

**REQUEST FOR QUALIFICATIONS**  
**FOR THE**  
**OPERATION AND MAINTENANCE OF THE**  
**BURLINGTON COUNTY CO-COMPOSTING FACILITY**



**ISSUED: August 1, 2018**

**DUE: August 31, 2018**

**ISSUED BY:**  
**BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS**

**BURLINGTON COUNTY, NEW JERSEY**

# REQUEST FOR QUALIFICATIONS

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## **1.0 INTRODUCTION AND DESCRIPTION OF THE QUALIFICATION PROCESS**

### **1.1 Issuing Entity, Project Commitment, Inquiries, and Correspondence**

This Request for Qualifications (the “RFQ”) is being issued by the County of Burlington, New Jersey (the “County”) pursuant to N.J.S.A. 40A:11-1, *et seq.*, to receive Qualification Statements from responding firms (the “Respondent”) to provide for the operation and maintenance of the Burlington County Co-Composting Facility (the “Facility”). The Qualification Statements will be reviewed by the County in order to identify and select a limited number of qualified firms (the “Designated Vendors”). The County will then issue a Request for Proposals (the “RFP”) to the Designated Vendors for the operation and maintenance of the Facility.

It is anticipated that the RFP will result in the execution of an agreement (the “Service Agreement”) with one company (the “Vendor”) for the operation and maintenance of the Facility. All determinations under the RFQ and RFP will be within the sole discretion of the County and not subject to challenge or appeal.

All inquiries and correspondence relating to this RFQ shall be directed to:

Director - Department of Solid Waste  
County of Burlington  
1200 Florence-Columbus Road  
Bordentown, New Jersey 08505

All questions shall be sent in writing via mail to the above address or by email to [jsheehan@co.burlington.nj.us](mailto:jsheehan@co.burlington.nj.us). Responses will be distributed by the Director, Department of Solid Waste and will be deemed as official responses. Any responses from other parties will not be considered valid responses.

### **1.2 Qualification Statements Submission Date**

Five (5) hard copies and one (1) electronic copy of the Qualification Statements pursuant to this RFQ must be submitted by August 31, 2018 no later than 2:00 p.m. Eastern Standard Time. The Qualification Statement shall be in a sealed package, the outside of which is clearly labeled “Qualification Statements for the Operation and Maintenance of the Burlington County Co-Composting Facility”, and addressed to:

Director - Department of Solid Waste  
County of Burlington  
1200 Florence-Columbus Road  
Bordentown, New Jersey 08505

Qualification Statements submitted after the deadline will not be evaluated by the County and will be returned unopened to the responding firm. The only acceptable evidence of timely

submission is a receipt from the office of the Director, Department of Solid Waste. Instructions on the form and content of the Qualification Statements are given in Section 6.0 of this RFQ.

### **1.3 Overview of Project Concept**

The Facility, located at the Burlington County Resource Recovery Complex in Florence Township, New Jersey, commenced operations in September 1998. The Facility is owned by the County and is currently operated by a private firm. The present operation and maintenance agreement expires February 23, 2019.

Dewatered sludge generated by municipal wastewater treatment facilities within the County is transported to the Facility. The Facility provides an environmentally sound, long-term disposal/processing system for all dewatered municipal sludge generated within the County.

The Solid Waste Management Plan adopted by the County in 1982 sets forth a resource recovery strategy which includes co-composting of de-watered sludge and segregated compostable solid waste. This Facility will continue to maximize the resource recovery goals required by the Solid Waste Management Act as well as assist the County in meeting the State-mandated recycling goals.

The County plans to execute a long-term contract with the Vendor for the operation and maintenance of the Facility. The Vendor will be selected pursuant to the process described in Section 1.5 and will enter into a Service Agreement to operate and maintain the Facility. The County will continue to own the Facility during the term of the Service Agreement.

### **1.4 Project Participants**

The major parties involved in this procurement (the “Facility Project Team”) are identified below:

Board of Chosen Freeholders:	Freeholder Director Kate Gibbs or designee
County Administrator:	Eve A. Cullinan
Chief Financial Officer:	Marc Krassen
County Solicitor:	Kendall Collins
Department Director:	Jerome Sheehan
Solid Waste Operations:	Laurie E. van Genderen
Legal Advisor:	Capehart & Scatchard, P.A.
Financial Advisor:	Acacia Financial Group, Inc.

The Facility Project Team will be directly involved during the Facility procurement process. Other County personnel and consultants may assist as needed.

The Board of Chosen Freeholders, as the governing body of the County, has ultimate responsibility for implementation of the County’s Solid Waste Management Plan and is responsible for authorizing all activities relating to the operations and maintenance of the

Facility. The Facility Project Team will serve the function of directing and reviewing the detailed activities undertaken in regard to the Facility procurement.

## **1.5 Procurement Process and Project Schedule**

### 1.5.1 Local Public Contracts Law

The County intends to procure the services described herein in accordance with the requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*). The Local Public Contracts Law permits procurement of services through a negotiated bidding process with the consent of the Director of the New Jersey Department of Community Affairs, Division of Local Government Services (the “Director”). The Director consented to this negotiated procurement. The negotiated bidding process will include:

- Issuance of Request for Qualifications;
- Pre-Qualification Meeting;
- Response to Inquiries;
- Receipt of Qualification Statements;
- Selection of Designated Vendors;
- Issuance of Request for Proposal;
- Pre-Proposal Conference with Designated Vendors;
- Receipt of RFP Responses;
- Negotiation of Agreement;
- Approval of Agreement by the Board of Chosen Freeholders; and,
- Commencement of New Contract.

### 1.5.2 Schedule

The following schedule identifies anticipated major activities and dates in the procurement process up to the receipt of Proposals:

Issuance of Request for Qualifications	August 1, 2018
Pre-Qualification Meeting	August 10, 2018
Questions Due	August 17, 2018
Responses to Inquiries	August 24, 2018
Receipt of Qualification Statements:	August 31, 2018
Selection of Designated Vendors:	September 26, 2018
Issuance of Request for Proposals:	October 1, 2018
Commencement of New Contract	February 23, 2019

The Pre-Qualification Meeting will be held at the Rutgers EcoComplex at 2:00 pm on August 10, 2018 and will include a brief tour of the Facility. The Rutgers EcoComplex is located at 1200 Florence-Columbus Road, Bordentown, New Jersey 08505. Directions to the EcoComplex can be found at the following website:

[http://ecocomplex.rutgers.edu/about\\_us\\_directions.php](http://ecocomplex.rutgers.edu/about_us_directions.php)

The Respondent will be permitted to review Facility documents after issuance of the RFP, at the time and in the manner set forth in the RFP. In connection with the submission of Qualification Statements, the Respondents will be permitted to review the permits specified in Section 3.3.

### 1.5.3 Minimum Qualification Criteria

Qualification Statements will be evaluated by the County, assisted by its consultants, to determine if the Respondents meet the Minimum Qualification Criteria set forth in Section 5.0 herein. In addition to evaluating whether a Respondent meets the Minimum Qualification Criteria, the County will consider the reputation and experience of the Respondent and members of the Respondent's team in determining if a Respondent is qualified. Respondents deemed qualified by the County and its consultants will be entitled to receive the RFP.

### 1.5.4 Conditions

By responding to this RFQ, Respondents acknowledge and consent to the following conditions and statements relative to the qualification process and the selection of Designated Vendors:

- All inquiries shall be directed in writing to the Director, Department of Solid Waste as stated in Section 1.1 of this RFQ. All Respondents are prohibited from contacting any other County official or County employee regarding the activities addressed in this RFQ;
- This document is an RFQ and does not constitute an RFP.
- This RFQ does not commit the County to issue an RFP.
- This RFQ is not intended and shall not be construed to commit the County to procure or to contract for any services.
- All costs incurred in connection with responding to this RFQ and a subsequent RFP will be the responsibility of the Respondents.
- The County reserves the right to reject, for any reason, any and all responses and to eliminate any and all Respondents responding to this RFQ from further consideration from this procurement.
- The County reserves the right to eliminate any Respondent who submits incomplete or inadequate responses or is otherwise not responsive to the requirements of this RFQ.
- The County reserves the right to determine the Respondents who are qualified to receive the RFP and to submit proposals in response to the RFP.

- The County may qualify Respondents whose responses contain immaterial deviations from the Minimum Qualification Criteria.
- Only those Respondents who are deemed qualified by the County through the RFQ process herein shall be eligible to receive an RFP.
- The County reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
- All Qualification Statements submitted to the County will become the property of the County and will not be returned and shall be made available to the public.
- All activities related to the Facility will be subject to all applicable federal, State and local laws, regulations, rules and/or requirements.
- Any and all Qualification Statements received after 2:00 p.m. Eastern Standard Time on August 31, 2018 will be rejected.
- The County (including its staff and advisors) reserves the right to visit any of the facilities referenced in the Respondents' Qualification Statements to observe the operations of such facilities. Such site visits will be made at a mutually agreeable time and the cost of such visits shall be borne by the County.
- All Respondents agree to answer written questions and attend an interview with the County, if so requested, prior to RFP issuance.
- The formation of a joint venture after qualification, and any change in a pre-qualified joint venture, will be subject to the written approval of the County prior to the deadline for submission of proposals to the RFP. Such approval may be denied if (i) partners withdraw from a joint venture and the remaining partners do not meet the qualifying requirements; (ii) the new partners to a joint venture are not qualified, individually or as another joint venture; or (iii) in the opinion of the County, a substantial reduction in competition may result.
- Respondents may be required to update the financial information used for pre-qualification at the time of submitting their proposals to the RFP, to confirm their continued compliance with the qualification criteria and to verify accuracy and completeness of the information provided in the Qualification Statements. A proposal shall be rejected if the Respondent no longer meets the qualifications set forth in their Proposal.
- The County reserves the right to permit a Respondent to remain in the procurement process as long as it is able to demonstrate that it meets the Minimum Qualification Criteria set forth in Section 5.1 and 5.2 hereof.

## **2.0 BACKGROUND INFORMATION ON THE COUNTY AND ITS SOLID WASTE, SLUDGE AND SEPTAGE MANAGEMENT PROGRAM**

### **2.1 General County Profile**

Burlington County, geographically New Jersey's largest county, occupies 805 square miles and stretches across the center of the State from the Delaware River to the Great Bay on the Atlantic Coast. The New Jersey Pinelands National Preserve occupies 70 percent of the County's total land area. In order to preserve irreplaceable natural resources, growth and development in this region are closely regulated by the New Jersey Pinelands Commission.

Burlington County has a population of 450,000 and a diversified economic base which includes the only U.S. Army training center / Air Force base in New Jersey. In addition to farming, Burlington County has a wide variety of light manufacturing, a sizeable retail trade sector, as well as a concentration of service firms in insurance, banking, business, education and health.

### **2.2 Solid Waste Management Plan**

The New Jersey Solid Waste Management Act designates each county in the State as a solid waste management district and requires each solid waste management district to develop comprehensive plans for waste management. The Solid Waste Management Plan developed by the County calls for a complex of county-owned solid waste processing and disposal facilities. The Burlington County Resource Recovery Complex, located in Florence and Mansfield Townships, began operation in 1988 and presently includes: two municipal solid waste landfills, a scale house, convenience center, a wastewater treatment facility (currently not operating), wastewater storage tanks, potable water storage and treatment facility, storm water sedimentation and detention basins, landfill gas collection/conveyance and treatment facilities, a research and demonstration greenhouse, a household hazardous waste facility, storage and processing facilities for bulky recyclables, a landfill gas to energy facility and the composting facility. The County operates a curbside recycling collection program in all forty of its municipalities and operates a facility in Westampton Township for processing of commingled recyclables.

Consistent with the goals of the Solid Waste Management Plan, the County provides for the recycling of clean wood waste. The County owns and operates a wood waste shredder capable of processing 100 tons of wood per hour. Wood chips are presently used on site or as amendment for the composting operation with excess used for stabilization of clay stockpiles and for mixing with sand for daily cover on the landfill.

### **2.3 Sludge and Septage Management Plan**

In an effort to find alternatives to ocean disposal of sludge and in recognition of the compatibility of the joint management of sludge and solid waste, the New Jersey Legislature amended the Solid Waste Management Act of 1977 to require that counties plan and provide for the processing of sludge. The amendment also required, as a prerequisite to county planning efforts, that the New Jersey Department of Environmental Protection (the "NJDEP")

develop a sludge management component to the statewide solid waste management plan (the “Statewide Sludge Plan”).

## 2.4 Historic Sludge Flow

Pursuant to a Settlement Agreement between the County and the NJDEP dated February 10, 1987, New Jersey Pollutant Discharge Elimination System ( the “NJPDES”) permits for all facilities generating sewage sludge within Burlington County have been amended and require that all sludges generated within Burlington County be disposed of in accordance with (a) tri-County 208 Areawide Water Quality Management Plan (“208 Plan”), as approved, and (b) the approved County Solid Waste Management Plan. In particular, such NJPDES permit modifications require management of sludge at the operations and facilities and in the manner designated in those 208 Plans, as approved.

The County has taken the added measure of executing voluntary sludge delivery agreements with in-county sludge generators. The current agreements are for a five year term which commenced on January 1, 2017 and will terminate on December 31, 2021.

Table 1 summarizes sludge received and compost produced by the Facility from 2012 to 2017.

TABLE 1  
ANNUAL TOTALS  
SLUDGE RECEIVED AND COMPOST PRODUCED  
BURLINGTON COUNTY CO-COMPOSTING FACILITY  
2012 - 2017

YEAR	SLUDGE RECEIVED		TOTAL	COMPOST
	(wet tons)		SLUDGE	PRODUCED
	In-County	Out-of-County	RECEIVED	(cubic yards)
2012	37,147	9,372	46,518	48,805
2013	36,249	8,655	44,904	41,492
2014	36,744	10,174	46,919	45,649
2015	37,568	10,023	47,591	42,640
2016	36,387	6,880	43,267	56,776
2017	38,042	11,367	49,410	52,753
<b>TOTALS</b>	<b>222,137</b>	<b>56,472</b>	<b>278,609</b>	<b>288,115</b>

### **3.0 DESCRIPTION OF THE FACILITY**

#### **3.1 Project Site**

The Facility is located on a 33 acre portion of the Burlington County Resource Recovery Complex and is located entirely in Florence Township.

Figure 1 is an aerial photo of the Burlington County Resource Recovery Complex. Figure 2 provides a process flow diagram of the Facility operation.

#### **3.2 Facility Description**

The RFP, to be issued at a later date by the County to Designated Vendors, will contain specific operating and performance requirements for the Facility. The following is a general description of the processing operations to be performed at the Facility.

The Facility has been designed to compost a variety of organic materials, including sewage sludge, select organic food waste, clean wood waste, small quantities of low grade paper, and yard waste. The Facility utilizes a Agitated/Aerated Bay In-Vessel Composting System technology. The Facility is designed to process an average of 30 dry tons (approximately 167 wet tons) per day of sewage sludge de-watered to a range of 12 to 30 percent solids (with the average solids content at 18 percent) or an equivalent quantity of sludge and organic waste.

The main process building contains three major areas: the receiving/mixing area, the processing area and the curing area. Cured compost is stored in three outdoor piles on the site, covering a 134,000 square foot area. An outdoor 6,000 square foot area for the short-term storage of wood chips is located near the entrance to the receiving portion of the main process building.

Two biofilters, 150 feet by 270 feet each, are the remaining significant structures on the Facility site. Odorous emissions from the Facility are treated using the two biofilters. The biofilters are located on either side of the main process building.

The main processing building is totally enclosed. In the receiving/mixing area, feedstocks delivered to the Facility are unloaded and mixed together for composting. The system is designed to maintain a constant negative pressure to minimize fugitive odorous emissions.

The sewage sludge/amendment mix is moved by a dedicated front-end loader in the receiving/mixing area into one of the 25 composting bays located in the processing area. As the compostable material is fed into the bays, bacteria in the mixture degrade organic compounds. The compost is aerated, agitated and moved along the bay length by an agitator. The daily agitation of the compost in the bays thoroughly mixes all of the compost mixture to enhance microbial degradation. Under the aerobic conditions provided in the bays, the bacteria release carbon dioxide, water, heat and potentially odorous compounds.

The composting bay aeration system controls compost temperatures as well as provides air to the compost. Federal regulations (40 CFR 503) require the compost temperatures achieve a minimum of 130° F (55° C) for three consecutive days to reduce pathogens. Compost bay aeration and daily agitation is used to attain the 130° F (55° C) and also to ensure that compost temperatures do not exceed 150° - 158° F (65° - 70° C). To ensure adequate moisture control and minimize fugitive dust, the compost bays include a moisture addition system, consisting of dedicated spray nozzles located over each bay.

The finished compost is discharged at the end of the bays. Discharged compost is collected with a front-end loader and then deposited into the curing area bunkers. The curing area is located in the last 245 feet of the Facility where the compost is allowed to stabilize and cool.

Once the compost is completely cured, it is moved with a front-end loader to one of the three outdoor storage areas. These areas have been paved and include stormwater controls. A front-end loader moves the compost product from the storage piles to trucks for transport to markets. Note that the County is limited to a storage capacity of 50,000 cubic yards of marketable residual product by NJPDES Permit No. NJ0082741.

The odor control system for the Facility incorporates containment and treatment of the odorous air from the Facility. This odorous air is ventilated from the process area at approximately 14 air changes per hour via six 45,000 CFM blowers, each with a dedicated 90 foot long by four foot wide header servicing one third of each of the biofilters. This provides the receiving/mixing area with 12 air changes per hour and the curing area with six air changes per hour. There are no exhaust louvers or fans except for those that direct air to the biofilter. The intake louvers which are located in the receiving/mixing and curing areas are the sole source of makeup air to the Facility.

### 3.3 Permits

The operation of the Facility is governed by several permits issued by the NJDEP as outlined in Table 2. Copies of the permits are available for review at the office of the Director, Department of Resource Conservation.

TABLE 2  
BURLINGTON COUNTY CO-COMPOSTING FACILITY PERMITS

Permit Name	Permit Number	Effective Date	Expiration Date
NJPDES Land Application Biosolids	NJ0082741	08/01/16	07/31/21
NJPDES Discharge to Groundwater	NJ0083798	12/01/11	11/30/16 (pending)
NJPDES Stormwater Basins/SLF (GP)	NJG0130303	09/01/18	08/31/23
Air Permit (BOP ID: 45949)	BOP160002	03/12/18	06/27/20

The County will be responsible for obtaining and maintaining the required permits. The Vendor will be responsible for assisting the County with any permit renewals and any new permit applications. The Vendor will also be responsible for all testing and reporting obligations pursuant to the permits and related to the operation of the Facility.

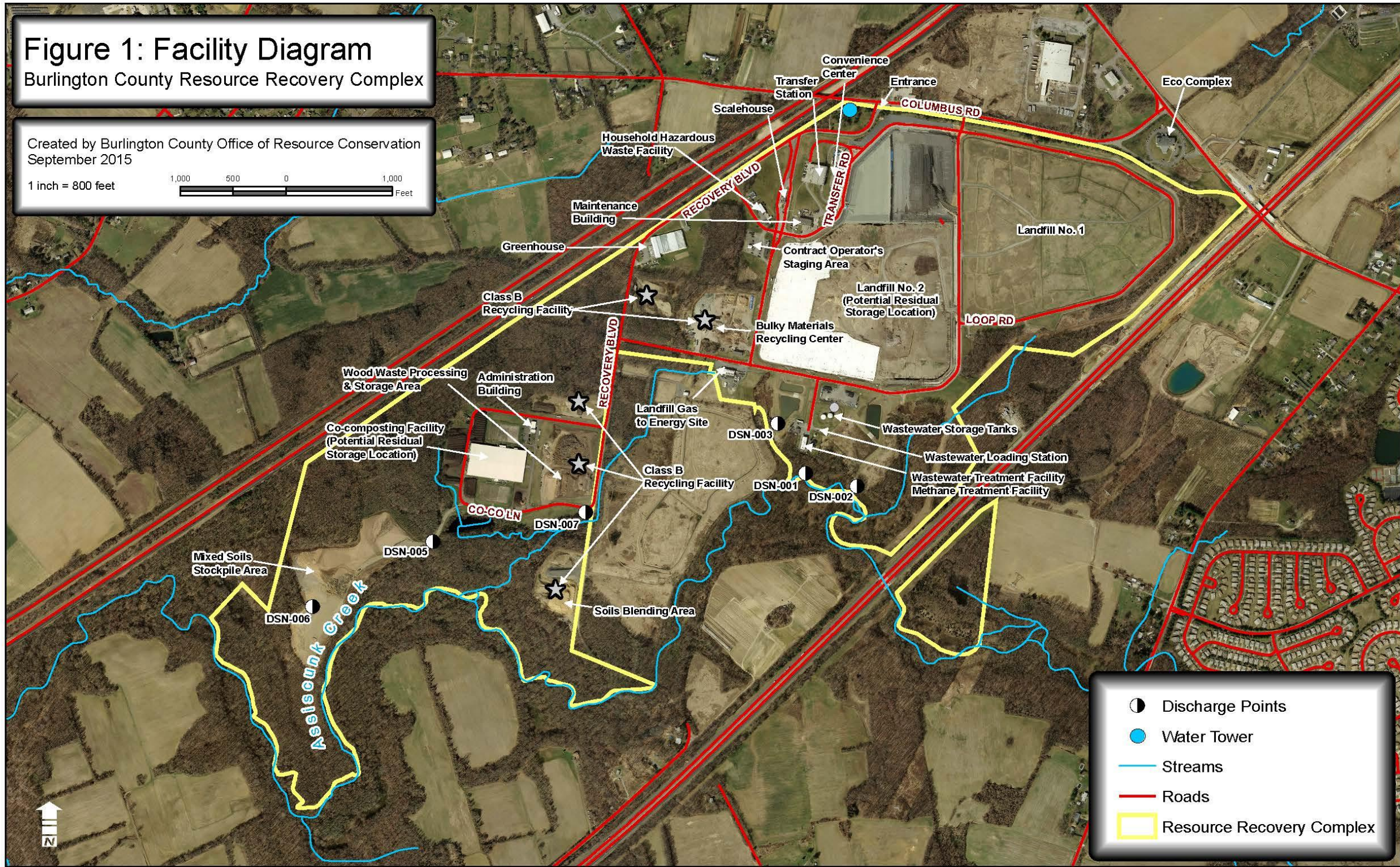
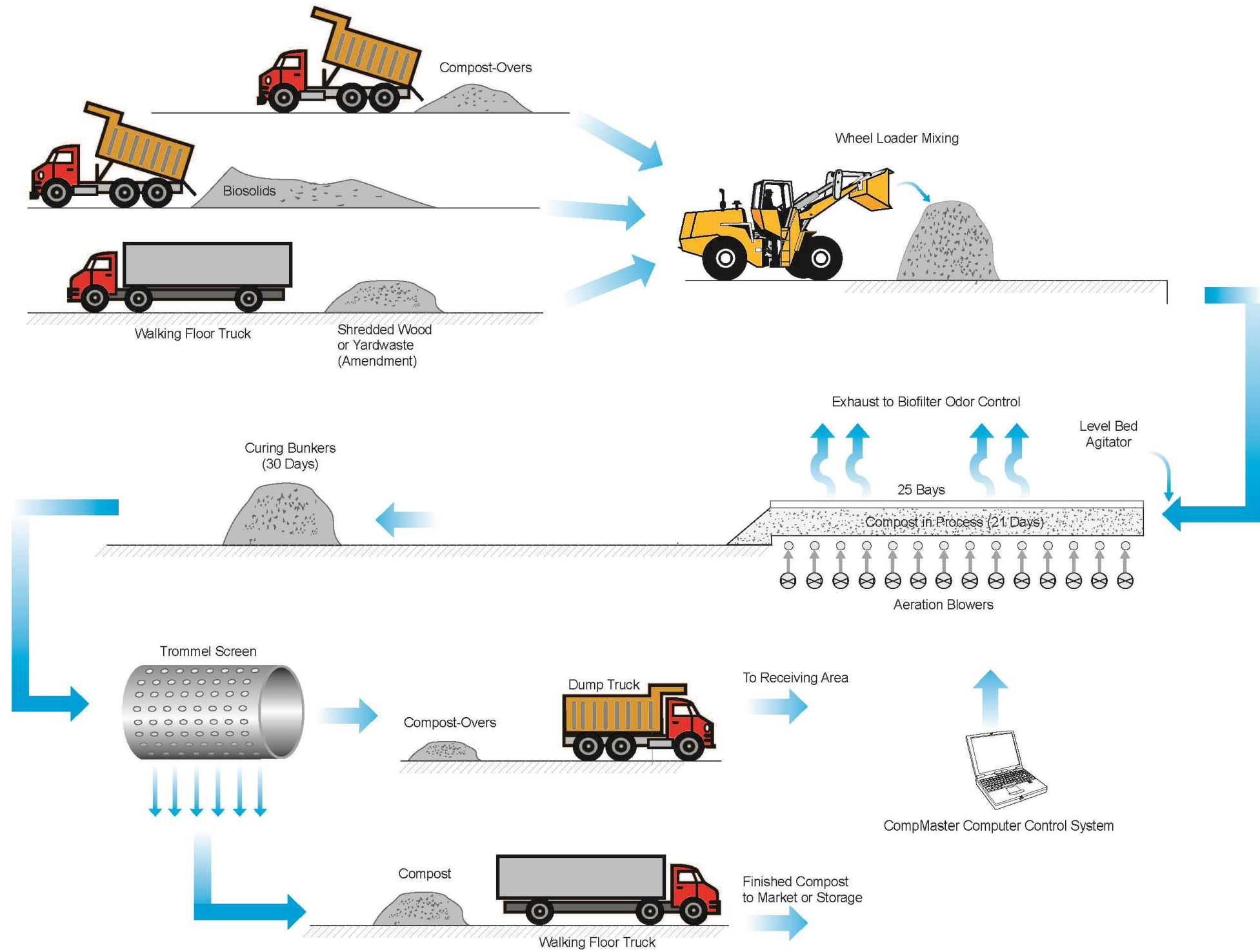


Figure 1

Figure 2

PROCESS FLOW DIAGRAM



#### **4.0 IMPLEMENTATION RESPONSIBILITIES OF THE COUNTY AND THE VENDOR**

The RFP will provide a definitive allocation of responsibility between the County and the Vendor for Facility operation and maintenance. The following is intended to provide Respondents with an understanding of the type of business arrangement the County contemplates with the Vendor and the scope of responsibilities and liabilities the Vendor will be required to assume. It establishes the context for the Minimum Qualification Criteria set forth in Section 5.0.

##### **4.1 County Responsibilities**

It is anticipated that the County will be responsible for the following:

- Contracting for the delivery of sludge to the Facility. (Existing contracts expire December 31, 2019)
- Providing landfill capacity for the disposal of residue meeting the residue performance guarantee.
- Providing payment to the Vendor of an annual operating fee.
- Ownership of the Facility. The Service Agreement will provide the Vendor with the right to access the Facility site during the term of the Service Agreement.
- The County shall provide the existing agitators, dollies, fans, blowers, computerized monitoring and data collection system, other attached components of the Facility, two Volvo L90 wheel loaders, and one Volvo L120 wheel loader.
- The County shall be responsible for operation and maintenance of the stormwater detention basin, including disposal of stormwater and sediment collected in the stormwater detention basin.
- The County shall be responsible for disposing of wastewater pumped from the Facility to the County's leachate storage tanks.
- The County shall be responsible for providing electricity, potable and non-potable water and wastewater disposal to the Facility.
- The County shall be responsible for maintaining required permits, licenses and approvals for the operation of the Facility except for those required for capital improvements or for marketing of compost.
- The County shall be responsible for all aspects of the operation and maintenance of the scales and scalehouse. The County shall maintain all records and reports pertaining to waste receipts that are required by law and shall make copies thereof

available to the Vendor. The County will provide, operate, and maintain the scales and collect all tipping fees.

## **4.2 Vendor Responsibilities**

It is anticipated that the Vendor will be responsible for the following:

- Operation and maintenance of the Facility and the assumption of all costs (including capital costs and all other costs) related thereto for the term of the Service Agreement, in return for County payment of an annual operating fee.
- Operations and maintenance shall include, but are not limited to, the following:
  - Processing building, including the receiving area, the composting bins, the curing area, and sanitary facilities
  - Processing equipment including agitators fixed and mobile.
  - Exhaust piping, biofilters and biofilter irrigation system.
  - Screening and storage pad.
  - Administration and support building, including offices, conference room, computer room, laboratory, maintenance shop, locker room and sanitary facilities.
  - Drainage facilities excluding the stormwater detention basin.
  - Wastewater transmission system. (pump station)
  - Fire protection system. (fire pump house)
  - Access and circulation roads and parking lot.
  - Landscaping, lawns, fields and trees.
- Operation of the Facility in compliance with contractually stipulated operating parameters and guarantees and compliance with all applicable local, State and federal laws, rules, and regulations. In the event the Vendor fails to comply with the operating guarantees, it will be liable for payment of performance damages to the County.
- Assistance to the County in obtaining environmental permits, licenses and approvals that the County is responsible for obtaining.
- Testing and reporting obligations pursuant to permits, licenses and approvals.

- Provision of compost screening equipment.
- Procurement of contracts for the sale of compost product and transportation of compost product to the appropriate markets. In the event that the Vendor cannot contract for or provide for the disposition of compost product, the Vendor shall provide for legal disposal of the compost product at Vendor's expense.
- Determination and implementation of other beneficial uses of the compost product.
- Provision of heaters for the Facility, if necessary.
- Provision of a storage trailer for spare parts, if necessary.
- Provision of a performance bond and other financial guarantees to secure compliance with the Service Agreement.
- Provision and maintenance of insurance as required by the Service Agreement.
- Maintenance of pump station for contaminated stormwater.
- Maintenance of spare parts inventory.
- Participation in County educational programs and events.
- Supply, maintain, or provide for all necessary equipment, materials and labor, not provided by the County to complete all above responsibilities.

## 5.0 MINIMUM QUALIFICATION CRITERIA

This Section of the RFQ establishes the Minimum Qualification Criteria which a Respondent must satisfy to be designated as a Qualified Respondent. Minimum Qualification Criteria are established in Technical, Business and Financial categories. A Respondent who seeks to be qualified for this project must satisfy the Minimum Qualification Criteria set forth herein.

### 5.1 Minimum Technical Criteria

Compliance with the following requirements will be determined based upon an evaluation of both the past experience of the Respondent and the information on reference facilities submitted in the Qualification Statement. The Respondent must satisfy each of the following technical criteria:

*Criterion I:* The Respondent shall have experience in operations of sludge composting facilities using technology substantially similar to the Agitated/Aerated Bay In-Vessel Composting System technology. The Respondent's operating experience shall demonstrate operations substantially in compliance with regulatory and contractual requirements and from which successfully marketed compost product is produced. This experience, at a minimum, shall be based on a reference facility that has an actual throughput of at least seven (7) dry tons per day. The Respondent shall also have experience in the operation of biofilters. The Respondent must provide evidence that the reference facility has successfully produced a marketable or usable compost product.

*Criterion II:* The Respondent shall have at least three (3) year of experience operating a sludge composting facility of at least seven (7) dry tons per day substantially in accordance with all performance obligations and regulatory requirements.

*Criterion III:* The Respondent shall also demonstrate satisfactory experience in the successful marketing or beneficial use of compost product produced at any facility or successful marketing or beneficial use by a third party of compost produced at a facility which Respondent has built or operated.

The Respondents shall provide the information requested below as it pertains to the reference facility offered to demonstrate the appropriate technical experience:

1. Each Respondent shall submit a description of its overall experience with composting, including the overall experience of its licensors or franchisors, if any, with similar equipment or on similar projects.
2. Each Respondent shall provide a listing of all reference facilities which meet the minimum qualifications defined in Criteria I, II, and III that such Respondent wishes to submit in its Qualification Statements. For each facility, Respondents shall provide the information listed below **utilizing the same alphanumeric notation.**

- a. Location of facility.
- b. Names and telephone numbers of owner and operator references.
- c. Facility design capacity, design capacity per eight-hour shift and number of hours operating per day.
- d. A detailed description of the facility, materials processed, and the process and equipment employed in performing such process.
- e. Number of people employed and job categories for operating the facility.
- f. Gross capital and annual operating and maintenance costs for the reference facility.
- g. In the event a failure to meet performance or compliance standards has occurred: a description of such failure, the reasons therefore, any corrective actions taken, and actual environmental compliance and performance reports (or other similar information) with respect to air quality test data (indoor and outdoor), odor control, discharge reporting, etc., as appropriate. In the event that there has been no failure to meet performance or compliance standards, a statement by the Respondent to this effect.
- h. The Respondent's role in project operation and maintenance and marketing of compost product.
- i. Reference facility construction start date, completion date and date of commercial operation.
- j. Current status of the reference facilities.
- k. Any claims, litigation, judgments, notices of violations, or administrative enforcement actions against the Respondent arising out of the operation and maintenance of the equipment and/or the facility.
- l. All performance guarantees or requirements (if any) and any failure to meet such guarantees or requirements.
- m. A mass balance diagram identifying the composition and tonnages of incoming materials and the tonnage distribution of compost product and transferred residuals.
- n. A description of the method of odor control.
- o. A description of the quality and composition of the compost product.

- p. Annual marketing history and Respondent's experience in marketing compost materials, including revenues generated. The Respondent shall also provide the following:
    - (i) A description of the manner in which materials reach the market and whether Respondent provides materials directly to the market or uses a broker or other third party to market materials.
    - (ii) A description of the percentage of compost product that is actually marketed since all compost products may not reach a market.
    - (iii) A discussion of any problems with markets for compost product.
  - q. Monthly downtime for the reference facility and description of each problem during the one year that created more than twenty-four (24) hours of downtime for a single occurrence.
  - r. A listing and description of all permits, licenses and approvals (a) applied for, and (b) received with respect to each facility and the expiration dates for each such permit, license or approval. Include a listing of permit numbers and the name of the party to which the permit was issued.
3. If a Respondent desires to submit the qualifications of a subcontractor or joint venture partner in order to satisfy the technical qualification criteria, the Respondent must provide detailed information regarding the relevant experience of such subcontractor or joint venture partner. The Respondent shall also identify the names, addresses and telephone numbers of subcontractor or partner's contacts and include written evidence from the Respondent's subcontractors or partner showing that they intend to act as a subcontractor or joint venture partner for the Respondent on the facility. The professional and business relationship between the Respondent and the subcontractor and/or equipment suppliers must be defined.
4. Respondent shall provide information with respect to key individuals presently employed by the Respondent's team and available to implement the project, including number of years of experience and resumes.

These Technical Criteria may be satisfied by an Affiliate of the Respondent if that Affiliate provides a letter setting forth its intention to be part of the Respondent's team. The County reserves the right not to qualify a Respondent, if the overall arrangement of its response is representative of a commercial demonstration project rather than a project which demonstrates proven technology.

## 5.2 Minimum Business and Financial Criteria

The following Business and Financial Criteria must be satisfied by the Respondent, its Parent Company, or a third party financial guarantor (as applicable, the “Principal Company”). The Respondent must submit a letter of intent from its Chief Executive Officer stating that it is prepared to assume responsibility as the entity with ultimate responsibility for the performance requirements of its team and to provide financial guarantees on its own, or through its Parent Company or third party guarantor of its performance in the event it is designated as a Qualified Respondent. These requirements and guarantees, at a minimum, will include:

- Operating the facility in conformance with all performance guarantees including those set forth in Section 5.4 hereof.
- Paying performance damages during the term of operations in the event of failure to meet performance guarantees.

The Principal Company must meet one of the following three Minimum Financial Criteria:

*Criterion I:* Principal Company has an investment grade rating by Standard and Poor’s Corporation and/or Moody’s Investor’s Service (the “Rating Agencies”) on long-term debt.

*Criterion II:* The Principal Company demonstrates:

- Organization and existence for at least three full years prior to the Submission Date.
- Shareholders’ equity at the end of each of the three most recent fiscal years of at least \$15 million.
- Pre-tax earnings for two of the three most recent fiscal years of at least \$4 million.
- A ratio of current assets divided by current liabilities of at least 1.10 for two out of the three most recent fiscal years.
- Cash and cash equivalents of at least \$5 million as of the date of its most recent audited annual financial statements.
- No material adverse changes in its financial position since the end of its most recent fiscal year that would affect the Proposer’s ability to meet any of the above criteria.
- A current debt to equity ratio of no more than 1:1.

- Debt Service Coverage of 110%.

*Criterion III:* The Principal Company provides evidence of its ability to obtain a \$2 million letter of credit for each year during the term of the contract, from a bank whose long-term debt is rated at least “A” by the Rating Agencies, to secure the performance of its obligation to the County during the term of the Service Agreement.

The Respondent shall further provide a description of all material liabilities and contingent liabilities, disputes, claims, litigation, judgments, notices of violations, or administrative enforcement actions arising out of the construction and/or operation of composting facilities and systems by the Respondent.

The County requests all information relevant to determining if the Respondent has an acceptable record of business dealing including compliance with state and federal labor and environmental laws. The Respondent shall provide all information with respect to the Respondent, its subsidiaries’ and affiliates’ experience in this regard in connection with the construction and operation of composting facilities and similar projects.

### **5.3 Joint Ventures and Teams**

A Respondent may be a joint venture whose participants collectively satisfy the Technical, Business and Financial Criteria. Additionally, a Respondent may organize a team of companies which collectively satisfy these Technical, Business and Financial Criteria; however, one member of the team (the Respondent) shall be designated as the responsible party for negotiation of the Service Agreement and shall assume responsibility for all operations, maintenance, performance, and financial guarantees.

The role and qualifications of each team member shall be described in the Qualification Statement. Once qualified, the Respondent cannot change or substitute team members without the written consent of the County.

### **5.4 Contract Principles**

The following are summaries of certain principles anticipated to be contained in the Service Agreement to be executed with the Vendor. These principles are not all inclusive and are subject to change and addition.

- The Parent Company of each partner or major owner of the Respondent will execute a guaranty of the Respondent’s performance of the Service Agreement.
- The Respondent will comply with all applicable federal, State and local laws and pay all fines and bear all other consequences for failure to comply with such laws.

- The Respondent will be required to provide and meet a minimum throughput guarantee. Failure to meet such guarantee will require the Respondent to pay throughput shortfall damages.
- The Respondent will be required to operate the Facility so that only a guaranteed maximum percentage of the sludge received remains as residue after processing. Failure to meet such guarantee will require the Respondent to pay damages.
- A compost product quality guarantee shall be achieved.
- The Respondent will be required to provide and meet odor, noise, dust and other environmental requirements.
- The County will have the right to terminate the Service Agreement for any reason upon the payment of a termination payment.
- The term of the operation and maintenance portion of the Service Agreement, including all renewals, if any, will not exceed ten years; but the Service Agreement will be terminable by the County for breach of contract, or convenience upon payment of termination payment.
- All major subcontractors shall be approved by the County.

## **6.0 INSTRUCTIONS TO RESPONDENTS**

### **6.1 Submission of Qualification Statements**

Respondents to this RFQ shall submit their Qualification Statements to the County no later than 2:00 p.m. Eastern Standard Time on August 31, 2018. Responses shall be directed to the Director, Department of Solid Waste, at the address below:

Director - Department of Solid Waste  
County of Burlington  
1200 Florence-Columbus Road  
Bordentown, New Jersey 08505

Five (5) hard copies and one (1) electronic copy of the Qualification Statements are to be submitted as specified above and detailed herein. All Qualification Statements must be submitted complete with all requested information in strict conformance with the instructions set forth herein. The Qualification Statements and all related information must be bound and must be signed and acknowledged by the Respondent in accordance with the directions herein.

All questions shall be sent in writing via mail to the above address or email to [jsheehan@co.burlington.nj.us](mailto:jsheehan@co.burlington.nj.us) no later than August 18, 2018. Responses will be distributed to all Respondents by the Director, Department of Solid Waste by August 24, 2018 and will be deemed as official responses. Any responses from other parties will not be considered as valid responses.

### **6.2 Content and Format of Qualification Statements**

At a minimum, the Qualification Statements must include the following sections:

- Technical
- Business
- Financial

The Respondent shall provide appropriate information in accordance with the following outline and shall provide all of the information requested.

#### **A. Introduction and General Information**

- I. Letter of Qualifications (Appendix A of this RFQ shall be used).
- II. Letter of Intent (Appendix B of this RFQ shall be used).
- III. Introduction

#### **B. Technical Section**

- I. Description of the Respondent's ability to meet the Minimum Technical Qualifications Criteria specified in this RFQ.

- II. Reference facility data and information in accordance with the requirements of Section 5.1 of this RFQ.
- C. Business Section
- I. Statement of the Respondent's willingness to assume overall responsibility for implementation of the project and to offer the types of financial and performance guarantees set forth in Section 5.2.
  - II. Project Organization Plan.
  - III. History of compliance with laws, regulations and guarantees.
  - IV. Business Approach including description of any proposed joint venture.
- D. Financial Section
- I. Description of the Respondent's ability to meet the minimum financial qualifications set forth in this RFP.
  - II. A completed Business Form (BF-1) providing basic information on the Respondent.
  - III. The Respondent or Principal Company will provide audited financial statements for the last three fiscal years including balance sheets, income statements, statements of changes in financial position and cash flow statements. If the Respondent is not a public company, it will provide independently audited financial statements and may request the information be treated confidentially by the County. If the Respondent or Principal Company has been in existence less than three years, the information will be provided for the period of its existence.
  - IV. If the Respondent or Principal Company is a public company, a copy of the most recent 10K filed with the Securities and Exchange Commission and all form 10Qs since the last 10K.
  - V. Full information concerning facts or events that would materially affect the Respondent's business, including, but not limited to significant changes in business operations, bankruptcy proceedings, mergers and acquisitions and pending litigation.
  - VI. Letter from a bank or other financial institution providing evidence that the Respondent or the Principal Company will be able to obtain payment and performance bonds in at least the amount required for this project.

All information shall be provided in the English language. If the audited financial statements of the Principal Company are not in the English language, then a certified English translation shall be provided (including numeric conversion of amounts into Standard English units such as dollars).

Each section of the Qualification Statement should be tabbed for easy reference and, to the extent possible, cross-referencing should be avoided.

**APPENDIX A**

**LETTER OF QUALIFICATIONS**

**(Note: To be typed on Respondent’s Letterhead. The County will not accept modifications to the language in this letter.)**

Director - Department of Solid Waste  
County of Burlington  
1200 Florence-Columbus Road  
Bordentown, New Jersey 08505

Dear Director – Department of Solid Waste:

The undersigned has reviewed our Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the County of Burlington, New Jersey on August 1, 2018.

We hereby certify that the contents of our Qualifications Statement, which is incorporated herein by reference, is true, accurate, and complete and is made in good faith with the express understanding that any false or inaccurate statement may result in the disqualification of (Name of Respondent).

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

\_\_\_\_\_  
(Signature of Chief Executive Officer)

\_\_\_\_\_  
(Signature of Chief Financial Officer)

\_\_\_\_\_  
(Typed Name and Title)

\_\_\_\_\_  
(Typed Name and Title)

\_\_\_\_\_  
(Typed Name of Firm)

\_\_\_\_\_  
(Typed Name of Firm)\*

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\* If a joint venture, partnership or other formal organization of firms is submitting a Qualification Statement, each participant shall execute and submit this Letter of Qualifications.

## APPENDIX B

### LETTER OF INTENT

**(Note: To be typed on Respondent's Letterhead. The County will not accept modifications to the language in this letter)**

Director - Department of Solid Waste  
County of Burlington  
1200 Florence-Columbus Road  
Bordentown, New Jersey 08505

Dear Director - Department of Solid Waste:

The undersigned, as Respondent, has submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the County of Burlington, New Jersey on August 1, 2018 in accordance with the provisions contained therein.

(Name of Respondent) is interested in being invited to respond to the County's Request for Proposals (RFP). It is the intent of (Name of Respondent), if deemed a Qualified Respondent, to complete and submit a Proposal which provides all of the services described in the RFQ.

(Name of Respondent) agrees to participate in good faith in the procurement process as described in the RFQ and to adhere to the County's project schedule.

(Name of Respondent) acknowledges that all costs incurred by it in connection with this submission or any negotiation which results therefrom shall be borne exclusively by (Name of Respondent).

(Name of Respondent) agrees that it will assume overall responsibility for the performance of its team in implementing the project and is prepared to offer the types of financial guarantees of its performance as indicated in the RFQ.

(Name of Respondent) hereby declares that the only persons participating in this Qualification Statement as principals are named herein and that no principal not herein mentioned has any participation in this Qualification Statement or in the contract to be entered into. Additional persons may subsequently be included as participating principals only if acceptable to the County.

(Name of Respondent) declares that this Qualification Statement is made without connection with any other person, firm or party who has submitted a Qualification Statement, except as follows: \_\_\_\_\_

\_\_\_\_\_ ,  
and that it has been prepared and has been submitted in good faith and without collusion or fraud.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

\_\_\_\_\_  
(Signature of Chief Executive Officer)

\_\_\_\_\_  
(Typed Name and Title)

\_\_\_\_\_  
(Typed Name of Firm)\*

Dated: \_\_\_\_\_

\* If a joint venture, partnership or other formal organization of firms is submitting a Qualification Statement, each participant shall execute and submit this Letter of Intent.

**FORM BF-1**

**RESPONDENT BACKGROUND INFORMATION**

1. \_\_\_\_\_ (Respondent Name).

2. Principal Place of Business (Respondent Headquarters).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Type of Business Entity (corporation, partnership, business trust, etc.).

4. Names of Company Officers:

Chief Executive Officer \_\_\_\_\_

Chief Financial Officer \_\_\_\_\_

Chief Operating Officer \_\_\_\_\_

5. Name of Principal Owners: (Partners or shareholders with more than 30 percent of the stock).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Summarize the Company's principal line(s) of business.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Contact Person

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_