

**Request for Proposals to Design, Construct and Operate a Landfill Gas to Electricity
Facility in Anne Arundel County, MD
November 19, 2009**

REQUEST

FOR

PROPOSALS

TO DESIGN, CONSTRUCT AND OPERATE

A

LANDFILL GAS TO ELECTRICITY FACILITY

AT THE

**MILLERSVILLE LANDFILL AND RESOURCE RECOVERY
FACILITY (MLFRRF)**

IN ANNE ARUNDEL COUNTY, MARYLAND

**Request for Proposals to Design, Construct and Operate a Landfill Gas to Electricity Facility in Anne Arundel County, MD
November 19, 2009**

**REQUEST FOR PROPOSALS
TO DESIGN, CONSTRUCT AND OPERATE A LANDFILL GAS TO ELECTRICITY FACILITY
AT THE MILLERSVILLE LANDFILL AND RESOURCE RECOVERY FACILITY
IN ANNE ARUNDEL COUNTY, MD**

THE NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

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**Request for Proposals to Design, Construct and Operate a Landfill Gas to Electricity Facility in Anne Arundel County, MD
November 19, 2009**

RFP Due Date: December 29, 2009

RFP Due Time: 3:00 p.m.

**REQUEST FOR PROPOSALS
TO DESIGN, CONSTRUCT AND OPERATE A LANDFILL GAS TO ELECTRICITY FACILITY
AT THE MILLERSVILLE LANDFILL AND RESOURCE RECOVERY FACILITY IN
ANNE ARUNDEL COUNTY, MD
BY
THE NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY**

The Northeast Maryland Waste Disposal Authority (the "Authority") is requesting proposals from companies who are qualified to design, construct, and operate landfill gas to electricity facility at the Millersville Landfill and Resource Recovery Facility (MLFRRF) in Anne Arundel County, Maryland.

Copies of the Request for Proposals are available free of charge, from the Authority at 410-333-2730, swright@nmwda.org, or at the address below:

Northeast Maryland Waste Disposal Authority
Tower II – Suite 402
100 South Charles Street
Baltimore, MD 21201-2705

Each proposal must include a Proposal Bond in the amount of \$20,000.

Robin B. Davidov, Executive Director

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Proposers must complete and submit the form below immediately to receive continued updates on the procurement.

PROPOSER'S CONTACT INFORMATION FORM

(1st) Name: _____

Title: _____

(2nd) Name: _____

(optional)

Title: _____

(optional)

Company: _____

Address: _____

Telephone Number: _____

Fax Number: _____

E-mail (1st): _____

E-mail (2nd): _____

I / we prefer to be contacted by: *(circle one)* U.S. Mail, telephone, fax, e-mail

I / we prefer correspondence to be sent by: *(circle one)* fax, e-mail

Please fax, e-mail or mail completed form to:

Ms. Shirl Wright
Northeast Maryland Waste Disposal Authority
Tower II – Suite 402
100 South Charles Street
Baltimore, MD 21201-2705
Fax. (410) 333-2721
swright@nmwda.org

**Request for Proposals to Design, Construct and Operate a Landfill Gas to Electricity Facility in Anne Arundel County, MD
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ACRONYMS AND DEFINITIONS

Acceptance Date	The date construction of the project is considered complete
Authority	Northeast Maryland Waste Disposal Authority
Closing Date	The date proposals are due, currently December 29, 2009, but is subject to extension through addenda
County	Anne Arundel County, Maryland
EECBG	Energy Efficiency Conservation Block Grant
FG	Landfill Gas
LFGC	Landfill Gas Collection System
LFGE	Landfill Gas to Electricity
MLFRRF	Millersville Landfill and Resource Recovery Facility
NMWDA	Northeast Maryland Waste Disposal Authority
SCFM	Standard Cubic Feet per Minute

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November 19, 2009**

REQUEST FOR PROPOSALS

Proposers are invited to submit proposals in conformance with the requirements described below:

PART I - PROPOSAL INFORMATION

1.1 PURPOSE:

The purpose of this Request for Proposals (“RFP”) is to select a firm (“Proposer”) that will enter into a Service Agreement with the Northeast Maryland Waste Disposal Authority (NMWDA) to design, permit, construct and operate a landfill gas to electricity facility at the Millersville landfill and Resource Recovery Facility (MLFRRF) located in Anne Arundel County (the “County”) as described in Section 3.1 of this RFP. The selected Proposer will not be responsible for maintaining the existing gas collection and flare system.

The proposed landfill gas to electricity facility may be partially financed through federal energy efficiency conservation block grant (EECBG) funds. On November 16, 2009, the Anne Arundel County Council approved Resolution No. 45-09 endorsing the county’s strategic plan for energy efficiency and conservation and approved the submission of the plan to the U.S. DOE. The plan requests \$2 million in grant funds for the landfill gas to electricity (“LFGE”) project. While the use of U.S. DOE funds is preferred, the Authority is soliciting offers of financing provided by the vendor. **All proposals utilizing the federal EECBG funds must conform to the rules for expenditure of these funds. Some of these requirements are included in this RFP. Section 2.6 of this RFP details the financing for the project.**

The Authority is not guaranteeing any maximum or minimum quantity or quality of landfill gas now or in the future. Data is provided for information purposes only. It is the Proposer’s responsibility to assess the quantity and quality of gas.

The selected vendor must comply with all federal requirements provided in Exhibit B and Exhibit E, if federal funds are utilized to finance the project.

**Request for Proposals to Design, Construct and Operate a Landfill Gas to Electricity Facility in Anne Arundel County, MD
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1.2 CONTACT PERSON:

Any communication regarding this RFP must be made in writing and directed to:

Ms. Amanda Moore
Project Manager
Northeast Maryland Waste Disposal Authority
Tower II – Suite 402
100 South Charles Street
Baltimore, MD 21201
amoore@nmwda.org
Office: 410-333-2730 Fax: 410-333-2721

1.3 PRE-PROPOSAL CONFERENCE:

There will be a pre-proposal conference and tour of the landfill on Monday, December 7, 2009 at 1:00 p.m. at the Millersville Landfill Administration Office, 389 Burns Crossing Road, Severn, MD 21144. If it becomes necessary to reschedule the conference and tour, due to inclement weather, etc., information regarding the new date and time will be posted on the Authority's website at the following link: <http://www.nmwda.org/contact/procurement.asp>.

Proposers are not required to attend the Pre-Proposal conference and tour, but are strongly urged to attend. Subsequent visits to the Landfill can be arranged by contacting:

Ms. Linda Currier
Office: 410-222-6108
Pwcurr48@aacounty.org

1.4 WRITTEN QUESTIONS:

Questions regarding this RFP must be submitted in writing by December 10, 2009; however, the Authority makes no assurance that written responses will be tendered if, in the opinion of the Authority, such information is evident in the RFP or goes beyond the intended scope of this solicitation. Any written responses to questions made shall be e-mailed, mailed or faxed to all prospective Proposers who submit a Proposer Contact Information Form.

1.5 AMENDMENT OR CANCELLATION OF THIS RFP:

If this RFP requires amendment, written notice of the amendment will be given to all prospective Proposers as identified in Section 1.4. Receipt of amendments must be acknowledged in writing by prospective Proposers to the Authority. Acknowledgment by facsimile and e-mail is permitted. The Authority reserves the right to modify, amend or cancel this RFP if the Authority determines, in its sole discretion that it is in the best interest of the Authority to do so.

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1.6 SUBMISSION REQUIREMENTS:

Four copies on recycled paper, labeled in the footer as recycled paper, and one electronic copy of the proposal must be submitted in a sealed envelope, labeled "Proposal to Design, Permit, Construct and Operate a Landfill Gas to Energy System in Anne Arundel County, MD" and received no later than 3:00 p.m. on December 29, 2009 (the "Closing Date"). Any proposals received after this time will not be considered. All submissions will be time and date stamped when received. A facsimile of the proposal will not be accepted.

The following items must be included in the proposal in order to be considered a complete Proposal.

- 1) Price Proposal Form from Exhibit C
- 2) Proposal Bond as described in Section 1.11 and the name of Surety providing the performance/payment bond
- 3) A detailed description of work elements
- 4) A Schedule as described in Section 3.3
- 5) A description of the qualifications and references as described in Section 3.8
- 6) A description of the Energy Performance and Environmental Performance Guarantees
- 7) A description of the Availability Guarantee
- 8) A written certification stating the intent that all iron, steel and manufactured goods purchased in association with this project will be American-made; if EECBG or other federal funds are used

1.7 DISCLOSURE:

Proposals submitted in response to this RFP are subject to disclosure pursuant to the Maryland Public Information Act, Section 10-611 et seq. of the State Government Article of the Annotated Code of Maryland. Proposers must identify specifically those portions of their proposals, if any, which they deem contain confidential or proprietary information or trade secrets and must provide justification why such materials should not, upon request, be disclosed under the Maryland Public Information Act.

1.8 INCURRED EXPENSES:

The Authority is not responsible for any expenses that Proposers may incur in preparing and submitting proposals.

1.9 ACCEPTANCE OF TERMS AND CONDITIONS:

By submitting a proposal in response to this RFP, the Proposer accepts all of the terms and conditions set forth in this RFP.

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1.10 PROCUREMENT REGULATIONS:

This RFP, and any agreement entered into as a result thereof, is not subject to the provisions of the State Finance and Procurement Article, but is governed by Section 3-921 of the Natural Resources Article of the Annotated Code of Maryland and COMAR 14.13.01.01 et seq.

1.11 BONDING

Each proposal must be accompanied by a proposal bond or other form of surety acceptable to the Authority, such as a letter of credit, in the amount of \$20,000 valid for a period of at least 120 days from the proposal closing date, from a corporate surety company legally authorized to do business in the State of Maryland. No proposal may be withdrawn within 120 days after the closing date. Each Proposer must be able to obtain a payment and performance bond upon signing of the construction contract. The payment and performance bond shall last for 1 year beyond the project completion date as a warranty. Any proposal received without the required proposal bond will be considered non-responsive and will not be accepted. No Proposer's security will be released until the Negotiated Agreement has been executed. Each proposal bond will be released upon termination of the 120 day period following the proposal closing date unless the Authority, County, and Proposer agree to extend such period. Each proposal bond which has not already been released will be automatically released upon execution of the Negotiated Agreement.

If the Proposer withdraws its proposal after the proposal closing date, fails to negotiate in good faith, or if, after the Authority and the Proposer agree on the terms of the negotiated Agreement, the Proposer fails to execute the Negotiated Agreement, the amount of the proposal bond will be forfeited and retained by the Authority as liquidated damages. By submitting a proposal, each Proposer agrees that \$20,000 of the proposed project cost constitutes a reasonable measure of the damages suffered by the Authority from the events described in this paragraph.

PART II - AGREEMENT INFORMATION AND PROPOSED AGREEMENT PROVISIONS

2.1 PARTIES TO THE AGREEMENT:

The Service Agreement and all exhibits thereto to be entered into as a result of this RFP (the Agreement") shall be by and between the Proposer as Contractor (the "Contractor") and the Authority.

2.2 AGREEMENT TERM:

The Agreement term shall commence on or about January 31, 2010 and shall end ten (10) years after the Acceptance Date, at the sole option of the Authority, the Agreement may be renewed for up to two additional five-year terms.

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2.3 COMPENSATION AND METHOD OF PAYMENT:

The Publicly owned Agreement will provide in part that:

- A. The Proposer will be paid for services performed from time to time, but not more frequent than monthly, out of funds appropriated or otherwise made available for such payment.
- B. The Proposer will submit monthly requisitions for construction progress payments according to the proposed monthly draw down schedule in the Service Agreement. A 10% retainage amount will be held by the Authority until the Acceptance Date.
- C. After the Acceptance Date, the Proposer will invoice the Authority for the Service Fee. The Service Fee is the sum of the Operations and Maintenance Fee, any approved Pass through Costs and the Proposers' Revenue Incentive Fee. An alternative payment formula may be offered in the Proposer's response to the RFP.

2.4 INSURANCE:

The Proposer must have or be willing to obtain insurance with the minimum terms as shown in Exhibit A. If the Proposer does not currently have the minimum insurance required, the Proposer must, at its own cost, obtain such insurance prior to the signing of the Service Agreement.

2.5 MINORITY BUSINESS PARTICIPATION

The project will utilize funds from a Federal Energy Efficiency Conservation Block Grant (EECBG) and the required minority participation policy is included in the "Federal Requirements for Construction contracts Related to Projects of \$100,000 or More" document, attached to this RFP as Exhibit B and applies to this Contract. The selected Proposer will submit documentation as a part of the proposal showing how the selected Proposer will utilize minority businesses in the project.

2.6 OWNERSHIP AND FINANCING

The Authority/County prefers public ownership of the LFGTE equipment. However, if the grant is not obtained or a combination of financing and tax credits results in increased revenues for the County, an alternate ownership/financing option will be considered. The Proposer must provide the capital and operating costs, including permitting, site preparation, installation, testing and start-up and operations and maintenance. Each Proposer may, but is not required to, offer alternate proposals. Alternate Proposal 1, 2 and 3 are described below.

Required Response: Assumes that the Authority will own all assets, \$2 Million in EECBG funds are used, the remaining funds raised by Authority. The Vendor provides design-build-operate services for the contract term and any extensions. All energy revenues and renewable attributes belong to the Authority. Proposer may request an incentive energy share, not to exceed 5% of gross electricity revenues.

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Alternate Proposal 1: Assumes that the Authority will own assets, \$2 Million in EECBG funds are used, the remaining funds provided by Vendor. All EECBG federal requirements are met. In addition to the information requested in the Required Response above, the Vendor's proposal must specify the cost of financing and annual debt service requirement. All energy revenues and renewable attributes belong to the Authority. Proposer may request an incentive energy share, not to exceed 5% of gross electricity revenues.

Alternate Proposal 2: Assumes that the Vendor will own assets, \$2 Million in EECBG funds are used, the remaining funds provided by Vendor. All EECBG federal requirements are met. Vendor should discuss when and if the Authority becomes owner of the assets, for example, at the end of a lease term. Proposer's offer should include revenue sharing with the Authority.

Alternate Proposal 3: Assumes that no EECBG funds are used, the Vendor owns and finances the entire project. Vendor should discuss when and if the Authority becomes owner of the assets, for example at the end of a lease term. The federal requirements associated with EECBG are not required to be met. The proposal must discuss the ownership of electricity revenues and renewable energy credits and revenue sharing with the Authority.

2.7 NOTICE REGARDING THE PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

If the project is partially or entirely funded through the federal Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) Program which was funded under the American Recovery and Reinvestment Act of 2009, to the greatest extent practicable, all equipment and products purchased with funds made available under this award shall be American-made. Specifically, under Section 1605 of the American Recovery and Reinvestment Act, no funds appropriated by the Act may be used for a public building/work project unless all iron, steel and manufactured goods used are produced in the United States. All Proposers must provide a written certification with their response to this RFP stating their intent that all iron, steel and manufactured goods purchased in association with this project will be American-made. In addition, the successful Proposer will be required to provide a written certification at the completion of the work stating that all iron, steel and manufactured goods purchased as part of the landfill gas to electricity facility were purchased in compliance with Section 1605 of the American Recovery and Reinvestment Act.

This Section 2.7 applies to the "Required Response," and alternate proposals 1 and 2, as well as any alternate price proposal that utilized the Federal EECBG.

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PART III – SCOPE, QUALIFICATIONS AND PRICING

3.1 SCOPE:

The scope of service for this project includes, the design, permitting, construction, and operation of a landfill gas to electricity (LFGE) system at the MLFRRF. Under the terms of the service agreement, the Proposer shall perform all design, permitting, construction and operation services, and provide all material, equipment, tools and labor, necessary to complete the Work described in and reasonably inferable from Exhibit F.

The Proposer will include an estimate of labor hours per year required to operate the facility and/or the intent to design and install a remote SCADA system.

Brief History and Description of the Millersville Landfill and Resource Recovery Facility near Severn, Maryland

The MLFRRF is located on a 565 acre portion of land located at 389 Burns Crossing Road, approximately 1 mile northwest of Millersville and 1 mile east of Odenton in Anne Arundel County, Maryland. The landfill is owned and operated by Anne Arundel County and is the only active municipal solid waste (MSW) landfill in the county. The MLFRRF is transected by both a stream and a 120 foot wide Baltimore Gas and Electric right-of-way running west to east. The MLFRRF is equipped with extensive leachate collection and treatment systems, gas collection and flaring system, groundwater monitoring wells, cardboard recovery building, citizen drop-off center, scale house and equipment maintenance building.

To date, the landfill has received approximately 13 million cubic yards of municipal solid waste. The entire facility has a capacity for approximately 23 million cubic yards. The landfill handles about 100,000 tons per year of MSW. The landfill consists of nine disposal cells, of which Cell 8 is currently active. Landfill operations began with Cell 1 East in 1975 and moved to Cell 2 in 1976. Filling was completed in Cell 2 and began in Cell 3 in 1978. Cell 4 was filled from 1978 through 1980, when filling was transferred to Cells 5, 6 and 7 from 1980 through 1992. Initially, Cells 5, 6 and 7 were separated by an access road. The three cells were later combined into one cell by filling the valleys created by the access road, and the cell was renamed Cell 567. The county excavated Cell 3 and re-deposited the waste in the active Cell 8. In addition, the county excavated the western section of Cell 1 in 1996 and placed the waste in Cell 8 as part of the Cell 1 closure plan. Cell 8 is currently active and is divided into eight subcells, Subcells 8.1 through 8.8. Cell 8 is expected to be filled by 2014; while cell 9, the last cell, will then receive waste until the 2030s.

All closed cells of the landfill are capped using a geomembrane system. The capping of Cells 1 East, 2, 4 and Cell 567 was completed in 1996. A NSPS-compliant LFG collection and control system was activated in May 1996. The collection system consists of a series of vertical and horizontal extraction wells interconnected by a network of lateral and header piping. LFG is extracted from the wells by a series of LFG blower and conveyed to an enclosed ground flare for combustion.