at the site, and no farming has occurred for several years. A house on the site, adjacent to the former farm, is also owned by the District and is not occupied. The site is currently zoned Agricultural, with a portion holding a land use designation of Open Space. Most of the area designated Open Space is in a flood plain. In contrast to a flood way, which generally prevents development, hazards of a flood plain can potentially be mitigated through measures such as channeling or raising land in key areas.

The Ventura County Zoning Compatibility Matrix allows composting on agriculturally zoned land, but a portion of the site, centered on the former farm, includes land with "prime" soil, and a provision of the general plan does not allow composting to eliminate prime soil from potential future use in farming. Agromin, which is currently attempting to permit a compost facility on a farm with prime soil in the Santa Clara River Valley of Ventura County, is pursuing a text amendment which could provide exceptions to the restriction on use of prime soil for composting, and the results of this effort could also possibly remove this restriction on the affected portions of the Moorpark site in approximately fourteen months.

The site is adjacent to Union Pacific railroad tracks and abuts State Highway 118. The site is also near Highway 23. Both 118 and the 23 (via Highway 126) connect to Interstate 5, the state's main artery of north-south travel, approximately 30 miles from the site.

Southern California Gas lines are approximately one and a half (1 ½) miles away, along Highway 118. The Water Reclamation Facility at the site is currently fed by 16kv service from Southern California Edison, but does not currently have a natural gas connection.

2.2 The District

Ventura County Waterworks, District No. 1 was formed November 22, 1921 and serves approximately 37,576 customers through 10,540 service connections, including 10,399 residential and commercial service connections and 141 agricultural service connections. The District's water distribution system consists of 138 miles of water lines, ten pumping stations, 20 pressure reducing stations, and 18 reservoirs. The District encompasses approximately 19,800 acres and includes the City of Moorpark and contiguous unincorporated areas to the north and west. The District also maintains and operates 107 miles of sewer line with 9,886 service connections within the City of Moorpark.

The District owns, operates and maintains the MWRF adjacent to the proposed project site. The original facility was completed in 1965 as an interim treatment facility with a capacity of 1 million gallons per day (mgd). It has since undergone several upgrades. The MWRF has a treatment capacity of 5 mgd and produces approximately 1,000 acre-feet of recycled water per year for 11 commercial and agricultural customers.

The Ventura County Board of Supervisors is the governing body of the District. Proposed policy changes are reviewed by the Citizen's Advisory Committee prior to Board action. The Citizen's Advisory Committee members are appointed by the Ventura County Board of Supervisors.

2.3 Flow of Organic Material

Proposer should expect to begin negotiating commitments of tons from public and private entities during the "investigative" phase specified in this RFP as Section 5.3.5, stage "A."

2.4 Organic Material Tonnages

The County is interested in organic materials processing services options for yard/green waste (with comingled residential food scraps, potentially including compostable food ware), wood waste, and commercial food scraps.

Ventura County currently has no local options for recycling biosolids or food waste and both are trucked to distant facilities. Additionally, in-County capacity for composting or chipping yard waste is insufficient and cannot ensure compliance with state organics management mandates. Current estimated countywide organic waste sent to landfills, excluding biosolids, is 182,342 tons per year.

In addition to landfilling the above tons of organic materials, Ventura County jurisdictions and contracted haulers divert yard waste primarily at three facilities. In western Ventura County, a site at Ormond Beach (Oxnard), operated by Agromin, composts yard waste from cities such as Oxnard, Ventura, Camarillo and Ojai. In the Santa Clara River Valley, Agromin is proposing to expand an organics processing operation at the Limoneira Farm. If permitted in accordance with its application, this facility could handle up to 300,000 tons per year, which is approximately half the total of yard waste and food waste generated in Ventura County annually. This expansion could enable the site to replace Agromin's facility at Ormond Beach, which is currently operating with an expired Conditional Use Permit. The other major facility in Ventura County is an Agromin-operated chip-and-ship facility at Waste Management's Simi Valley Landfill and Recycling Center.

The number of small, organics processing sites in Ventura County has declined in recent years. Although Ojai Valley Organics may soon reopen, others have no plans to reopen. Sites closed in recent years include: McGrath Farm; Rancho Punta Gorda; Rocky H Ranch; and Santa Clara Organics.

3 REQUESTED SERVICES

3.1 Overview of Base Services

The Ventura County Integrated Waste Management Division is interested in entering into an agreement for processing organic materials with a facility operating reliably and complying with all required permits and regulations while meeting the expectations of this RFP. Proposers should understand entities, which may commit tons through separate contract following selection of a proposal in response to this RFP, may procure organic processing services via agreements with multiple sites and for multiple organic material types.

Organic materials processing facilities accepting local materials, including one developed at the site specified in this RFP, must resolve Notices of Violation from regulatory entities, must not violate Cease and Desist Orders, and must meet all local, state, and federal environmental protection rules, regulations and laws, while processing organic materials.

3.2 Facility Options

The County is interested in proposals for compost facilities, anaerobic digesters, gasification, pyrolysis, vermicompost, or other technologies capable of diverting organic materials from landfills in accordance with state mandates while producing compost or other soil amendments. The County is also interested in wood chipping services, producing mulch to be marketed separately onsite.

Proposers for long-term processing services will be required to obtain and remain in compliance with all necessary land-use permits, solid waste permits, water and air permits, and other such permits as may be

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necessary. Permitting entities (potentially including, but not limited to, the Local Enforcement Agency (LEA), the Los Angeles Regional Water Quality Board and the Ventura County Air Pollution Control District) will provide specific direction regarding studies, terms and conditions that must be met for permitting. Proposers are solely responsible for obtaining all necessary permits; the District has no direct role in permitting of proposed facilities.

Proposers must anticipate that permitting agencies will require studies, terms and/or conditions in a variety of areas, which must be considered and addressed by proposers in developing the Technical Proposal as required by this RFP (Section 5.3.5).

All proposed facilities requiring a solid waste facility permit will require the amendment of the Non-Disposal Facility Element of the Ventura County Integrated Waste Management Plan, and the Ventura County Integrated Waste Management Division will coordinate that amendment, commencing immediately upon selection of a successful proposer to this RFP.

3.3 Organic Materials Accepted

The successful proposer will separately negotiate with jurisdictions and haulers agreements for delivery of materials; however, the District prefers the facility be capable of accepting the following material types. Proposers may propose acceptance of one or more than one material stream and should indicate which materials they are targeting in the Technical Proposal response to this RFP.

- 1. Wood Waste:** Pieces of dimensional lumber which are untreated or unpainted, as well as lumber which is painted with non-lead-based paint. Also, any other wood pieces or particles generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials. This includes milled lumber, wood crates, pallets and source separated wood construction and demolition material.

Exclusion is expected for pressure treated wood, creosote treated wood, particle board, stumps, and large logs.

- 2. Green Waste:** Material generated from landscape maintenance, including leaves, prunings, branches, dead plants, brush, and tree trimmings. Exclusion is expected for ivy, palm, yucca, cactus, and sod.
- 3. Residential mixed organics:** Green waste, as defined above, mixed with fruits, vegetables, grain products, dairy products, meat, seafood, and other compostable food scraps generated at residential premises from normal household activity, including kitchen fats and greases (not oil), and napkins.
- 4. Mixed Organic Materials with Compostable Food Ware:** Residential mixed organics, as defined above, plus acceptable food packaging items such as pizza boxes, paper towels, compostable food packaging (meeting the standards established by ASTM 6400 and ATRM 6868), compostable bags, waxed cardboard and food soiled paper products, and similar compostable items.
- 5. Commercial Food Scraps:** Fruits, vegetables, grain products, dairy products, meat, seafood, and other compostable food scraps, including kitchen fats and greases (not oil) from commercial sources.
- 6. Commercial Food Scraps with Compostable Food Ware:** Commercial food scraps, as defined above, plus napkins, and acceptable food packaging items such as pizza boxes, paper towels, compostable food packaging (meeting the standards established by ASTM 6400 and ATRM 6868), compostable bags, waxed cardboard and food soiled paper products, and other compostable

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food scraps, including kitchen fats and greases (not oil).

7. **Biosolids:** The District is especially interested in the possibility of selecting a proposer capable of providing an on-site solution for approximately 4,500 tons of biosolids generated on-site annually. Although the Ventura County Zoning Compatibility Matrix dictates a biosolids composting facility is not considered a compatible use for agriculturally zoned land, the existing facility on the site recently received a Conditional Use Permit allowing aerobic digestion of its own biosolids and has not yet developed this capacity. Instead, like other wastewater treatment facilities in the area, the Moorpark Wastewater Treatment Plant currently contracts for a trucking service to haul biosolids over 100 miles away.
8. **Agricultural byproducts:** Packing house waste, culls, spoils, and related materials.
9. **Manure:** Ventura County has several horse-oriented communities, featuring many properties with stables, horse boarding facilities, horse competition arenas, and horse riding trails. However, opportunities are limited for horse manure composting.

For most of the above categories, especially if accepting curbside collected yard waste, the facility should be expected to sort out common contaminants, such as, but not limited to, brick, rock, gravel, dirt, concrete, sod, non-organic materials, oil, and treated wood or wood products. If accepting mixed organic materials, the facility should expect to sort out other types of common contaminants, including plastic packaging. The proposer is encouraged to reach flow agreements with jurisdictions and haulers including specifications for which party is responsible for public outreach to minimize contamination and what steps will be taken to carry out this public outreach.

3.4 Commitment of Organic Waste Streams

Neither the District, nor the County of Ventura, can provide a flow commitment for all organic materials volumes required by a successful proposer's facility. Processing agreements for these organic materials are the responsibility of the successful proposer. For material managed by haulers maintaining franchise collection agreements with the Ventura County Integrated Waste Management Division, potential commitment of flows may be considered separately from this RFP process.

3.5 High-Quality End Products

The County is interested in facilities that produce a high quality end-product, such as compost, mulch, soil amendments, or other end-products that will be made widely available for use in Ventura County.

Proposers should note Ventura County farmers and landscapers have expressed interest in widespread availability of high-quality compost and other soil amendments suitable for home vegetable gardening or agricultural application. If proposing a compost facility, compost produced should be California Department of Food and Agriculture-approved, and capability to produce some compost material meeting Organics Materials Review Institute (OMRI) standards is preferred. Proposers should note the District is also interested in a facility capable of handling some materials not allowed under OMRI standards.

The selected proposer will be expected to promptly remove non-compostable material and dispose it at a local landfill or transfer station. The selected proposer shall be solely responsible for transporting and disposing all residual materials to appropriate facilities, and to pay the then-current per ton rates established for landfill disposal or transfer.

In the Technical Proposal, proposers are required to provide estimates of the types of products anticipated to

be produced and clear standards for the quality of the material.

3.6 Billing and Customer Service

The successful proposer will be required to negotiate, and enter into, a Compostable Materials Handling Facility Agreement with the Ventura County Integrated Waste Management Division. The successful proposer will bill haulers, and other deliverers of organic material, on a per ton basis for organic materials delivered. Neither the County nor District will be responsible for payment for material delivered directly to designated facilities by self-haulers or third parties.

The County will approve the format for billing. Proposers will provide competent, professional, and courteous customer service and will designate qualified representatives and operators to serve as the main point of contact with the District.

3.7 Reporting

The amount and types of material accepted shall be reported monthly and quarterly pursuant to a subsequent, negotiated Compostable Materials Handling Facility Agreement between the Ventura County Integrated Waste Management Division and the successful proposer.

3.8 Organic Materials Tipping Per Ton Rate

Proposers must include estimated proposed per ton rates by organic material type and by annual tonnage amount in response to this RFP. However, the District understands rates may be unknown at this time due to uncertainties related to permitting, mitigation measures, and tonnage commitments. Permitting, especially, will affect the portion of the site available and the range of activities permissible.

Nevertheless, the estimated proposed per ton rate for processing organic materials must be included as a point of reference. This rate shall not include any fees that may be charged by Ventura County or the District, but it shall include any other fees expected to be assessed by other entities.

Any revenues from the sale of processed organic materials will be retained by the proposer. Gas revenues, on the other hand, may be subject to an annual Gas Royalties Fee on annual gross revenues.

Further, existing Compostable Materials Handling Facility Agreements require compost facility operators within unincorporated Ventura County to pay the Integrated Waste Management Division a fee of five percent (5%) of the operator's gross revenue earned from materials received for processing; this fee can be lowered to two-and-a-half percent (2.5%) of gross revenue from received materials if an operator provides a two-and-a-half percent (2.5%) discount off posted gate rates to unincorporated area self-haul customers.

The District directs proposers to consider these fees when estimating a per ton rate for organic materials processing services. In the event proposers provide organic materials processing services to entities outside Ventura County, the per ton rates charged to entities outside Ventura County cannot be lower than those charged to entities inside Ventura County for the same organic material type, annual tonnage amounts and contamination levels.

4 GENERAL PROVISIONS

4.1 Interpretations and Inquiries

Any questions concerning the intent, meaning, and interpretation of the RFP documents shall be submitted no

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later than Thursday, ~~August 13~~ **September 10**, 2020 by 5 p.m. PDT and only in writing either by U.S. postal mail or by e-mail to:

Ventura County Water and Sanitation
P.O. Box 250
Attn: Compost Facility RFP
Moorpark, CA 93020-0250
WSAdmin@ventura.org

Submission of a proposal will serve as prima facie evidence the proposer has examined the RFP, completed other due diligence, and is fully aware of all conditions affecting its proposal.

Proposers are to promptly notify the District, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification must be directed to the District promptly after discovery, but in no event later than Thursday, ~~August 13~~ **September 10**, 2020 by 5 p.m. PDT. Modifications and clarifications will be made by addenda as provided below.

4.2 Verbal Agreements

No verbal agreement or conversation with any officer, agent, or employee of the District or County, either before or after execution of the contemplated agreement(s), shall affect or modify any term or obligation contained therein. No person is authorized to give oral interpretations of, or make oral changes to, the RFP documents. Therefore, oral statements will not be binding and shall not be relied upon. Any interpretation of, or changes to, the RFP documents will be made in the form of a written addendum to the RFP.

4.3 Qualification of Proposer

The proposer must be qualified by experience, financing and ability to implement its proposal and meet the project goals.

4.4 Conflict of Interest

All proposers must disclose, with their proposal, the name of any officer, director, agent, or any relative of an officer, director, or agent who is an employee, elected official or appointed official of the District or the County. Furthermore, all proposers must disclose the name of any District or County employee, elected official or appointed official who owns, directly or indirectly, any interest in the proposer's firm or any of its branches or subsidiaries.

4.5 Legal Requirements

Proposers are required to comply with all provisions of federal, state, county, and local laws, ordinances, rules and regulations applicable to the services being offered in this RFP. Lack of knowledge of the proposer shall in no way be a cause for relief from responsibility or constitute a cognizable defense against the legal effects thereof.

4.6 Familiarity with Laws and Ordinances

The submission of a proposal for the services requested herein shall be considered as a representation the Proposer is familiar with all state, federal, and local laws, ordinances, rules, orders, and regulations which affect those engaged or employed in the provision of such services, or equipment used in the provision of such services, or which in any way affects the conduct of the provision of such services; no plea of misunderstanding will be

considered on account of ignorance thereof.

4.7 Selection of Proposal Does not Create a Contract

Neither the District nor the County of Ventura shall be obligated to any proposer to enter into an agreement or contract with the proposer, by virtue of its selection of its proposal. Selection is for the purpose of entering into negotiation of an agreement or agreements to implement its proposal. No action will lie against the District or the Ventura County Integrated Waste Management Division to compel either to execute any such agreement, or to recover from the either any damages, costs, lost profits, expenses, etc., that any proposer may incur if the County chooses not to sign the contemplated agreement(s).

4.8 Acceptance or Rejection of Proposals

The County reserves the following rights and options:

- Issue addenda to the RFP, including extending or otherwise revising the timeline for submittals;
- Cancel the RFP;
- Request clarification and/or additional information from the proposer at any point in the procurement process;
- Execute an agreement (or agreements) on the sole basis of the original proposal or any additions to proposal submissions;
- Reject any or all proposals, accept or reject all or any part of any proposal, waive any requirements of the RFP;
- Reissue the RFP;
- Modify the RFP in writing;
- If, during negotiations with a selected proposer, the County determines in its sole discretion that an acceptable agreement cannot be negotiated, the County reserves the right to suspend negotiations with that proposer and begin negotiations with another proposer. Also, the County reserves the right to undertake simultaneous negotiations of the final agreement with more than one proposer.
- Request “Best and Final” offers;
- Conduct interviews with any proposers;
- Negotiate terms and conditions different from those described in this RFP and Agreement;
- Contact references provided and seek information from any client with which the proposer has done business; and
- Take other such action that best suits the needs of the County and its residents.

4.9 Award

The award, if made, will be made to the proposer whose proposal best fulfills the requirements and serves the goals of this RFP and provides the best value to the District, the County of Ventura, and its residents and businesses.

After opening the proposals, the County may require the selected proposer to submit a verified statement disclosing all ownership interests, whether direct, indirect, or beneficial, and including intermediate and ultimate ownership interests where several levels of ownership exist, disclosing any single source in excess of thirty percent (30%) of outstanding debt, and disclosing any person or entity that has guaranteed in excess of thirty percent (30%) of the proposer’s outstanding debt; furthermore, such disclosure shall contain any information of or relating to any and all common ownership, control,

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management, or common pecuniary benefit the proposing entity, its owners, management, or representatives possess or retain in any other entity now participating, or proposing to participate, in the agreement.

4.10 Public Records

All correspondence with County, including responses to this RFP are public records under the California Public Records Act, Government Code section 6250 et seq. ("CPRA") to the extent they are retained by County.

The County will not disclose any part of any proposal before it completes negotiations of the contemplated agreement(s) on the ground that the public interest in nondisclosure clearly outweighs the public interest in such disclosure. If a proposer believes there are portions of their proposal exempt from disclosure under the CPRA on other grounds, the proposer should mark them as such. If the proposer submits trade secret information, the Proposer must plainly mark the information as "Trade Secret".

If a request under the CPRA is made for information marked "Trade Secret" or "Proprietary", the County will provide proposer who submitted the information reasonable notice and opportunity to seek protection from disclosure prior to disclosing it.

4.11 Incentives

RMDZ: The proposed site is in the Ventura County Recycling Market Development Zone (RMDZ). Through the RMDZ program, a proposer would be eligible for four (4) percent, fixed-rate financing, up to \$2 million, for up to 15 years. Other incentives include assistance with obtaining materials for manufacturing, partnerships, grants, business planning, permits and promotion.

Tax Incentive: Recycling-based businesses may also be eligible for a partial exemption from sales taxes on machinery and equipment purchases. This reduction of the state portion of sales tax (currently over 4%) can also reduce the cost of special-purpose buildings used for a manufacturing process.

Employer Assistance: Several incentives are offered by the Ventura County's Workforce Development Division (WDD). These incentives can include employee recruitment and screening; customized training; tax credits for hiring GAIN workers; support services; and up to 50% salary reimbursement of eligible employees during an agreed-upon training period. There are also sheltered workshops, job coaching programs, and other opportunities for subsidized labor in Ventura County.

Port: The nearby Port of Hueneme, the only deep-water port between Los Angeles and San Francisco, provides incentives, including Foreign Trade Zone benefits, such as the ability of certain foreign and domestic merchandise to bypass formal customs entry, customs duties, and government excise taxes.

Tax Exempt Finance Bonds: The California Pollution Control Finance Authority may be able to provide tax exempt bond financing to support development of this project. See <https://www.treasurer.ca.gov/cpcf/bondfinancing.asp>

5 PROPOSAL PREPARATION INSTRUCTIONS

5.1 Receipt of Proposals

The County will accept written proposals until Friday, ~~August 14~~ September 11, 2020, 5:00 p.m. PDT in person at 6767 Spring Road, Moorpark, CA during open hours; by mail to the Ventura County Water and Sanitation, Attn: Compost Facility RFP, P.O. Box 250, Moorpark, CA 93020-0250; or by e-mail to WSAdmin@ventura.org.

Each proposal and supporting documentation must be submitted in a sealed envelope or container plainly labeled in the lower-left corner: "PROPOSAL FOR ORGANIC MATERIALS PROCESSING" along with the proposal submission date and time. Proposers must also include their company name and address on the outside of the envelope or container.

Proposers are responsible for making certain proposals are delivered to the District at the above address. Mailing of a proposal or receipts of postal or other delivery agents does not ensure the proposal will be delivered on time or delivered at all. Proposals will be accepted in person, by United States Mail, by e-mail or by private courier service.

5.2 Preparation of Proposals

Three (3) sets of the proposals (double-sided copies), all placed in binders with a cover indicating the proposer name, proposal title and contact information must be submitted. Proposers shall also provide a digital copy of the complete proposal, with all proposal documents in one PDF file, on a USB compatible memory drive. Additional copies may be requested by the District at its discretion.

5.3 Proposal Content

In order to expedite the evaluation process, each proposal shall be organized in accordance with this Section as outlined in Table 4. Instructions for preparing each section of the proposal shown in the outline are provided in the following subsections. Proposals not following the specified format outlined below, or failing to provide the required documentation, may have their proposals rejected or may receive lower scores during the evaluation process.

Proposers shall provide the information as requested and as applicable to the proposed services. Headings and section numbering utilized in the proposal should be the same as those identified in Table 4. Proposals shall include the following information in the format indicated.

OUTLINE FOR PROPOSAL

| SECTION | TABLE 4 |
|---------|------------------------------------|
| 5.3.1 | COVER LETTER AND TABLE OF CONTENTS |
| 5.3.2 | EXECUTIVE SUMMARY |
| 5.3.3 | QUALIFICATIONS |

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| | |
|-------|--------------------------|
| 5.3.4 | FINANCIAL QUALIFICATIONS |
| 5.3.5 | TECHNICAL PROPOSAL |
| 5.3.6 | APPENDIX |

5.3.1 Cover Letter, Table of Contents, Receipt of Addenda

All proposals must be accompanied by a cover letter not exceeding two (2) pages in length and must include:

- Name, address, telephone number, fax number, and e-mail address of applicant's key contact person;
- Description of the type of organization (e.g., corporation, partnership, including joint venture teams and subcontractors) submitting proposals;
- Name of the entity that will sign the Agreement, in the event one is awarded; and
- A written statement warranting the proposer has conducted all due diligence necessary to confirm material facts upon which the proposal is based and can implement its proposal.

5.3.2 Executive Summary

A submitted proposal must provide a summary, not exceeding four (4) pages in length, of the major elements of the proposer's qualifications and proposal, including a brief description of the proposer's initial schedule.

5.3.3 Qualifications

Key Staff Persons: Proposers must identify each person and provide resumes for key staff proposed for the service identified herein. Include a proposed team organizational structure, including teaming partners, consultants, and all key personnel. Identify the roles and responsibilities of each member of the team, including consultants and key personnel. Please specifically identify who will be responsible for coordinating the environmental review/permitting effort. Describe the team's, including consultants' and key personnel's, experience providing similar services..

References. Proposer must provide a minimum of three (3) references that the County may contact to verify proposer's experience and ability to fulfill the goals of this RFP and implement its proposal. Key members of the proposer's team must be providing or have provided similar services as requested herein to these references the within the last five (5) years.

Conflict of Interest Statement. Proposers must warrant that no gratuities have been or will be offered or given by proposer, or any agent or representative of the proposer, to any officer or employee of the County or any participant in the selection of a proposer in order to secure a favorable treatment regarding the evaluation and scoring of its proposal.

Litigation and Notice of Violation History. The proposer must provide a history for the last five (5) years of all claims settlements, arbitrations, litigation proceedings, and civil actions involving One Hundred Thousand Dollars (\$100,000) or more, and all criminal actions in which the company, its parent company, subsidiaries, all partners, or principals were involved. For each case, the proposer must provide the following:

- The name of the claim, arbitration, litigation or action;
- The amount at issue or the criminal charges alleged; and
- The resolution of the case.

The proposer must also provide details of any current or threatened legal actions in California against the proposer or its parent company, subsidiaries, all partners, principals, or joint venture company(ies) by a

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governmental entity contracting with the proposer or its parent company for services relating to solid waste management, or against such a government entity by the proposer or its parent company or joint venture company(ies). For each action, the proposer must provide the following:

- The name of the action;
- The court in which the action is pending;
- The action number; and
- The amount at issue.

The proposer shall provide a list of all Notice of Violations and/or enforcement actions taken against it during the last five (5) years by any regulatory agency such as, but not limited to, the United States Environmental Protection Agency, Air Quality Management District, a Local Enforcement Agency under the California Integrated Waste Management Act, or Cal/OSHA. The list shall include the name of the regulatory agency and the date of the enforcement action and a copy of any Notice of Violation. The proposer shall inform the District if it has had a permit, franchise, license, entitlements or business licenses that have been revoked or suspended in the last five (5) years.

The proposer must list any liquidated damages, administrative fines, charges, or assessments that total Fifty Thousand Dollars (\$50,000) or greater in any one (1) calendar year during the last five (5) years that have been paid by the proposer to a public agency as a result of solid waste management services provided by proposer. The list shall include the name of the public agency, the date and amount of the liquidated damages, administrative fines, charges, or assessments, and the reason the public agency assessed the liquidated damages, administrative fines, charges, or assessments.

5.3.4 Financial Qualifications

The proposer must provide a written statement of its financial qualifications to perform the proposed project. The statement must thoroughly describe and provide documentation of the proposer's ability to secure financing for all trucks, facilities, other equipment and labor required to perform all services described in this RFP, and must include the total estimated amount of expected expense and financing expected to be incurred to perform the work.

This statement must also be accompanied by a letter from the proposer's financial institution demonstrating the proposer has the financial ability to obtain project level financing to finance all capital costs, equipment costs, start-up costs, and minimum of three months of operating costs to complete the project as described in the proposer's response to the RFP. The proposer shall also demonstrate ownership of adequate resources to fund development of the project until project level financing can be obtained.

The proposer must provide copies of audited financial statements for the entity proposed to sign the Agreement, for the most recent three (3) fiscal years. Audited financial statements should include: balance sheet; income statement; statement of changes; footnotes; and subsidiary schedules.

In the event a proposer does not have audited financial statements, three years of business tax returns, with supporting schedules, may be provided. However, tax returns are not an alternative to providing audited financial statements; if the proposer has audited financial statements, those must be provided.

The County reserves the right to require submission by a proposer, at no cost to the County, an opinion by a Certified Public Accountant regarding the financial status of such proposer, including ownership of, or interest in, equipment and facilities prior to award of an Agreement.

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5.3.5 Technical Proposal

Proposers are required to provide a description of the how the requested services will be provided and the price they are offering to pay at each stage of their project development.

Proposer must identify the type of facility/technologies to be utilized for processing the organic materials, the acreage needed to operate, and the APNs of the properties in which the proposer is interested in leasing from the District.

Proposer must specify the separate monthly lease rate or license fee proposed for each of the following stages of the project:

During investigation of the suitability of the site. This stage includes informal inquiries regarding permitting requirements, studies of soils, informal meetings with potentially affected parties, efforts to secure commitment of waste streams from haulers or jurisdictions, and related matters.

After initiation of permit processes. This stage must be considered begun following the first payment of fees to any permitting entity and includes time following payment of fees to the Ventura County Planning Division to begin formal permit investigations through pre-submittal circulation.

During construction of facilities. This stage will be initiated following the first deposit or payment made to a contractor in any construction trade and includes payments made to a utility for construction or expansion of services.

Following initiation of operations. This stage commences when any portion of the facility developed by the proposer is used to begin charging any client for services rendered.

The proposer is not obligated to continue paying and progressing through the above stages of development. At any time, the proposer may provide notice, effective immediately, of intent to discontinue pursuing development of the site, at which time the proposer will no longer be granted exclusive right to pursue the project and the County may pursue a new partner to continue progress toward development.

The County may terminate the proposer's progress through the steps of development if, in the County's sole judgement, the proposer has discontinued sincere efforts to progress, except that in no case, without cause will County terminate proposer's progress in Step A prior to one year of proposer's investigative efforts; in Step B prior to five years of proposer's permitting efforts; in Step C, prior to three years of construction funded by proposer; and after construction at proposer's expense, County will not terminate except as provided in the agreement(s) to be negotiated.

Proposers shall provide a detailed plan to address needs listed in Sections 1.4 and 3 of this RFP, and,

- Detailed description of technology that will be utilized and/or processing operating plan, and business plan/model including flow necessary to operate;
Indicate whether staff of proposer has developed a facility using an equivalent technology, and if so, where such facilities are located and whom at these facilities District could contact to verify the involvement;
- Anticipated facility capacity;
- Operating limitations of facility, including whether a scale-house will be provided or weighing services acquired through separate agreements with other entities;
- Material types accepted (as shown in Section 3.3);
- Site plan, preferably in conformance with requirements for facility permit (may be draft).

5.3.6 Appendix

Proposers may provide any additional technical information (i.e., only information specifically related to equipment of services to be provided) believed applicable to this proposal and include such information as an appendix. Proposers are discouraged from including marketing material, education and outreach material or other additional information not related to services to be provided.

5.5 Evaluation of Proposals

Proposals having passed the initial “Pass/Fail” review described below will be evaluated and scored by the Evaluation Team, which may consist of County, District and other local jurisdictional staff and their consultants.

Evaluations will be based upon the following evaluation criteria:

- Proposer qualifications (e.g., experience, past practices, references, litigation history, proven track record of maximizing landfill diversion);
- Feasibility of proposal (e.g., technical approach, processing technology, landfill diversion ability, GHG impacts, standards of finished products, marketing ability for finished products, demonstrated ability to effectively acquire all necessary operating permits, demonstrated ability to comply with CEQA and produce all necessary environmental impact assessments);
- Compatibility of proposal with overall District needs (e.g., how District, in its sole determination, can best meet its own needs, reduce costs for its rate payers, and serve the needs of the County of Ventura, Ventura County cities, residents and businesses);
- Degree to which proposal meets District’s desire to see high quality compost/soil amendment finished products widely available for purchase and use in Ventura County;
- Per ton tipping rates for organic material categories and annual tonnages; and
- Revenue impact to District and County.

In determining and evaluating the best proposal, prices, or potential revenues, will not necessarily be controlling, but quality, efficiency, utility, general terms, delivery, suitability of the service offered, and the reputation of the service in general use will also be considered, along with any other relevant factors. Site visits may be conducted to proposed or existing sites operated by proposers as part of the evaluation process.

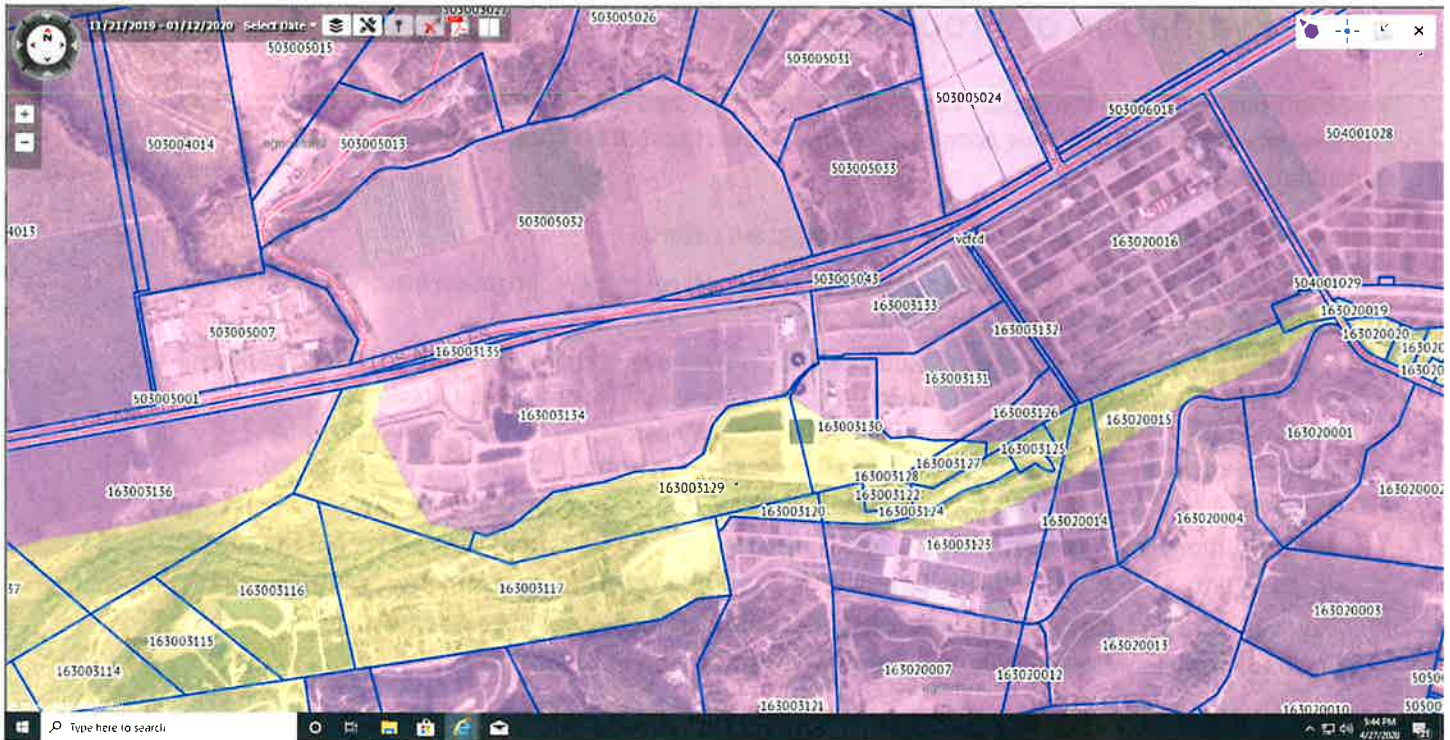
The successful proposer will be invited to negotiate with the County for an agreement or agreements covering all parties’ rights and responsibilities during the various stages of project development.

5.5.1 Pass/Fail Review

A panel of County, District and other local jurisdictional staff shall conduct an initial “Pass/Fail” review of all proposals submitted to check for completeness and compliance to the proposal requirements. Proposals deemed complete, and in compliance with the proposal requirements, will be further evaluated. Proposals not complete, or not in compliance with the submittal requirements, may be disqualified from further evaluation and returned to the proposer.

6 MAPS

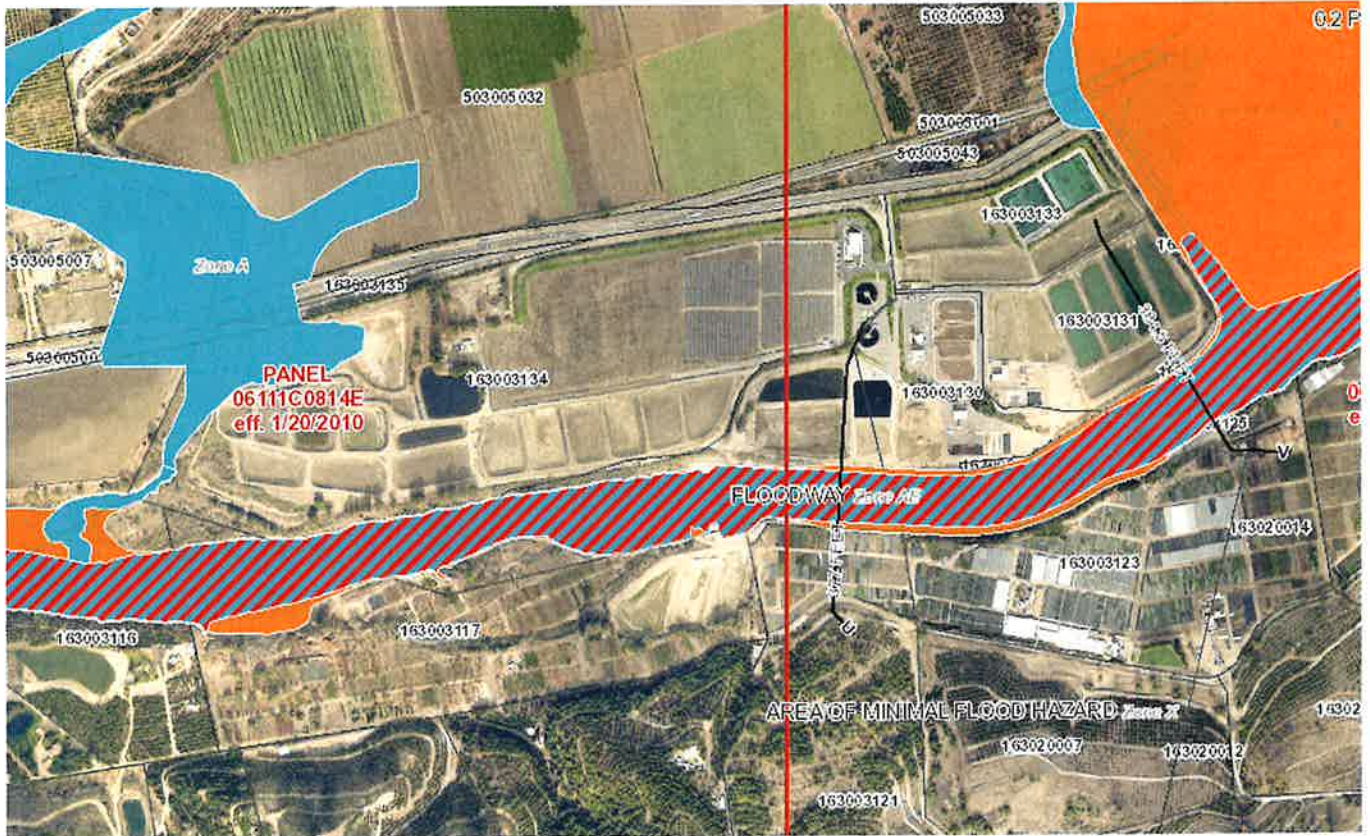
6.1 Open space land use designation



Key: Green shows open space land use designation.

District-owned parcels include: 163003134, ,163003129, 163003130, 163003131, and 163003133.

6.2 FEMA designated flood plain (blue) and floodway (blue and red stripes)



6.3 Overlay of State Important Soils Inventory

