



# Kern County Public Works Department Operations Division

Waste Diversion Services –  
Request for Statements of Interest

July 15, 2019



HF&H Consultants, LLC

{Page left intentionally blank}

## SUMMARY OF KEY PROPOSAL INFORMATION

The Kern County Public Works Department’s Operations Division (County) operates seven major sanitary landfills and four larger transfer stations offering disposal and recycling services to Kern County residents and businesses. The County collaborates with various community partners in promoting recycling and waste reduction, coordinates events to better serve the needs of Kern County’s communities.

The County is requesting submittal of non-binding Statements of Interest (SOI) to provide Waste Diversion Services by providing processes, technologies and/or facilities for processing materials that have the potential to reduce landfill disposal, as defined under SB 1383 and related regulations. The specific requested services may include, but are not necessarily limited to: permitting, developing, designing, installing, providing operational training and/or other assistance, and possibly operations at Kern County-owned landfills and/or transfer stations to receive and process waste materials for recovery. Depending on the selected County landfills and/or transfer stations, existing transportation routes provide the opportunity for cost effective import of material from the Central Valley and Southern California. As a key national energy hub with a long history of energy production through oil and gas extraction, wind, and solar technologies, the County is also interested in feasible opportunities to generate energy from potential waste diversion materials. The County will negotiate terms for disposal of processing residue at the adjacent or nearest landfill.

Projects to be operated by the County following third party design and build and/or County purchase or licensing of proprietary processing technology, shall provide sufficient assurance of successful operation prior to County acquisition. For projects involving third party design, build and operation, the County wishes to receive proposals for a period between 5 to 15 years, depending on the nature of the project and related financing. The County intends to make a range of its facilities available for potential use for facility siting, reflecting the geographic spread of the County, access to external sources of material, and relative permitting opportunities. The County is seeking a partner with the qualifications and capacity to provide all of the necessary services. The County, in its sole discretion, may choose to work with some or all interested parties to provide a combination of services and/or to establish receipt and processing locations at multiple County facilities.

### SOI Process and Confidentiality

The County recognizes that there are inherent challenges to developing, building, permitting, and operating facilities, and that doing so may require innovative or non-standard approaches. Thus the County is conducting a two-step process beginning with this Request for SOI and then continuing with a request for proposal (RFP) process for short-listed respondents to the SOI. Interested parties may respond to the Request for SOI by submitting a confidential summary of its qualifications and a brief description of its proposed approach and technology. If a respondent is selected for further discussion, the County and the respondent will enter into confidential discussions allowing for the further development of the respondent’s proposal. Respondents should use the SOI outline format set forth in Section 5, and as described in Sections 3 and 4 of this Request for SOI.

All SOIs will be reviewed for compliance with this Request for SOI. Firms submitting compliant responses will be asked to present their solution, confidentially, to some combination of the County’s consultant and County staff. The evaluation team will be responsible for identifying the solution(s) and eligible companies. These companies may be recommended to the Kern County Board of Supervisors for inclusion in an RFP process. At that time, each respondent will be notified of whether or not they will be requested to respond to the full RFP.

44 It is the County’s intent that all information (including the lists of respondents to the SOI and the RFP) will  
45 be kept confidential, to the extent allowed by law, until issuance of RFP award notices. SOI respondents  
46 that are granted an RFP award notice will be kept in the public record. Disqualified SOI submissions will be  
47 returned to proposers and will not be included in the public record, unless otherwise requested.

48 To facilitate provision of accurate, clear, and consistent responses, please address any questions regarding  
49 the SOI via e-mail to: [KernCo@hfh-consultants.com](mailto:KernCo@hfh-consultants.com)

50 While there is no prohibition to contacting individual County representatives, such contact is discouraged  
51 because responses from such representatives are unofficial, may contain inaccuracies, and may reflect only  
52 the opinion of the representative contacted.

### 53 **Pre-Proposal Meeting (Non-mandatory)**

54 Prospective proposers are encouraged to attend a non-mandatory pre-proposal meeting and facility tour  
55 as described in Section 2.2 and at the time, date and location specified in Table 3. Attendance at this  
56 meeting will provide respondents with the opportunity to ask and receive answers to questions.

### 57 **SOI Submittal**

58 SOIs must be submitted, as described in Section 2.2 by the deadline specified in Table 3 via email to  
59 [KernCo@hfh-consultants.com](mailto:KernCo@hfh-consultants.com). It is County intent to only consider those companies that participate in this  
60 process. SOIs, pricing, or other offers received after this time and date may be rejected at the County’s  
61 discretion. HF&H will acknowledge receipt of SOIs via email, as received. However each proposer is  
62 responsible for ensuring that their proposal is received and confirmed on time.

63 **Please limit SOIs to no more than thirty (30) pages in length.** Additional pages are allowable for  
64 technical drawings, specifications, site plans, and other supporting technical documents.

### 65 **Register to Receive Future Correspondence and Announcements**

66 Parties interested in submitting an SOI are strongly encouraged to register for correspondence in order to  
67 receive updated information and addenda to this Request for SOI, as described in Section 2.2.

### 68 **Additional Procedures**

69 Interested parties should carefully review Section 2.2, as well as the rest of the Request for SOI to  
70 ensure compliance with required procedures.

71

## TABLE OF CONTENTS

<b>SECTION 1: SCOPE OF WORK .....</b>	<b>1</b>
1.1 The County’s Goals.....	1
1.2 Scope of Services .....	1
1.3 Regional Characteristics .....	3
1.4 County Facility System.....	3
1.5 Material Availability and Processing.....	4
1.6 Summary of Key Terms.....	5
<b>SECTION 2: COUNTY RIGHTS AND SUBMITTAL PROCESS.....</b>	<b>8</b>
2.1 Reserved County Rights .....	8
2.2 SOI Submittal Process .....	9
2.3 Schedule .....	12
2.4 Required SOI Information.....	12
<b>SECTION 3: COMPANY DESCRIPTION .....</b>	<b>13</b>
3.1 Cover Letter .....	13
3.2 Executive Summary .....	13
3.3 Business Structure .....	13
3.4 Experience/Qualifications.....	14
3.5 Key Staff.....	14
3.6 Past Performance Record .....	14
3.7 Labor Arrangements .....	14
<b>SECTION 4: STATEMENT OF INTEREST (SOI).....</b>	<b>15</b>
4.1 Expression of Interest .....	15
4.2 Technical Approach and Regulatory Issues .....	15
4.3 Summary of Key Terms/Modifications.....	15
4.4 Description of Financing Plan.....	16
<b>SECTION 5: SOI OUTLINE .....</b>	<b>17</b>

## **TABLES AND FIGURES**

Table 1 – Disposal Tonnage by Jurisdiction of Origin.....	4
Table 2 – Disposal and Diversion Tonnage for Key Landfill Facilities in the County System .....	4
Table 3 – SOI Schedule.....	12

## **ATTACHMENTS**

Attachment A – Map of Kern County

Attachment B – Flow of Organic Materials

## SECTION 1: SCOPE OF WORK

### 1.1 The County's Goals

The County's goals for this process are to:

- Inform the County and jurisdictions within the County about the options for developing waste diversion infrastructure within Kern County that will achieve state-mandated diversion goals (e.g. AB 939, SB 1016, SB 1383);
- Identify interested parties that can provide proven technology for use in Kern County, whether through a facility development process with County operation, or a full third party design, build, and operate arrangement;
- Obtain information from the Request for Statement of Interest (Request for SOI) process to more clearly define the specifications to be used in a Request for Proposals (RFP) process, and to identify those qualified respondents who will be invited to participate in such a process;
- Provide for cost-effective and environmentally sound diversion material processing services for the benefit of residents and businesses in the County;
- Choose one or more diversion materials processing infrastructure project(s) that are reasonably priced and that will minimize impact on rate payers, including potentially through acceptance of material generated from outside of Kern County;
- Ensure the availability of infrastructure to meet the legislative and regulatory requirements of various California state laws related to waste diversion, as well as future legislative and regulatory requirements for waste management and recovery;
- Build on, and complement current County diversion processing facility plans;
- Identify parties that are interested in acting as partners, and are willing to assist the County in piloting new programs, adjusting processes to increase diversion from landfills, and to otherwise respond to the needs of the County;
- Select and support a diversion materials processing infrastructure project(s) that best meets the diverse regional needs of the County.

### 1.2 Scope of Services

With issuance of this Request for SOI, the County is seeking submittals that address the following elements.

#### County System Regions and Sites

Identification of one or more regions of the County system, and as feasible, of potential proposed County project site(s) based on review of relative location and general conditions at one or more County sites for proposed development of a waste diversion project(s). The County regions and facility system are described in Sections 1.3 and 1.4, respectively. Given the distances, it is possible that multiple facilities serving different areas of the County will provide the best solution.

35 The County offers the option for siting a processing facility(ies) at one or more County facilities, and is  
36 open to land leasing arrangements that could address facility utility access, County use of generated energy  
37 on-site, etc. Respondents are invited to ask specific questions about the facilities that would help them in  
38 determining their viability, and are encouraged to participate in a tour(s).

### 39 **Process/Technology**

40 The County will consider cost-effective technologies that are capable of recovering economic value and  
41 environmental benefit from discarded materials while minimizing landfill disposal of residue. Identification  
42 of proposed technologies for processing of various material streams, may include but are not limited to,  
43 pre-processing of material, composting, anaerobic digestion, and potentially the processing of engineered  
44 MSW (EMSW), biomass conversion, or energy generation processes within the definitions of SB 1383, and  
45 other applicable regulations. Proposals using proprietary technology and/or processes should address any  
46 specific licensing or purchase arrangements.

### 47 **Feedstock**

48 The County and the cities within the County currently collect organic materials and municipal solid waste  
49 (MSW) as summarized below, and as described in Sections 1.4 and 1.5. SOIs may identify other desirable  
50 diversion material streams for possible in-County collection. The County is open to options for either  
51 separate or combined processing of various diversion material streams, but must consider the cost,  
52 logistical and public education impacts related to both the collection and processing of the materials.

53 The County may be willing to consider delivery of out-of-County organic materials for processing within the  
54 County's facility system, to the extent that such material will benefit County ratepayers by allowing for  
55 more cost-effective processing. Respondents interested in providing out-of-County material must describe  
56 the jurisdiction or other source, material type, amount, and timing of material availability, as well as the  
57 proposed mechanism for ensuring control of the flow of the material to the County.

58 The County will take any necessary steps to ensure availability of in-County streams to the selected  
59 proposer. The selected proposer will be solely responsible for conducting any analysis of material streams  
60 that it considers necessary to successful processing and marketing, whether such streams originate in-  
61 County or are delivered from out-of-County.

### 62 **Project Development**

63 The selected proposer will be solely responsible for project financing, design, and construction steps, as  
64 required to implement the selected technology(ies); the County, in coordination with the selected proposer,  
65 will obtain the necessary permits. The facility development process may be followed by County operation,  
66 or the County may select a project(s) with a third party design, build, and operate arrangement. Proposers  
67 must demonstrate that a specific proposed process and/or technology is eligible for diversion credit and  
68 will successfully meet local, regional and State permit requirements.

### 69 **Operations and Marketing**

70 The County invites proposers to provide their preferred approach to operations and marketing. For a design,  
71 build approach, followed by County operation, proposer should detail how it will provide County staff with  
72 full operational training, and propose a performance testing protocol to be completed by proposer prior to  
73 the County finalizing compensation and taking ownership. Such protocol shall provide the County with  
74 assurance the facility is fully operable at scale, meets agreed specifications for products, and that products  
75 are marketable as proposed. Proposer shall provide ongoing operational and technical advising as needed.



76 Should the County select a proposal that involves third party facility development and operation, the  
77 selected proposer will be solely responsible for processing of the materials, and marketing of the resulting  
78 product. Such arrangement should include an option for County buy-out following successful operation by  
79 the selected proposer.

### 80 **1.3 Regional Characteristics**

81 Kern County is shown on the map in Attachment A. From a materials generation and management  
82 perspective, Kern County contains three primary regions:

83 1. **Valley Urban:** The urban portion of the western edge of the County, has relatively high concentrations  
84 of potential diversion material produced by communities such as Shafter and Wasco. This region has  
85 good highway access to other communities in the Central Valley and Southern California, and relatively  
86 good access to water. The region is a nonattainment area for air quality which may pose some limits  
87 on the choice of processing technology.

88 2. **Bakersfield Metro Area:** The Bakersfield metro area has the largest concentrations of waste material  
89 produced by the City of Bakersfield and adjacent communities. This region has good highway access  
90 to other communities in the Central Valley and Southern California, and relatively good access to water.  
91 The region is a nonattainment area for air quality which may pose some limitations on the choice of  
92 processing technology.

93 3. **Eastern County:** The eastern portion of the County has the lowest concentrations of waste material.  
94 This region has good highway access to other communities in portions of Southern California. Access  
95 to water is relatively limited, which may pose some limits on the choice of processing technology.  
96 However, the region does not have the air quality constraints found in the western County.

### 97 **1.4 County Facility System**

98 The County system consists of seven major sanitary landfills and four transfer stations:

99 Landfills:

- 100 • Ridgecrest
- 101 • Shafter
- 102 • Taft
- 103 • Bena
- 104 • Boron
- 105 • Mojave
- 106 • Tehachapi

107 Transfer Stations:

- 108 • McFarland-Delano
- 109 • Glenville

110 • Lebec

111 • Kern Valley

112 The three regions discussed in Section 1.3 are each served by one of the largest landfills – Bena, Mojave  
113 and Shafter.

114 See Table 2 in Section 1.5 for the total tonnage of materials disposed of and diverted at each facility.

115 Attachment B provides a summary of the current (2018) and planned (2020) flows of five organic material  
116 streams that are managed through the county system.

117 The County is currently in the process of building a Compost Facility at the Shafter Landfill using aerated  
118 static piles. Facility design anticipates the availability of food scraps collected on a source separated basis  
119 and/or mixed with yard trimmings. The ultimate amount of additional processing capacity will be dependent  
120 on program needs, how materials are collected, and the quantity of material received.

121 In addition, the City of Bakersfield shares the Mount Vernon site with a construction and demolition (C&D)  
122 MRF that is integrated with the facility’s chipping operation for compost.

123 **1.5 Material Availability and Processing**

124 **A. Material Flow**

125 Table 1 shows the County’s total disposal tonnage by jurisdiction of origin for 2017 and 2018. Table 2  
126 shows the total tonnage of material disposed of, and diverted at each of the major County landfills in 2017  
127 and 2018.

128 **Table 1 – Disposal Tonnage by Jurisdiction of Origin**

Jurisdiction	Disposal Tonnage	
	2017	2018
Kern County Unincorporated Area	452,738	491,539
Arvin	11,018	10,696
Bakersfield	351,679	364,699
Cal City	8,714	8,862
Delano	26,238	29,122
Maricopa	850	945
McFarland	6,978	8,211
Ridgecrest	29,217	27,104
Shafter	24,283	26,057
Taft	7,663	14,514
Tehachapi	14,011	13,051
Wasco	17,366	19,161
<b>Total</b>	<b>950,756</b>	<b>1,013,961</b>

129 **Table 2 – Disposal and Diversion Tonnage for Key Landfill Facilities in the County System**

130

131

Facility	2017		2018	
	MSW	Recycle	MSW	Recycle
Ridgecrest LF	60,009	3,735	63,591	5,714
Shafter LF	166,303	39,163	171,004	40,358
Taft LF	50,872	7,780	55,334	4,974
Bena LF	452,370	72,567	441,969	109,710
Boron LF	4,438	48	3,682	167
Mojave LF	25,760	3,770	30,192	4,984
Tehachapi LF	40,273	9,926	32,483	13,507
<b>Total</b>	<b>800,024</b>	<b>136,988</b>	<b>798,254</b>	<b>179,413</b>

132  
133

134 The County is in the process of conducting a high level analysis of the composition of the disposal stream.  
135 Results are anticipated to be available later in 2019. However, this disposal-based analysis will not be at a  
136 level of detail necessary for obtaining project financing, and more comprehensive analysis will likely be  
137 needed later focused on the composition of the streams as collected.

## 138 **B. Other Material Processing Options**

139 Lehigh Cement operates in Kern County, and has previously tested the use of Engineered Municipal Solid  
140 Waste (EMSW), as defined in AB 1126, in one or more of its cement kilns. Lehigh Cement received the  
141 material from the China Lake Naval Weapons Station. Another potential example of an EMSW permitting  
142 process is the CEMEX Black Mountain Quarry Plant EMSW Conversion Facility in San Bernardino, California,  
143 which recently underwent the permit request process. It is County understanding that a full waste facilities  
144 permit would be required under State law for operating an EMSW Conversion operation. Respondents to  
145 the SOI interested in this possible option are solely responsible for determining if such an approach is  
146 feasible from a technical and regulatory perspective, and is cost effective.

147 Qualified Biomass Conversion Facilities may also be possible users of material pre-processed by a  
148 respondent to this Request for SOI. The Air Resources Board estimates a total of 3-5 years for the permit  
149 and construction process of a Biomass Conversion Facility. The County is also open to considering the  
150 potential of qualified "Community-Scale" Biomass Conversion Facilities, but further research would need to  
151 be conducted to understand the requirements and benefits of such a facility. Again, respondents to the SOI  
152 interested in this possible option are solely responsible for determining if such an approach is feasible from  
153 a technical and regulatory perspective, and is cost effective.

154 Given that it may be beneficial for the County to have multiple facilities, respondents are encouraged to  
155 identify the amounts of specific diversion materials that its proposed approach would require for processing  
156 within multiple County regions, or sub-regions.

## 157 **1.6 Summary of Key Terms**

158 The County anticipates entering into one or more contracts with one or more service providers, which may  
159 include one or more of the design, build, and County or third party operating arrangements described in  
160 Section 1.2. A high-level summary of the County's terms and conditions is presented in this Section 1.6.  
161 The specific terms of those contracts will be more thoroughly defined in the Request for Proposals (RFP)  
162 distributed to the short-list of proposers selected through this SOI process. SOI respondents should suggest  
163 additional business terms related to your proposed approach(es) to development, operations, and  
164 marketing.

**165 A. Contracting Arrangement**

166 The County is interested in exploring potential approaches to partnership during discussions with  
167 respondents to this solicitation. The approach ultimately selected will be influenced considerably by the  
168 selected County facility, selected technologies, permitting considerations, and other factors. The County  
169 will consider options for such arrangements and further define them in the Request for Proposals.  
170 Partnership approaches may include one or more of a range of options including, but not necessarily limited  
171 to:

- 172 • Third party design and build, with County operation;
- 173 • A land lease, development, and operations arrangement;
- 174 • Provision for the County to deliver material and to dispose of facility residue based on specified  
175 per-ton pricing;
- 176 • Provision for transfer of ownership to the County at the conclusion of the initial contract term,  
177 and in particular if the term exceeds fifteen years; and/or
- 178 • County receipt of specified benefits based on the developer's ability to attract out-of-County  
179 material on a merchant basis.
- 180 • County use of generated energy onsite and/or provision of access to sell electricity to the grid.

**181 B. Scope of Services**

182 Proposers should clearly define the roles of all parties, including any expectations of the County. Proposers  
183 may form partnerships as needed to provide the full range of services they are proposing. The County, in  
184 its sole discretion, may choose to work with some, or all, proposers to create a viable combination of  
185 services.

**186 C. Term of Agreements**

187 Design and build agreements with County operation must be of a sufficient length to ensure successful  
188 completion of performance testing as described in Section 1.2. Should the proposer be selected as the  
189 operator, the County prefers to enter into five (5) to fifteen (15) year agreements with one or more options  
190 to extend the term. The County appreciates the need to assure financing for large capital projects. The  
191 term will be tied to the type of project, capital requirements, public or private ownership, and flexibility of  
192 the selected technologies. Due to the potential variety of arrangements that may be proposed, the County  
193 will consider the duration of the term during discussions with SOI respondents.

**194 D. Contractor's Compensation**

195 The County prefers to negotiate compensation in the form of maximum per-ton dollar amount based on  
196 tons delivered. The County would prefer to adjust that tipping fee no more frequently than annually, using  
197 a simple method of applying a percentage of the annual change in the Consumer Price Index. However,  
198 SOI respondents may suggest other compensation approaches, considerations, or compensation  
199 adjustment approaches.

200 For the RFP process, the invited proposers will be required to submit detailed project development, and as  
201 applicable, operations cost proposals that will form the basis for establishing the contractor's compensation.

**202 E. Performance Standards**

203 In addition to its obligations under the agreement(s) with the County, the successful proposer(s) shall at  
204 all times operate in compliance with all regulations governing its activities, and shall perform its activities  
205 in accordance with industry standards and best management practices commonly used in California for  
206 similar operations.

207 SOI respondents must provide proposed performance standards related to the following, and as applicable  
208 to their proposed approach to development and operations:

- 209 • Successful completion of performance testing prior to transfer of ownership for County  
210 operation;
- 211 • Collection vehicle turn-around times;
- 212 • Feedstock requirements, desired constituency, and contaminants;
- 213 • Residue levels and quality standards;
- 214 • Market development for products resulting from the processing of materials; and,
- 215 • Load checking and hazardous waste screening procedures.

216 The County will work with parties selected to respond to the RFP to develop appropriate performance  
217 standards for each service to be provided.

**218 F. Third Party Contractors**

219 The successful proposer may enter into agreements with third party contractors to provide services  
220 requested in the Request for SOI subject to the prior written consent of the County. Please disclose any  
221 such arrangements which are currently anticipated in the SOI.

**222 G. Insurance & Indemnification Provisions**

223 The successful proposer(s) will be required to provide the County with standard indemnification protections.  
224 Detailed indemnification, insurance requirements, and contract terms will be provided in the RFP provided  
225 to shortlisted SOI respondents.

226 In addition, each final selected contractor must carry standard general liability and pollution liability  
227 insurance from insurers with an A.M. Best size-rating of "A-VII" or better.

**SECTION 2: COUNTY RIGHTS AND SUBMITTAL PROCESS****2.1 Reserved County Rights**

The County reserves the right, in its sole and absolute discretion, to pursue any actions in regard to this SOI process without incurring any liability for the expenses incurred by any action of a company responding to, or participating in, the process.

The SOI process is non-binding. It is meant to prequalify proposers for a subsequent request for proposal (RFP) process. This Request for SOI submittal does not obligate the County to accept any proposal, negotiate with any proposer, award one or more agreement(s), or proceed with the development of any project or service described in response to this Request for SOI.

County reserved rights include, but are not limited to:

- Issuing addenda and amending the Request for SOI;
- Requesting additional information, clarifications, and/or best and final offers from respondents;
- Extending the deadline for submitting SOIs;
- Allowing for the timely correction of errors and waive minor deviations;
- Canceling or withdrawing this Request for SOI, or a subsequent RFP;
- Reissuing the Request for SOI, or a subsequent RFP;
- Rejecting any or all SOIs that do not fully comply with the requirements detailed in this Request for SOI and its attachments, and in any subsequent addenda, amendments or clarifications to the Request for SOI;
- Rejecting incomplete SOIs; SOIs containing errors, inconsistencies, false, inaccurate or misleading information; SOIs submitted after the deadline; and/or, SOIs with other process or content errors or deficiencies;
- Requesting additional information from, or conducting negotiations with any SOI respondent prior to recommending/selecting, or not recommending/selecting the respondent for participation in the RFP process;
- Recommending or selecting, or not recommending or selecting, any SOI respondent for participation in the RFP process based on a combination of qualitative and quantitative factors;
- Recommending or selecting a proposer for participation in the RFP process without further discussion or negotiation;
- Negotiating changes in the services proposed and/or described in the SOI or incorporating programs proposed by others prior to or during the RFP process;
- Negotiating with the successful proposer(s) for a later commencement date;
- Retaining the right to carbon credits resulting from implementation of any proposed approach in response to this Request for SOI or a subsequent RFP;

- 262           • Issuing subsequent SOI(s) for the same, similar, or related services at a later date; and,
- 263           • Taking any other actions the County deems in their best interest.

264 Neither this Request for SOI nor any response thereto shall be construed by any party as an agreement of  
265 any kind between the County and any third parties.

266 The County has the right, but not the obligation, to investigate and review proposer's ability to perform the  
267 required Scope of Services and to implement services within the regulatory requirements of SB 1383. The  
268 County also recognizes that permitting and development of new and innovative technologies may take  
269 more time. Proposers must agree to cooperate with such investigation and review. Such cooperation by  
270 proposer shall apply, but not be limited, to the verification of the proposer's capability and experience in  
271 the provision of the Scope of Services, the proposer's financial wherewithal, and any other component of  
272 work that may be required under this Request for SOI.

273 The County, or their consultants, will be conducting reference checks on proposers that will involve  
274 contacting municipalities currently or previously served by the proposer, as well as contacting regulatory  
275 agencies involved in oversight of proposer's facilities and/or operations. In addition, the County or their  
276 consultants may research proposers' past performance by reviewing litigation history, regulatory actions,  
277 and other information as they deem appropriate. A proposer's submission of an SOI shall constitute  
278 permission for, and an agreement to, cooperate with the County's investigation and review.

## 279   **2.2    SOI Submittal Process**

280 Proposers shall follow the procedures described in this Section 2.2 and the procedures included in  
281 subsequent clarifications, amendments or addenda to this Request for SOI, which are issued by the County  
282 or its consultant, and which will be made available online at [https://hfh-consultants.com/hfh-clients/kern-](https://hfh-consultants.com/hfh-clients/kern-county)  
283 [county](https://hfh-consultants.com/hfh-clients/kern-county).

### 284   **Step One – Register for Correspondence, Download Request for SOI, and Announcements**

285 Email [KernCo@hfh-consultants.com](mailto:KernCo@hfh-consultants.com) to request placement on the list of interested parties in order to receive  
286 future correspondence and announcements related to this Request for SOI. Parties interested in submitting  
287 an SOI are strongly encouraged to register for correspondence in order to receive updated information and  
288 addenda. All requests will be acknowledged by e-mail. Be sure to adjust computer settings as necessary to  
289 allow receipt of emails from any addresses ending in hfh-consultants.com.

290 Parties may still submit an SOI if not registered on the correspondence list, however each proposer is solely  
291 responsible for reviewing and understanding all initial and additional information provided on the website  
292 prior to submittal.

**293 Step Two – Submission of Written Questions**

294 Respondents should submit all questions and requests for information or clarification regarding this Request  
295 for SOI in writing by email to [KernCo@hfh-consultants.com](mailto:KernCo@hfh-consultants.com) by the deadline specified in Table 3.

296 In order that all respondents may have complete and consistent data upon which to prepare their SOIs,  
297 the County intends to share questions, and their responses, with all potential respondents. However, the  
298 County recognizes that some innovative or non-standard approaches may require respondent-specific  
299 information that may not be of general concern, or that may be of a degree of specificity that may tend to  
300 lead recipients of the response to infer what innovative or non-standard approaches are being considered.  
301 In submitting questions, please specifically indicate if you believe that such concerns apply, and note your  
302 preference that the response not be made generally available. **The County will attempt to honor all**  
303 **such reasonable requests for confidentiality.**

304 While there is no specific prohibition against contacting individual representatives of the County, such  
305 contact is discouraged because responses from such representatives are unofficial, may contain  
306 inaccuracies, and may reflect only the opinion of the representative contacted. The County will be bound  
307 only by official communications issued in writing by the County or its agents.

**308 Step Three – Non-Mandatory Pre-Proposal Meeting; Site Tour**

309 Potential respondents are strongly encouraged to attend the non-mandatory pre-proposal meeting that will  
310 be held at the time and date specified in Table 3. Please email your intent to attend the pre-proposal  
311 conference to [KernCo@hfh-consultants.com](mailto:KernCo@hfh-consultants.com) in order to ensure that adequate copies of materials are  
312 available. Potential respondents may email their request to participate in the pre-proposal meeting from a  
313 remote location. The County will seek to accommodate such requests that are received by three business  
314 days prior to the meeting date specified in Table 3.

315 Proposers are encouraged to submit written questions in advance of the pre-proposal meeting (in  
316 accordance with Step Two above), as well as to ask questions at the pre-proposal meeting.

317 At the discretion of County staff, preliminary oral responses to questions will be provided during the pre-  
318 proposal meeting. Verbal responses shall not be binding on the County. Written responses to questions  
319 posed prior to, or at, the pre-proposal meeting will be provided in a timely manner on the website, with  
320 email notification to registered parties.

**321 Step Four – SOI Submittal**

322 Please submit your SOI via email in portable document format (PDF). Please number all pages  
323 consecutively, although each section may start with a new page number if preceded with the section  
324 number (e.g., Page 2-1 for the first page of Section 2). The County anticipates that SOI submissions need  
325 not exceed thirty (30) pages in length. Email your SOIs to: [KernCo@hfh-consultants.com](mailto:KernCo@hfh-consultants.com). HF&H will  
326 acknowledge receipt of SOIs as promptly as practical. If your SOI exceeds 20MB, please contact HF&H at  
327 [KernCo@hfh-consultants.com](mailto:KernCo@hfh-consultants.com) at least 48 hours in advance of the due date and time to make alternative  
328 arrangements for the submittal of the document prior to the deadline.

329 **SOIs must be received by the time and date specified in Table 3. SOIs received**  
330 **after this time and date may be rejected. It is the proposer's responsibility to**  
331 **verify receipt of the emailed SOI.**



**332 Step Five – Qualification of Respondents and Clarification of SOI Information**

333 Submitted SOIs will be reviewed to determine compliance with this Request for SOI. This initial review will  
334 include a review of the qualifications described in the submittal, review of regulatory and/or litigation  
335 history, and any other investigation required to determine that a respondent is qualified and capable of  
336 performing the services. Proposers may be asked to clarify information contained in their SOI through  
337 written communications.

338 Any respondent that does not demonstrate to the satisfaction of reviewers that it is qualified to proceed  
339 will be notified of such, their SOI will be returned to them, and the SOI will not be provided to the evaluation  
340 panel. Such a respondent will have the opportunity to request reconsideration of this determination.

**341 Step Six –Ranking of Qualified Proposers**

342 The County will convene an evaluation panel that will review the SOIs and any clarifying information  
343 submitted by proposers and may rank the SOIs using evaluation criteria which may include, but may not  
344 necessarily be limited to: technical approach, permitting feasibility, cost, regulatory/litigation history,  
345 reference checks, environmental impacts and/or enhancements, and proven technology. The evaluation  
346 will address how well each proposal meets County needs, as well as the degree to which the proposer  
347 demonstrates its ability to succeed in providing project development, and operations as applicable.

348 The evaluation panel will meet with all qualified firms to receive a presentation of their technical approach  
349 and to discuss those proposals, in detail, with the respondents. At the County's sole discretion, County staff  
350 and/or consultants may conduct further discussions with one or more respondents, participate in site visits  
351 to observe the proposer's technology or siting selections, or take other actions to more fully develop their  
352 approach prior to concluding the evaluation phase.

353 Based upon this review, the County intends to identify a short list of respondents who will be recommended  
354 as prequalified to participate in the subsequent RFP process. At that time, each respondent will be notified  
355 of whether or not they will be recommended for this short list. Prior to the issuance of RFP award notices,  
356 all information (including the list of respondents) will be kept confidential. SOI submissions that are granted  
357 an RFP award notice will be kept in the public record. Disqualified SOI submissions will be returned to  
358 respondents and will not be included in the public record, unless otherwise requested. The County  
359 understands and appreciates that disclosure of certain specific information including proprietary or  
360 innovative approaches may compromise a proposer's ability to fairly compete in the subsequent RFP  
361 process. Thus, the County will attempt to honor requests for confidentiality. Notwithstanding the forgoing,  
362 the County intends to utilize the information gathered during this SOI process for inclusion in the RFP  
363 process described in Step Seven.

364 In the event of a legal challenge to the confidentiality of a document or portion thereof, respondents will  
365 be responsible for defending that confidentiality. The only information that will not be subject to this  
366 confidentiality will be the names of the respondents and the services that they expressed interest in  
367 providing, which will be provided to the Kern County Board of Supervisors as provided in Step Seven.

**368 Step 7 – Conduct an RFP Process**

369 It is the County's intent to invite a shortlist of qualified respondents to this Request for SOI to participate  
370 in a formal RFP process. The RFP process will provide more specific direction regarding service  
371 requirements, development and siting issues, technology limitations, feedstocks, contracting arrangements,  
372 and other considerations necessary for implementation of a successful project(s). Proposers responding to  
373 the RFP will not bound be bound by the specifications of their proposal submitted during the SOI process.  
374 This RFP process will be designed to result in a final recommendation to the Kern County Board of  
375 Supervisors for the selection of a future contractor(s).

377 **2.3 Schedule**

378 The County plans to proceed based on the following schedule. In the event of a schedule change, interested  
 379 parties that have registered for correspondence in accordance with Step One of Section 2.2 will receive an  
 380 email notifying them that a revised Table 3 is available for download from the website.

381 **Table 3 – SOI Schedule**

Action Item	Date
Issuance of Request for SOI	July 15, 2019
Deadline for Request to be Included on the Correspondence List to Ensure Receipt of Communications	August 16, 2019
Pre-proposal Meeting/Site Visit (Non-mandatory) Bena Landfill Facility, 2951 Neumarkel Rd, Bakersfield, California	August 21, 2019; 9-11am
Deadline for Questions	September 6, 2019
Answers Made Available to Questions	September 18, 2019
Deadline for Statements of Qualifications and Interest	October 11, 2019; by 3pm
Presentations to Evaluation Panel	Week of November 4, 2019 (tentative)
Recommendation to Kern County Board of Supervisors for Short List of Request for SOI Respondents to Receive RFP	November 19, 2019 (tentative)
Issuance of RFP	Week of January 10, 2020 (tentative)

382

383 **2.4 Required SOI Information**

384 Respondents shall prepare SOIs containing the required content specified in Sections 3 and 4, and using  
 385 the outline format specified in Section 5, of this Request for SOI. Failure to provide all required information  
 386 in the specified format may be grounds for rejection of an SOI.

387

## SECTION 3: COMPANY DESCRIPTION

388 Section 3 describes the information related to qualifications a proposer must include as part of its SOI.  
389 Proposers may also submit additional information as they deem appropriate to further inform the evaluation  
390 committee about their proposed siting, technology, permitting, or operational approaches.

### 391 **3.1 Cover Letter**

392 The cover letter shall clearly identify the legal entity(ies) submitting, or participating in the SOI, and state  
393 whether each entity is a sole proprietorship, partnership, corporation, joint venture, or other form of legal  
394 entity. The cover letter shall be signed by the respondent's designated representative(s) authorized to  
395 submit the SOI.

### 396 **3.2 Executive Summary**

397 Proposer shall provide an executive summary to introduce its SOI, briefly summarizing the respondent's  
398 qualifications and interest, and siting, development, permitting, and operational (as applicable) strategy.  
399 The executive summary should highlight featured or unique aspects of the proposer's approach in  
400 responding to the County's goals and objectives, include an implementation schedule, and highlight any  
401 additional programs, enhancements, or other innovations offered by the respondent.

### 402 **3.3 Business Structure**

403 In its SOI, respondent shall:

- 404 1. Confirm that respondent is authorized to do business in California;
- 405 2. Identify the legal entity(ies) that would execute the contract and any guarantee, and whether the  
406 executing entity is a sole proprietorship, partnership, corporation, joint venture, or other form of  
407 legal entity. Describe, in detail, the relationship of the respondent to the executing entity(ies), and  
408 to any other participating entities. If respondent is a joint venture, describe the circumstances  
409 under which the entities have collaborated before;
- 410 3. State the number of years all participating entities have been organized and doing business  
411 respondent under this legal structure. The SOI must include the names of all respondent's  
412 owners/stockholders with greater than a ten percent (10%) holding, and all creditors owed a debt  
413 greater than ten percent (10%) of the respondent's total assets (and those of each executing entity  
414 if different than respondent's);
- 415 4. Identify other entities with common ownership and/or management; and
- 416 5. Describe all services to be performed by third party contractors or affiliated companies, and identify  
417 each contractor by full name and principal business address. Respondent must describe any current  
418 or past working relationship with the contractor(s) in the past five (5) years.

**419 3.4 Experience/Qualifications**

420 Respondent must describe its experience in providing the full specific set of services it is proposing, with a  
421 particular focus on facilities in California. Proposer's description for each comparable process and or facility  
422 shall include:

- 423 1. Name and address of the facility and a description of the development and/or operations activities  
424 performed at the facility;
- 425 2. Tonnages, by material type, managed (and permitted for acceptance) at the facility;
- 426 3. Number of years proposer or a third party(ies) has operated the facility;
- 427 4. Name, address, and telephone number of the regulatory agencies that monitor the facility's  
428 regulatory compliance; and,
- 429 5. Any other applicable information regarding the process or facility.

**430 3.5 Key Staff**

431 Provide an organization chart showing key personnel, including their functions and reporting relationships  
432 to each other. At a minimum, key personnel shall include the chief executive officer (CEO), chief financial  
433 officer (CFO), president, vice-president, general manager, operations manager, site manager, maintenance  
434 manager, or other key personnel.

**435 3.6 Past Performance Record****436 Penalties, Settlements, or Damages**

437 Provide a statement disclosing any and all fines, penalties (including liquidated damages or administrative  
438 fees), settlements, or damages of any kind paid by the entity submitting the SOI to public agencies in  
439 California during the past five (5) years. For each payment, list the amount that was paid, the name of  
440 the jurisdiction to which any such payments were made, and the event(s) which triggered the payments.  
441 Identify what personnel and/or policy changes were made in response to such incidents (e.g., terminated  
442 or reassigned employees involved, new process protocols, etc.).

**443 Development Projects**

444 Describe respondent's history of success in bringing projects, similar to the one contemplated here, into  
445 operation including the activities and schedule involved in site selection and acquisition, permitting  
446 (including all permits secured), design, construction, and commissioning.

**447 3.7 Labor Arrangements**

448 Respondent shall identify its initial plan for arranging labor should it be selected through the RFP process  
449 to provide services to the County. Specifically, respondent shall identify if and when it plans to enter into  
450 any collective bargaining agreement(s), the labor organization(s) the proposer will work with, and the  
451 nature of the collective bargaining agreement(s).

452

## **SECTION 4: STATEMENT OF INTEREST (SOI)**

453 Section 4 summarizes the specific information a proposer must include in describing its interest in providing  
454 the proposed services and its proposed conditions.

### **4.1 Expression of Interest**

456 Each respondent shall clearly state its interest in and a summary of its approach to performing the scope  
457 of services described in Section 1.2 above.

### **4.2 Technical Approach and Regulatory Issues**

459 For each service identified in the SOI, respondent shall provide a description of its proposed approach that  
460 addresses all of the components identified in Section 1.2 Scope of Services, including, but not limited to:

- 461 • Desirable site characteristics (e.g. size, location, power requirements, water requirements,  
462 etc.);
- 463 • The process, technology and/or facilities to be used;
- 464 • Assumed material feedstock requirements and volumes, including any assumed phasing of the  
465 implementation of processing capacity;
- 466 • A detailed description of the proposed process and operational needs for each feedstock  
467 managed;
- 468 • Permit requirements and approach for working with regulatory agencies including applicable  
469 Regional Water Quality Boards, Air Districts, CalRecycle, and Land Use Planning agencies, as  
470 necessary;
- 471 • A detailed project schedule including the required time for design, site selection, acquisition,  
472 permitting with each agency with jurisdiction, site development and construction, and  
473 commissioning;
- 474 • For design and build arrangements followed by County operation, a performance testing  
475 protocol, operational training for County staff, and ongoing operational and technical advising,  
476 as needed;
- 477 • A discussion of the proposed approach's role in meeting the requirements of the statute, and  
478 of the final version (or most recent draft) of SB 1383 regulations; and,
- 479 • A discussion of the proposed approach's role in carbon mitigation, and the impact on local  
480 climate planning, as applicable. As noted Section 2.1, the County reserves the right to retain  
481 the rights to carbon credits.

### **4.3 Summary of Key Terms/Modifications**

483 Section 1.6 identifies the County's preferred high-level conditions and limitations to guide respondents in  
484 developing their SOIs. Respondents shall describe any desired key terms and contracting/partnering  
485 arrangements. Should respondent object to any of the conditions described in Section 1.6, respondent shall  
486 propose alternative conditions for the County's consideration.

487 **4.4 Description of Financing Plan**

488 The respondent shall describe the plan for financing the proposed facility(ies) in a "Sources and Uses of  
489 Funds" format, which describes the sources of required capital (e.g., banks, leasing companies, cash  
490 reserves, etc.) and the uses applicable to your proposed approach (e.g., permitting, design, facility  
491 improvements, stationary and rolling stock acquisitions, processing equipment design, acquisition, and  
492 installation, processing facility design, construction, and reserves).

493 Respondent shall submit a non-binding estimate of the per-ton cost of developing, and of operating the  
494 facility (whether by the County, the proposer or a third party), describe the key fixed and variable  
495 components of the per-ton cost, and state its assumptions in arriving at such estimate.

496

## **SECTION 5: SOI OUTLINE**

497 SOIs should be submitted using the following format:

498

**1.** Required Company Description

499

**a.** Cover Letter

500

**b.** Executive Summary

501

**c.** Business Structure

502

**d.** Proposers Experience/ Qualifications

503

**e.** Key Staff

504

**f.** Past Performance Record

505

**g.** Labor Arrangements

506

**2.** Statement of Interest

507

**a.** Expression of Interest

508

**b.** Technical Approach and Regulatory Issues

509

**c.** Summary of Key Terms/Modifications

510

**d.** Description of Financing Plan

511

**3.** Attachments

# ATTACHMENT A MAP OF KERN COUNTY

512

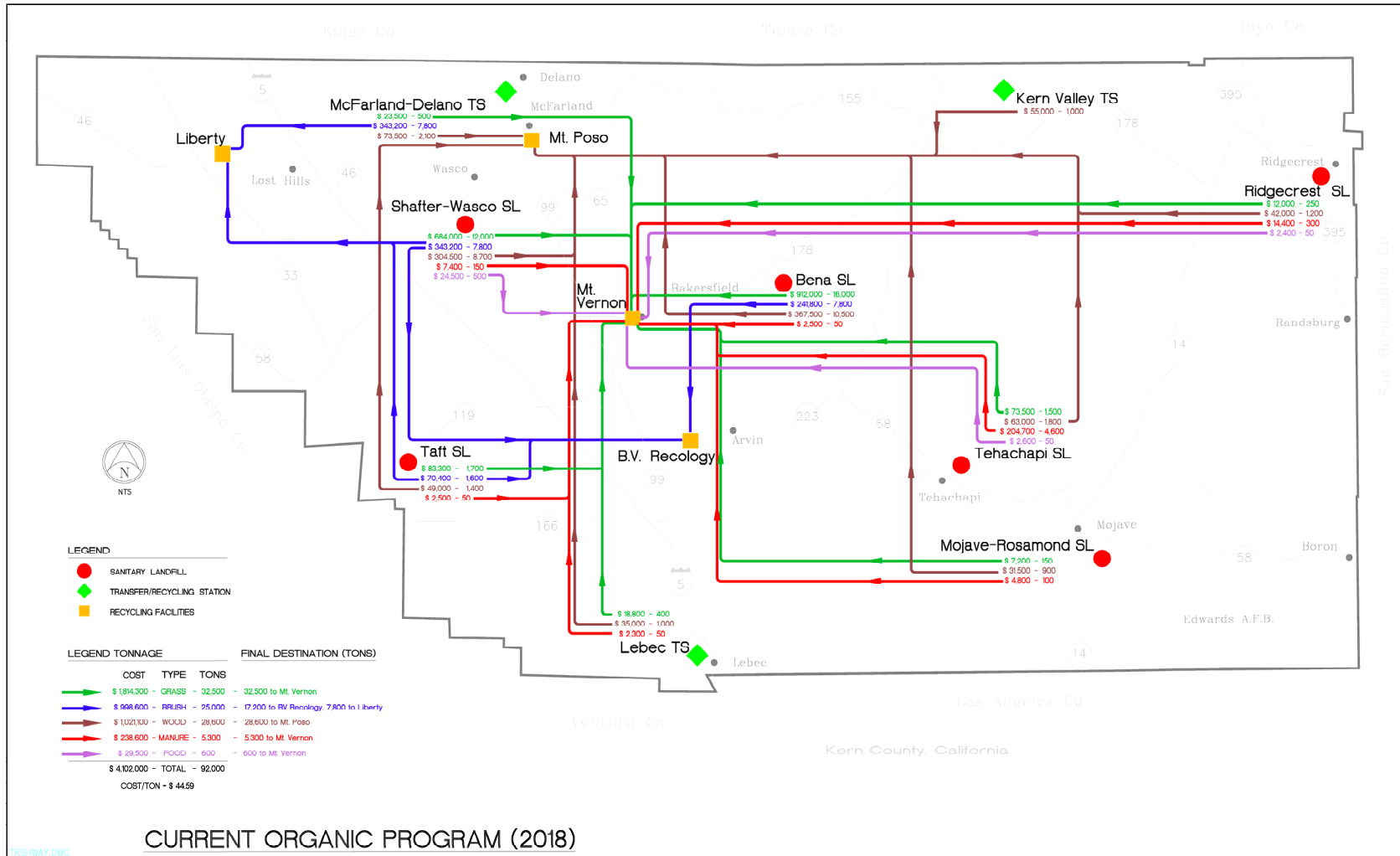


513



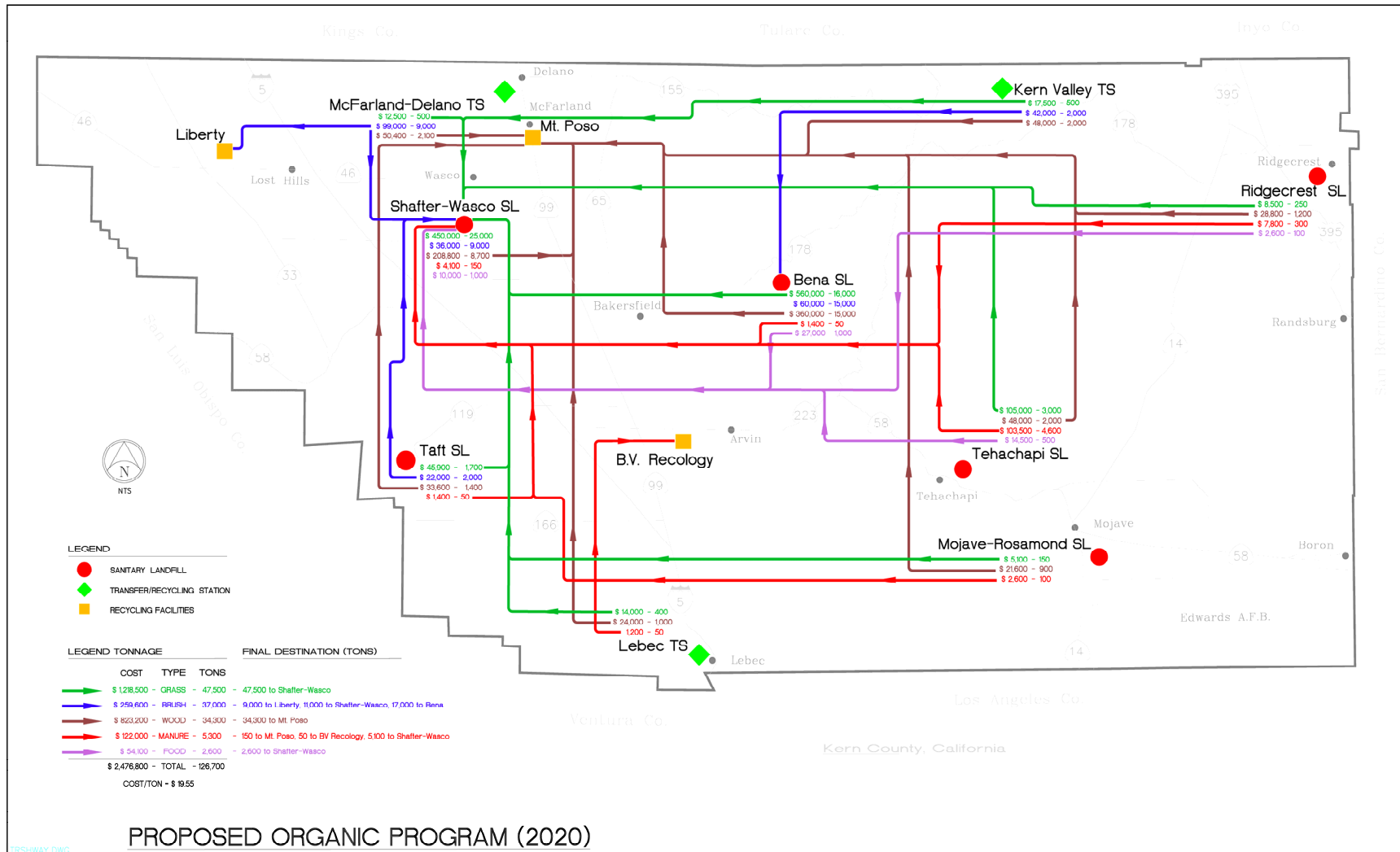
# ATTACHMENT B FLOW OF ORGANIC MATERIALS

514 The following graphics show the current (2018) and planned (2020) flows of five organic material streams that are managed through the county  
 515 system.  
 516



517

# ATTACHMENT B FLOW OF ORGANIC MATERIALS



518