

# ADDENDUM #1: ALBANY RFP QUESTIONS AND ANSWERS

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- Q1. Section 6.3. Will performance and/or franchise fee audits be required if the contract is extended beyond the initial 10 years? If so, how many of each will be required?
- A1. The City requires one review option every 5 years. If the contract is extended, there would be one additional review.
- Q2. Exhibit E1 & E2. For both the Rate Methodologies, can you please provide details as to what costs are to be included in each of the cost categories? For example, does labor include union, non-union and/or exempt labor costs? Does it also include benefits, workers compensation, etc. What costs are included for Vehicle Related costs?
- A2. The cost categories described in Exhibits E1 & E2 correspond with the cost categories seen in the cost proposal forms where a more detailed breakdown of cost subcategories can be found. Costs in forms 6A-6D correspond to Direct costs related to the lines of business (i.e. the direct costs of operating those routes, not including administrative costs such as fully loaded driver labor and collection vehicle expenses). Administrative and overhead costs needed as part of the operation of the contract but not attributed directly to the collection operations required for the operation of a route (such as route supervisors, customer service staff, outreach vehicle costs, office supplies etc.) will be entered on form 6E.
- Q3. Exhibit 2 Cost Based Rate Adjustment Methodology.
- a. Does the City or Contractor decide whether a financial review or audit is required?
- b. Does the City of Contractor select the CPA firm to conduct the review or audit?
- c. Can you please clarify the timing of the submission requirements for the first Cost Based Rate Adjustment that will be effective May 1, 2026?
- i. The submission is due January 1, 2026. If the Contractor's 12-month fiscal year ends December 31 of each year, then a review or audit of the Contractor's financial statements will be required for the 12-month period ending December 31, 2024, correct?
- A3. The City is ok with reviewed rather than audited financials, however they must be certified by the CFO or Controller responsible for that operation.
- If Contractor requires an outside CPA to conduct the review, Contractor will select the CPA it uses.
- As illustrated in the question, the timing may be dependent on the Contractor's fiscal year. Proposers may suggest alternative timing for the submittal and review of the rate application and the City will discuss that with the proposer if that proposer proceeds to contract negotiation with the City.
- Q4. Exhibit E1 Index Based Rate Adjustment Methodology. When the RY3 rate adjustment is calculated, the Contractor will be in RY2. Won't the calculation for RY3 take the RY1 data and CPI twice (versus only once) to cover RY2 and RY3 change in costs?
- A4. The Rate Year 3 adjustment would be two CPI adjustments over Rate Year 1.

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- Q5. Term – What is the effective start date of the new agreement 4/1/2023 or 5/1/2023? The extension letter stated expiration of 3/31/2023, but RFP stated the expiration date is 4/30/23?
- A5. The effective date of the new agreement will be April 1, 2023.
- Q6. Exhibit C – Just to clarify the Pub Ed budget amount \$125K per year + RRI, correct?
- A6. The public education and outreach budget is \$125,000 annually, subject to the annual rate escalation.
- Q7. Exhibit B4 – On-call clean up service – does this mean unlimited temporary boxes at the City's discretion?
- A7. The City does not anticipate using this service excessively. The City's hope is that when they do need it, it will be available. These services are intended to support community clean-up events that require sufficient logistics and coordination that the City would not likely request service more than a few times a year.
- Q8. Sec 2.1 – Considering one of the Cities goals of resource conservation and priority of reuse - Does the requirement for new containers include a requirement for new steel containers, commercial and roll off? Or can refurbished containers be utilized and painted to comply with the color requirements?
- A8. Base proposals must assume the use of all new containers (carts, bins, and roll-off). This allows the City to compare proposals on an apples-to-apples basis. Proposers may offer repurposing/refurbishing of containers as an optional cost savings proposal. Such proposals only need to include the incremental savings from the base proposal.
- Q9. Sec 3.2.1 – States diversion ratio is measured as the ratio of collected organic materials and recyclables to the sum of collected organic materials, recyclables, and solid waste. This is total collected tons then not net of residue.
- A9. For the purposes of this collection-only contract, the City intends to measure diversion on collected materials.
- Q10. Sec 3.3 Bulky items – requirement to collect yard trimmings separately, so materials cannot be separated at a MRF?
- A10. SB 1383 regulations require that bulky item programs maintain separation of yard trimming and other woodwaste from other refuse that may be landfilled. While the MRF may be capable of achieving the high diversion standards, that is not guaranteed in the City's post-collection agreement. As such, proposers should not assume that the MRF would achieve the high-diversion organics processing facility standards. The City is interested in proposals that identify how this service can be cost-effectively provided to the community.
- Q11. Sec 3.3 Commercial Organic Service – Mandatory service – Hauler will be delivering organics containers to all Commercial businesses at the start of the new contract, correct?
- A11. The successful contractor will be expected to provide recycling and organics collection to every generator unless they qualify for a waiver. Proposers should describe how they will work with each generator to ensure appropriate service is provided at the start of the contract.

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Q12. Exhibit B3 Commercial Services – “Additional Service: Contractor shall provide additional Recyclable Materials Collection capacity over ninety-six (96) gallons to Commercial Customers upon request, and may charge the appropriate Rate approved by the City” Does this mean the first 96 gallons cart is at no charge?

A12. The intent is for commercial services to have a bundle similar to residential services. If a business signs up for cart based programs, they would get once per week recycling and organics cart collection included in their service. Additional carts, higher frequency service, or bin-based service would be a separate cost, based on the fee schedule.

Q13. 5.8 Contract Management – “Contractor’s Contract Manager may be involved with up to (2) other communities ...” Does this mean the hauler’s contract manager who is assigned to Albany may have a maximum of 2 other contracts to manage?

A13. The Contractor’s Contract Manager is limited to serving the City of Albany and a maximum of two other communities. If you have a post-collection contract and a collection contract in another community, that will count as one additional community. The limit is by agency, not contract.

Q14. Exhibit A (Definitions) - “Organic Materials means Yard Trimmings, Food Waste, and Clean Wood, individually or collectively. As of the Effective Date, Organic Materials do not include Compostable Plastic products; however, if requested by the City during the Term of the Agreement, Contractor shall Collect Compostable Plastics with the Organic Materials. No Discarded Material shall be Organic Materials, however, unless it is separated from Recyclable Material and Solid Waste. The Parties agree that materials may be added to or subtracted from the list of Organic Materials from time to time by mutual consent. Contractor shall not add or subtract materials to or from this list without approval from the City Contract Manager, and such approval shall not be unreasonably withheld. Organic Materials are a subset of Organic Waste. And Organics Collection applicable for SFD, MFD, and CM: “Compostable plastics are not currently accepted for collection, but the contractor shall collect them in the future, if directed by the City.” Questions related to this definition and the statement about future collection if directed by City:

- Does the City concur that as defined currently, bioplastics or Compostable Plastics are not organic materials and cannot be accepted at any Organic Materials Processing Facilities that are certified by the Organics Materials Review Institute (OMRI) for producing materials that are approved for use on organic farms?
- If the City determines that they would like to include bioplastics in their organic materials collection program, will the City work in good faith with the Contractor to ensure this will not jeopardize the OMRI listing of the Organics Materials Processing Facility either through future acceptance of these materials by OMRI, processing or removal of these materials prior to inclusion in the process, or other means of acceptance?

A14. This is an issue for the post-collection contract, not the collection contract. The collector should assume acceptance of all materials allowed in the post-collection agreement. The post collection contract currently allows for compostable plastics. The City has been working with the current post-collection contractor for the past few years to revise the education and outreach materials to minimize or eliminate references to those materials.

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This is an example of an evolving issue that the City will hope to work flexibly and cooperatively with the collection and post-collection contractors throughout the term of those contracts.

Q15. Paper Garden Bags – Exhibit B1 – SFD services – “Single-Family Customers may purchase Paper Garden Bags for additional Organic Materials Collection service. Contractor shall make Paper Garden Bags readily available to Single-Family Customers through the mail, at Contractor’s office at \_\_\_\_\_, and/or at City offices. The Contractor shall maintain a sufficient inventory of Paper Garden Bags to accommodate Collection of additional Organic Materials. There will be no additional charge for the collection of Paper Garden Bags beyond the purchase of the bag.” Will contractor will receive reimbursement from City if bags are purchased at City offices?

A15. The City has not necessarily committed to distributing these bags from City offices and prefers that the Contractor have local options for the distribution of these bags. If proposers intend to utilize City resources, the parties will have to negotiate the logistics and administration of that partnership. That said, if the City agrees to distribute the bags, the City intends that money collected from the public would be remitted to the Contractor.

Q16. Exhibit D, item B Customized Report – “The City reserves the right to request Contractor to prepare and provide customized reports from records Contractor is required to maintain; or require a specified format or submission system, such as the use of a web-based software platform.” Question - Provided that the City can designate the reporting information that’s needed, can the City work with contractor to mutually agree upon customized reporting format and turnaround times?

A16. The City intends to gain a better understanding of the requirements of SB 1383 before the contract begins and to develop reporting formats and templates. The City may work with a software platform, such as Recyclist. We hope that the templates do not change often; however, the City reserves the right to be able to change the templates as needed and is looking for a flexible partner that can work with City staff through the changes that will be inevitable in a 10+ year contract.

Q17. Exhibits B1-1 Residential CFL collection – is the CFL collection program on option that you anticipate sunsetting in the future since the use of CFL’s is phasing out?

A17. The City is looking for a flexible partner to evolve with the City on programs like this. For example, the City may want to expand, versus replace, the CFL collection program to include LEDs.

Q18. In the RFP document the schedule shows that proposals are due 9/24, but in the pre-proposal meeting presentation, the schedule showed proposals due 9/14.

A18. The proposals are due September 24, 2021.