



# **OC WASTE & RECYCLING**

## **REQUEST FOR PROPOSAL FOR Landfill Gas Utilization Project(s)**

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**RFP No. 299-547816-IL**

**REQUEST FOR PROPOSAL**



**COUNTY OF ORANGE**  
**OC Waste & Recycling**  
**Renewable Energy**  
**Program**  
 300 N. Flower St., Ste. 400  
 Santa Ana, CA 92703  
 (714) 834-4000

**PROPOSAL PACKETS MUST BE  
 RECEIVED PRIOR TO 4:00 P.M. PT  
 ON  
 May 12, 2011**

**Proposal Number 299-547816-IL**

**File Folder No: 547816**

- INSTRUCTIONS:**  
 SUBMIT **1** ORIGINAL, **7** COPIES AND **8** CD ROMs
1. RETURN THIS PAGE SIGNED, WITH PROPOSAL.
  2. ALL PROPOSALS ARE TO BE IDENTIFIED WITH RFP #, AND RETURNED IN A SEALED ENVELOPE OR PACKAGE.
  3. DECLINATION - IN THE EVENT YOU ELECT NOT TO SUBMIT A PROPOSAL, INFORM US ON THIS FORM AND RETURN BY THE DUE DATE INDICATED.
  4. FOR FURTHER INFORMATION, CONTACT:  
 BARBARA LOVE VIA BIDSYNCR AT WWW.BIDSYNCR.COM  
 REFERENCE RFP # 299-547816-IL

**DATE: March 23, 2011**

**REQUEST FOR PROPOSAL (RFP)**

**The County of Orange, OC Waste & Recycling is requesting proposals from Proposer(s) herein referred to as the "Proposer" interested in entering into an agreement to develop a landfill gas utilization project or projects as described herein.**

This Request for Proposal is set out in the following format:

- |             |   |
|-------------|---|
| SECTION I   | Introduction and Instructions to Proposers                    |
| SECTION II  | Response Requirements, Exhibits and Attachments               |
| SECTION III | Model Option Agreement  |
| SECTION IV  | Model Landfill Gas Rights and Production Facilities Agreement |
| SECTION V   | Reference Materials   |

**PROPOSALS ARE DUE May 12, 2011, 4:00 PM Pacific Time.**

Proposals must be submitted in sealed packages. See complete instructions in Section I.

**All questions and inquiries related to this RFP must be directed to:** Barbara Love (hereafter may be referred to as Deputy Purchasing Agent or DPA) via Bidsync at [www.Bidsync.com](http://www.Bidsync.com) reference RFP # 299-547816-IL. For Bidsync assistance, please contact the Bidsync support team at 800-990-9339. Interested parties are not to contact other County personnel with any questions or clarifications concerning this RFP.

The OC Waste & Recycling DPA will provide all official communication concerning this RFP through Bidsync. Any County response relevant to this RFP other than through the OC Waste & Recycling DPA is unauthorized and will be considered invalid.

I have read and understand and agree to the terms and conditions herewith and I am submitting a response and concurrence to this solicitation.

Date: \_\_\_\_\_ Company Name: \_\_\_\_\_

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

*Authorized Signature	Name	Title
*Authorized Signature	Name	Title

\* If a corporation, this document must be signed by two corporate officers. The first signature must be either the Chairman of the Board, President, or any Vice President. The second signature must be the Secretary, an Assistant Secretary, the Chief Financial Officer, or any Assistant Treasurer.

**RETURN THIS SHEET WITH YOUR RESPONSE**

**TABLE OF CONTENTS**

**Page No.**

**COVER PAGE**..... 1

**TABLE OF CONTENTS** ..... 2

**SECTION I: INTRODUCTION AND INSTRUCTIONS TO PROPOSERS**

    A. Introduction..... 3

    B. Proposed Time Schedule..... 3

    C. Instructions to Proposer and Procedures for Submittal ..... 3

    D. Instructions – Protest procedures ..... 6

    E. Evaluation Process and Criteria ..... 7

    F. Selection/Award Process..... 7

    G. County of Orange Child support – EDD Contractor requirements ..... 8

**SECTION II: PROPOSAL RESPONSE REQUIREMENTS**

1. Cover Letter ..... 11

    Company Data

    Financial Information

    Certification of Insurance

    Validity of Proposal

    Statement of Compliance with Model Contract’s Terms & Conditions

    Child Support Enforcement/EDD Contractor

2. Organization Chart/Staffing Plan ..... 14

3. References ..... 14

4. Project Overview & Approach ..... 14

5. Resources to be Provided by the County ..... 15

6. Proposed Benefits to County ..... 15

7. Project Schedule..... 15

8. Compliance Plans for Restrictions ..... 15

9. Additional Information..... 15

    Exhibit A - Scope of Work..... 17

    Exhibit B - County Supplied Resources..... 23

    Exhibit C - Proposed Benefits to the County ..... 24

    Exhibit D - Project Schedule..... 25

    Exhibit E - Organization Chart/Staffing Plan..... 26

    Exhibit F - Compliance Plans..... 27

    Exhibit G - References..... 28

    Exhibit H - Project Overview and Approach..... 29

    Attachment A-1 Child Support Reporting Requirements..... 30

    Attachment A-2 EDD Independent Contractor Reporting Requirements..... 32

**SECTION III: MODEL OPTION AGREEMENT (SEPARATE DOCUMENT)**

**SECTION IV: MODEL LANDFILL GAS RIGHTS AND PRODUCTION FACILITIES AGREEMENT  
(SEPARATE DOCUMENT)**

**SECTION V: REFERENCE MATERIALS (SEPARATE DOCUMENT)**

**SECTION I**

**INTRODUCTION**  
**AND**  
**INSTRUCTIONS TO PROPOSERS**

**SECTION I: INTRODUCTION AND INSTRUCTIONS TO PROPOSERS**

**A. Introduction**

OC Waste & Recycling desires to select a firm or firms to enter into an agreement to develop renewable energy from landfill gas (LFG) at any one or all of three landfills in Orange County. The landfills include Santiago Canyon (Santiago), Villa Park, and Gothard Street (Gothard). This RFP is to solicit proposals from qualified Proposers (Proposer(s)) to finance, design, permit, construct, and operate a LFG utilization project(s) (Project). The selected Proposer(s) and OC Waste & Recycling will first negotiate an option agreement for initial development of the project(s) and then a landfill gas rights and production facilities agreement prior to construction of the Project.

OC Waste & Recycling seeks both proven and innovative technologies to convert the LFG into commercially valuable renewable energy products. OC Waste & Recycling encourages pilot program, owner/operator and turnkey proposals.

This RFP is for LFG utilization only; land use proposals such as solar will **NOT** be accepted through this RFP.

**B. Proposed Time Schedule (but subject to change)**

<b>December 7, 2010</b>	<b>Board of Supervisor authorization of RFP</b>
March 23, 2011	Release of RFP solicitation
April 13, 2011	Mandatory Pre-Proposal Conference, 10:00 AM
April 18, 2011	Deadline of Questions from Proposers due by 5:00 P.M. Pacific Time
April 22, 2011	Addendum to Questions on Bidsync (if required)
<b>May 12, 2011</b>	<b>RFP Submittal Closing Date and Time - 4:00 P.M. PT</b>
June 15, 2011	Interview with Proposers
<b>August 23, 2011</b>	<b>Board of Supervisor selection</b>
August 30, 2011	Begin Negotiations with Proposer(s)
<b>December 13, 2011</b>	<b>Board of Supervisor award</b>

**C. Instructions to Proposers and Procedures for Submittal**

- Clearly identified Proposals are due by 4:00 P.M. PT on May 12, 2011, and are to be delivered in a sealed package to:

Re: RFP No. 299-547816-IL for LFG Utilization Project(s)  
 Attn: Tatyana Gordin  
 OC Waste & Recycling  
 300 N. Flower Street, Suite 400  
 Santa Ana, CA 92703

**OC Waste & Recycling REGULAR BUSINESS HOURS:**

**Monday through Friday 8:00 A.M. to 5:00 P.M.**

Proposals must be time-stamped on the outside of the sealed package by the receptionist at OC Waste & Recycling. The delivery location for the receipt of Proposals is the 4<sup>TH</sup> floor of 300 N. Flower Street. It is the responsibility of the Proposer to ensure that delivery is made to the OC Waste & Recycling receptionist at the above address by the due date and time specified. Delivery receipts are available upon request.

Due to increased security at this facility, visitors will be required to check in with the first floor receptionist and leave a photo ID to obtain a visitors badge. Visitors will then be escorted to the fourth floor receptionist.

**PLEASE ALLOW ADEQUATE TIME FOR THE SECURITY AND PROPOSAL SUBMITTAL PROCESS. IT IS THE RESPONSIBILITY OF THE PROPOSER TO ENSURE THE PROPOSAL IS SUBMITTED TO OC WASTE & RECYCLING ON TIME. PROPOSALS RECEIVED AFTER THE SPECIFIED CLOSING DATE AND TIME WILL BE REJECTED.**

2. The County of Orange has attempted to provide all available information. It is the responsibility of each Proposer to review, evaluate, and, where necessary, request any clarification prior to submission of a Proposal. Any person contemplating submitting a Proposal for the proposed Contract is in doubt as to the true meaning of any part of the solicitation documents or finds discrepancies in or omissions from the specifications, may submit a written request to the DPA Barbara Love by email to: Barbara Love via Bidsync by April 18, 2011.

Any questions or requests for interpretation or clarification must be received by the DPA no later than **5:00 PM on April 18, 2011**. The person submitting the request is responsible for its submission prior to the deadline.

Any interpretation, clarification or correction to the solicitation will be made only by addendum issued by the DPA. A copy of such addendum will be posted on Bidsync. The County will not be responsible for any other explanations, corrections to, or interpretations of the documents, including any oral information. It is the Proposer's responsibility to ensure they have received and reviewed any and all addendums to this RFP.

3. There will be a **Mandatory Pre-Proposal Conference on April 13, 2011 at 10 AM** Pacific Time. Proposers will meet at Santiago Canyon Landfill Office, 3099 Santiago Canyon Road, Orange, CA 92676. The landfill entrance is 2 miles east of the intersection of Jamboree and Chapman Ave in Orange. Chapman Ave changes names to Santiago Canyon Road at this intersection. **Attendance is mandatory in order to submit a responsive proposal.** The purpose of the Mandatory Pre-Proposal Conference is to familiarize vendors with the County sites and to answer questions on the RFP and the operation of the resultant Contract. Questions regarding the conference/site visit may be directed to Barbara Love via Bidsync. Prospective Proposers shall gather at the specified location, provide a business card and must sign in and with the County representative who will be on duty. Late attendees cannot be accommodated. The conference/site visit will be conducted one time only.
4. Proposals must be valid for a period of at least **240 calendar days** from the closing date and time of this solicitation. Proposals may not be withdrawn after the submission date.
5. Each Proposer must provide 1(one) hardcopy original, 7 (seven) hardcopies and 8 (eight) CD ROMs of its Proposal. One copy is to be clearly marked as "original" on the outside cover and contain an original signature. Changes or additions to a Proposal will not be accepted after submission. Proposals which are incomplete or received after closing date and time will not be considered.

6. All Proposals shall be submitted on standard 8.5 x 11-inch paper. All pages should be numbered and identified sequentially by section. Proposals must be tabbed and indexed in accordance with the information requested in Section II, Response Requirements. It is imperative that all Proposers responding to this solicitation comply, exactly and completely, with the instructions set forth herein. All responses to this solicitation shall be typewritten or word-processed and compatible with Microsoft Office (except where otherwise provided or noted), concise, straightforward, and should fully address each requirement and question. Although not as a substitute for a complete written response, additional material, such as technical documents, may be referenced in any response if the material is included in the same section as additional information.
7. Proposals are not to be marked as **CONFIDENTIAL** or **PROPRIETARY**. The County may refuse to consider any proposal so marked. Proposals submitted in response to this solicitation are subject to public disclosure per the requirements of the California Public Records Act, Government Code Section 6250 et seq. The County shall not be liable in any way for disclosure of any such records. Additionally, all Proposals shall become the property of the County. The County reserves the right to make use of any information or ideas in the Proposals submitted.
8. By submitting a Proposal, the Proposer represents that it has thoroughly examined and become familiar with the services required under this solicitation and that it is qualified and capable of providing the services to achieve the County's objectives.
9. Each Proposer must submit its Proposal in strict accordance with all requirements of this solicitation and compliance must be stated in the Proposal. Deviations, clarifications and/or exceptions must be clearly identified and listed separately as alternative items for the County's consideration as specified in Section II Part I, Statement of Compliance with model contract terms and conditions.
10. After the deadline for proposals, the proposals will be evaluated and then, **if required**, interview/oral presentation may commence. Proposers who submit Proposals most responsive to the County's requirements **may** be asked to give an oral presentation of their proposal to County staff. Selected Proposers should be prepared to make their oral presentation within 14 (fourteen) calendar days after notification and be prepared to discuss all aspects of their Proposal in detail, including technical questions regarding the Proposal. Proposers shall not be allowed to alter or amend their Proposal through the use of the presentation process.
11. The County reserves the right to negotiate modifications with any Proposer as necessary to serve the best interests of the County of Orange. Any Proposal may be rejected as non-responsive if it is conditional, incomplete or deviates from specifications in this request. The County reserves the right to waive, at its discretion, any procedural irregularity, immaterial defects or other improprieties which the County deems reasonably correctable or otherwise not warranting rejection of the Proposal. Any waiver will not excuse the Proposer from full compliance with the other sections of the RFP.
12. Proposers shall utilize Exhibit C, Proposed Benefits to the County, in Section III to indicate the proposed benefits to the County.
13. Pre-contractual expenses are not to be included in, or as part of the Proposed Benefits stated in the Section III, Exhibit C, "Proposed Benefits to the County". Pre-contractual expenses are defined as including but not limited to, costs incurred by the Proposer in preparing its Proposal in response to this RFP; submitting that Proposal to the County; negotiating with the County any matter related to the Proposer's Proposal; and any other expenses incurred by the Proposer prior to the date of award and execution, if any, of the Contract.

14. The County reserves the right to: a) negotiate the Option Agreement and or Final Agreement with any Proposer(s) as necessary to serve the best interests of the County of Orange; b) withdraw this solicitation at any time without prior notice and, furthermore, makes no representations that any Contract or agreement will be awarded to any Proposer responding to this solicitation; or c) award its total requirements to one Proposer or to apportion those requirements among two or more Proposers as the County may deem to be in its best interests d) reject any proposal if it is conditional, incomplete or deviates significantly from the concepts requested in this RFP.

In addition, negotiations may or may not be conducted with Proposer; therefore, Proposals submitted should contain the **Proposer's most favorable terms and conditions**, since the selection and award may be made without discussion with any Proposer.

15. Where two or more Proposers desire to submit a single Proposal in response to this RFP solicitation, they shall do so as a prime/subcontractor basis rather than as a joint venture. The County intends to Contract with a single firm or multiple firms, but not with multiple firms doing business as a joint venture.
16. The County of Orange does not require and neither encourages nor discourages the use of lobbyists or other consultants for the purpose of securing business.

#### **D. Instructions – Protest Procedures**

Any actual or prospective Proposer who alleges a grievance by the solicitation or award of a Contract may submit a grievance or protest to the appropriate agency/department Deputy Purchasing Agent.

All protests shall be typed under the protester's letterhead and submitted in accordance with the provisions stated herein. All protests shall include at a minimum the following information:

- The name, address and telephone number of the protester;
- The signature of the protester or the protester's representative;
- The solicitation or Contract number;
- A detailed statement of the legal and/or factual grounds for the protest; and
- The form of relief requested.

##### Protest of Proposal Specifications:

All protests related to proposal specifications must be submitted to the Deputy Purchasing Agent no later than five (5) business days prior to the close of the proposal. Protests received after the five (5) business day deadline will not be considered by the County.

In the event the protest of specifications is denied and the protester wishes to continue in the solicitation process, they must still submit a proposal prior to the close of the solicitation in accordance with the bid/proposal submittal procedures provided in the proposal.

##### Protest of Award of Contract:

In protests related to the award of a Contract, the protest must be submitted no later than five (5) business days after the notice of the proposed Contract award is provided by the Deputy Purchasing Agent. Protests relating to a proposed Contract award which are received after the five (5) business day deadline will not be considered by the County.



Protest Process:

- In the event of a timely protest, the County shall not proceed with the solicitation or award of the Contract until the Deputy Purchasing Agent, the County Purchasing Agent or the Procurement Appeals Board renders a decision on the protest.
- Upon receipt of a timely protest, the Deputy Purchasing Agent will within ten (10) business days of the receipt of the protest, issue a decision in writing which shall state the reasons for the actions taken.
- The County may, after providing written justification to be included in the procurement file, make the determination that an immediate award of the Contract is necessary to protect the substantial interests of the County. The award of a Contract shall in no way compromise the protester's right to the protest procedures outlined herein.
- If the protester disagrees with the decision of the Deputy Purchasing Agent, the protestor may submit a written notice to the Office of the County Purchasing Agent requesting an appeal to the Procurement Appeals Board, in accordance with the process stated below.

Appeal Process:

- If the protester wishes to appeal the decision of the Deputy Purchasing Agent, the protester must submit, within three (3) business days from receipt of the Deputy Purchasing Agent's decision, a written appeal to the Office of the County Purchasing Agent.
- Within fifteen (15) business days, the County Purchasing Agent will review all materials in connection with the grievance, assess the merits of the protest and provide a written determination that shall contain his or her decision on whether the protest shall be forwarded to the Procurement Appeals Board.
- The decision of the County Purchasing Agent on whether to allow the appeal to go forward will be final and there shall be no right to any administrative appeals of this decision.

**E. Evaluation Process and Criteria**

Proposals shall be evaluated on the basis of the responsiveness to the questions and requirements in this RFP. Responses will be competitively evaluated on the basis of the following criteria listed in a random sequence as to their order of importance:

1. Approach/Feasibility of Project
2. Benefit to the County & Schedule
3. Key Personnel, Adequate Staff & References
4. Technical Expertise
5. Availability to Perform Project
6. References

Proposals deemed to meet all minimum RFP requirements will be scored based on the pre-established criteria, which have been weighted by assigning points that measure the responsiveness to each identified criterion. The total number of points earned will be tallied for each proposal, and the proposals will be rank ordered, based upon the Proposer(s) submitted written materials.

## **F. Selection/Award Process**

The Evaluation Panel will review the proposals and prepare a slate of the finalists in order of ranking per the scoring as it relates to the evaluation criteria. Following the proposal evaluation process, Proposers **may** be asked to give an oral presentation of their proposal to County staff.

After ranking by the Evaluation Panel, the ranking slate will be forwarded to the Board of Supervisors for selection approval prior to the start of any negotiations.

If an acceptable agreement cannot be negotiated between the selected primary Proposer(s) and the County, negotiations may be terminated and the County may initiate negotiations with the alternate ranked Proposer(s). If an agreement cannot be reached with the second ranked Proposer(s), the County may choose to go through the selection process again.

The County reserves the right to modify the selection procedure and follow an alternative procedure, or to reject any and all proposals and award no contract, and/or to modify proposals through contract negotiations.

The model contracts contained in Section III and Section VI of this RFP are the proposed agreements for execution. They may be modified to incorporate negotiated items and other pertinent terms and conditions set forth in this RFP, including special conditions and requirements and those added by addendum, and to reflect the Proposer's proposal and qualifications.

Exceptions to the terms and conditions of the proposed agreements or the statements regarding Proposer's inability to comply with any of the provisions thereof are to be declared in the response to the RFP in Section II, entitled Proposal Response Requirements, Statement of Compliance with Model Contract's Terms and Conditions.

## **G. County of Orange Child support and EDD requirements**

### **1. ORANGE COUNTY CHILD SUPPORT**

In order to comply with the child support enforcement requirements of the County, within ten (10) days of notification of selection for negotiation of a Contract but prior to official award of Contract, the selected Proposer agrees to furnish to the Assigned DPA:

- a. In the case of an individual contractor, his/her name, date of birth, Social Security number, and residence address;
- b. In the case of a contractor doing business in a form other than as an individual, the name, date of birth, Social Security number, and residence address of each individual who owns an interest of ten (10) percent or more in the contracting entity;
- c. A certification that the contractor has fully complied with all applicable federal and state reporting requirements regarding its employees; and
- d. A certification that the contractor has fully complied with all lawfully served Wage and Earnings Assignment Orders and Notices of Assignment and will continue to so comply.

Failure of the Proposer to timely submit the data and/or certifications required may result in the Contract being awarded to another Proposer. In the event a Contract has been issued, failure of the Contractor to comply with all federal, state, and local reporting requirements for child support enforcement or to comply with all lawfully served Wage and Earnings Assignment Orders and Notices of Assignment shall constitute a material breach of the Contract. Failure to cure such breach within sixty (60) calendar days of notice from the County shall constitute grounds for termination of the Contract.

**(Proposer shall utilize the forms provided in Section II, Attachment A-1 of this RFP to satisfy this requirement)**

## 2. EDD INDEPENDENT CONTRACTOR REPORTING REQUIREMENTS

Effective January 1, 2001, the County is required to file federal Form 1099-Misc for services received from a “service provider” to whom the County pays \$600 or more or with whom the County enters into a contract for \$600 or more within a single calendar year. The purpose of this reporting requirement is to increase child support collection by helping to locate parents who are delinquent in their child support obligations.

The term “service provider” is defined in California Unemployment Insurance Code Section 1088.8, subparagraph B.2 as “an individual who is not an employee of the service recipient for California purposes and who received compensation or executes a contract for services performed for that service recipient within or without the state.” The term is further defined by the California Employment Development Department to refer specifically to independent contractors. An independent contractor is defined as “an individual who is not an employee of the government entity for California purposes and who receives compensation or executes a contract for services performed for that government entity either in or outside of California.”

The reporting requirement does not apply to corporations, general partnerships, limited liability partnerships, and limited liability companies.

Additional information on this reporting requirement can be found at the California Employment Development Department web site located at <http://www.edd.ca.gov>

To comply with the reporting requirements, County procedures for contracting with independent contractors mandate that the following information be completed and forwarded to the contracting agency/department immediately upon request:

- First name, middle initial and last name
- Social Security Number
- Address
- Start and expiration dates of contract
- Amount of Contract

**(Proposer shall utilize the forms provided as Section II, Attachment A-2 of this RFP to satisfy this requirement)**

## **SECTION II**

### **PROPOSAL RESPONSE REQUIREMENTS**

**PROPOSAL RESPONSE REQUIREMENTS:**

Proposals must be completed simply and economically. Emphasis should be on completeness and clarity of the content with sufficient detail to allow for an accurate evaluation and competitive analysis.

Complete all items and submit as follows: Item 1 shall be completed on this form and submitted tabbed and indexed as tab 1 (be sure to include a cover letter, as indicated below). Additional pages may be used, if necessary. **All subsequent items are to be separately tabbed and indexed accordingly (tabs 2 - 8).**

Proposers are to complete on this form, the items listed below with either written or typed responses. Be **sure** to check the boxes marked "Yes" or "No" (whichever is applicable).

**1. Cover Letter**

All proposals must be accompanied by a cover letter, signed by an individual authorized to bind the proposing entity. **An unsigned proposal submission is grounds for rejection. The letter must have the company name, address, telephone/fax numbers and identify personnel to contact for matters concerning this RFP.**

Attach your Cover Letter at the front of your proposal submission.

**Company Data**

Each Proposer **MUST** provide all the information listed below:

- i. state the company's official name and address and the names and titles of its principal officers; indicate what type of entity, such as corporation, partnership, sole proprietorship, etc. and indicate if your firm is incorporated and, if so, furnish the State of Incorporation;

Name of the Organization: \_\_\_\_\_

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

\_\_\_\_\_

Owner/Principals: \_\_\_\_\_

President: \_\_\_\_\_

Type of Entity: \_\_\_\_\_

Incorporated:  Yes  No

State of Incorporation: \_\_\_\_\_

- ii. if your firm is a sole proprietorship doing business under a different name, indicate the sole proprietorship's name and the name(s) you are doing or have done business as (DBA) or also known as (AKA);

Sole proprietorship's name: \_\_\_\_\_

Doing Business under another Name:  Yes  No

If "Yes", provide name: \_\_\_\_\_

- iii. Your firm's Federal Employer I.D. Number:

**Federal Employer I.D. Number:** \_\_\_\_\_

iv. The name and address of the person to receive notices who is authorized to make decisions and represents the company. Specify in what capacity the person shall be representing your entity and any limitations to their authority;

**Name of Contact:** \_\_\_\_\_

**Representative as:** \_\_\_\_\_

**Limitations to Authority:** \_\_\_\_\_

v. state any failures or refusals to complete any contracts and a complete explanation;

**Refusals to Complete Contract:** (do not respond with “not applicable” - provide an explanation):

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

vi. Indicate the number of years in business under the present business name: \_\_\_\_\_

vii. Indicate the number of years of firm’s experience in providing required, related services:

\_\_\_\_\_

viii. Proposer shall indicate whether it is totally or partially owned by another business organization or individual that will be providing the services to meet the requirements of the RFP by checking the appropriate box:

(Company Name)

Yes \_\_\_\_\_ **will provide all services required, in whole, in reference to this RFP, without the use of any third party provider.**

No. **Explain.**

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

ix. Proposer shall indicate whether it totally or partially owns any other business organization that will be providing the services to meet the requirements of the RFP by checking the appropriate box.

(Company Name)

Yes \_\_\_\_\_ does own another business organization, totally or partially, that will be providing any services to meet the requirements of the RFP. Describe the business organization that is totally or partially owned by the Proposer.

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

(Company Name)

No - \_\_\_\_\_ does not own another business organization, totally or partially, that will be providing any services/products to meet the requirements of the Proposer.

**Financial Information**

Prior to award of the Contract, the selected firm(s) for contract award may be required to submit financial statements for the three most recent fiscal years or other suitable proof of Proposer's financial status and stability within seven calendar days upon request by the County. Financial statements shall be prepared in conformity with generally accepted accounting principles. Such information upon completion of review by the County will be returned to the Proposer.

Agree to submit Financial Information upon request:  Yes.  No.

i. **Bankruptcy Information**

Have you, your firm or any firm you have had a controlling interest ever been declared bankrupt. If yes, provide in the space below a statement indicating the bankruptcy date, court jurisdiction, trustee's name, telephone number, amount of liabilities, amount of assets, and current status of the bankruptcy.

Yes.  No.

If "Yes" provide the requested information hereto: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

ii. **Pending Litigation**

Has Proposer been involved with any litigation, liens, or claims?

Yes  No.

If response is "Yes", provide in the space below, the pertinent information concerning the litigation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Certificate of Insurance**

The Proposer shall demonstrate the willingness and ability to provide the required insurance coverage as set forth in the Model Contract (refer to the Insurance Provisions as follows: Section 8 of the Option Agreement and Section 2.12 of the Gas Lease).

**Proposer agrees to submit required insurance as set forth above:**

Yes.  No.

**Validity of Proposal**

The Proposer shall state the length of time for which it submitted its proposal shall remain valid. The County requires a period of at least 240 calendar days.

**Proposer's proposal shall remain valid for a period of 240 days.**  Yes  No.

If response is "No" provide length of time of proposal's validity. \_\_\_\_\_

**Statement of Compliance with Model Agreements Terms and Conditions:**

Proposal must certify:

This proposal is in strict compliance with said Agreements Terms and Conditions as set forth in the Model Agreements and no exceptions thereto taken. (Check the box below.)

**Yes. Proposer's proposal is in strict compliance with the Model Agreements, Terms and Conditions attached hereto and no exceptions thereto are taken or will be taken.**

**No. Proposer's proposal is not in strict compliance with the Model Agreements Terms and Conditions attached hereto and has noted its exceptions on a separate sheet of paper identified as such and attached hereto. The attachment must include, for each proposed exception: (a) the suggested rewording; and (b) reasons for submitting the proposed exception.**

**Child Support Enforcement/EDD Independent Consultant/Health and Safety Plan Requirements**

The Proposer shall demonstrate the willingness and ability to provide the required Orange County Child Support Enforcement Certification, EDD Independent Consultant Reporting, and Health and Safety Plan. (Reference Section III, Option Agreement)

**2. Organization Chart/Staffing Plan**

Proposer shall provide an organization chart that reflects the names and titles of key staff and management contacts of each individual assigned to provide the services under the proposed Contract. Submit resumes of key personnel, including information relating to each staff member's education, certifications, licenses, previous and current relevant experience.

Resumes must include sufficient information for judging the quality and competence of the personnel dedicated to the project. In its assessment of the Proposer's Proposal, the County shall place considerable emphasis on the commitment by the Proposer to provide qualified personnel for the execution of the contractual services.

**(Complete as Exhibit E, Organization Chart/Staffing Plan, and submit herein as tab 2)**

**3. References**

The Proposer shall include:

- a. A minimum of three (3) references, for services presently or previously performed (include, if possible one reference from a governmental agency for which the firm has provided a similar service). Services must be similar to those services required in this RFP.
- b. For each reference, include the company, governmental agency, address, contact person's name, telephone number, facsimile number and dollar value of the contract. Include also a brief description of the agreement/contract work and services performed.

**(Complete as Exhibit G, References, and submit herein as tab 3)**

**4. Project Overview and Approach**

In this section, the Proposer shall provide in full detail its response to Exhibit A, Statement of Work, per the following.



**a. Narrative Overview**

Proposer must present an overview, which shall be a narrative description of its proposed plan for utilizing the landfill gas, as specified in Exhibit A, Scope of Work.

**b. Technical Response Requirements**

Proposer must describe its approach to meeting the RFP’s overall and specific requirements. The Proposer shall demonstrate its knowledge of the goals of OC Waste & Recycling. At a minimum, the Proposer’s technical approach should address the requirements set forth in Exhibit A. Proposer shall state specific capabilities, approaches and proposed methodologies and demonstrate a clear understanding of the nature of the work to be performed, under the proposed contract and its relation to the County’s needs.

In addition, the Proposer's response should address all items within the technical approach and methodology to meet the requirements set forth in Exhibit A.

**(Complete as Exhibit H, Project Overview and Approach, and submit herein as tab 4)**

*(If proposing a sub-contractor for any requirement(s), detail proposed sub-contracting plans in this area.)*

**5. Resources to be provided by the County**

The Proposer must list any resources, County assistance, or other items expected to be provided by the County. **(Complete as Exhibit B and submit herein as tab 5)**

**6. Proposed Benefits to the County summary sheet**

Proposer must submit a proposed benefits summary sheet for the proposed project as set forth in Exhibit C, Proposed Benefits to the County. **(Complete as Exhibit C and submit herein as tab 6)**

**7. Project Schedule**

The Proposer shall submit the proposed schedule to complete all tasks described in Exhibit A, Goals, Objectives and Responsibilities. **(Complete as Exhibit D and submit herein as tab 7)**

**8. Compliance Plans for Restrictions**

The Proposer shall submit a proposed plan on how to comply with Gift Deed and Property ownership issues as applicable. **(Complete as Exhibit F and submit herein as tab 8)**

**9. Additional Information**

Include in this tabbed item any additional information you deem essential to a proper evaluation of your proposal and which has not been solicited in any of the preceding sections. Proposers are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous material; appendices should be relevant and brief.

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# EXHIBIT A

## Scope of Work

### **Background**

OC Waste & Recycling desires to select a firm or firms to enter into an agreement to develop a landfill gas (LFG) beneficial use project at any one or all of three landfills in Orange County. The landfills include Santiago Canyon (Santiago), Villa Park, and Gothard Street (Gothard). This Request for Proposals (RFP) is to solicit proposals from qualified Proposers (Proposer(s)) to finance, design, permit, construct, and operate a LFG utilization project(s) (Project). The selected Proposer(s) and OC Waste & Recycling will first negotiate an option agreement for initial development of the project(s) and then a landfill gas lease and operations agreement prior to construction of the Project.

OC Waste & Recycling seeks both proven and innovative technologies to convert the LFG to commercially valuable products. OC Waste & Recycling encourages pilot program, owner/operator and turnkey proposals.

This RFP is for LFG utilization only; land use proposals such as solar will **NOT** be accepted through this RFP.

### **Introduction**

#### **1. Site background information**

The sites included in this RFP are Santiago Canyon Landfill (Santiago), Villa Park Landfill, and Gothard Street Landfill (Gothard). A site location map is provided in Section V, Attachment A.

#### **2. Santiago Canyon Landfill**

The Santiago Canyon Landfill (or “Santiago”) is approximately 112 acres and is located in an unincorporated area of east Orange County at 3099 Santiago Canyon Road. A layout map of the site is provided as Section V, Attachment B. The Santiago Canyon Landfill is located approximately 5 miles east of the City of Orange and just west of Irvine Lake (Santiago Reservoir). Santiago Canyon Landfill was operated by OC Waste & Recycling (formerly known as the Integrated Waste Management Department) as an unlined solid waste disposal facility from 1968 to 1996 on property leased from the Irvine Company (TIC). The property on which Santiago operated became the property of the County of Orange via a Gift Deed executed on 5 September 2002 (Gift Deed).

Santiago Canyon Landfill accepted mixed municipal refuse classified nonhazardous solid waste and inert waste, and was permitted to receive 4,900 tons per day. The total volume of waste placed in the Santiago Canyon Landfill was approximately 23,700,000 cubic yards (cy). The landfill ceased accepting refuse in 1996 and was officially closed in 2001.

A LFG collection and control system (GCCS) was installed to capture the LFG being generated at the Santiago Canyon Landfill. The GCCS consists of a condensate collection system and 86 vertical LFG extraction wells installed to depths ranging from 40 feet to 100 feet below ground surface and 14 horizontal collectors connected to a gas combustion system via a series of laterals and headers. The gas combustion system is permitted for three 40-horsepower blowers rated at 1,250 standard cubic feet per minute (scfm) and three flares each rated at 41.25 million British Thermal Units per hour (MMBTU/hr). The flares are also used for disposal of condensate and extracted groundwater. Groundwater is not currently extracted (a groundwater collection system is present at the site), but may be in the future.

Sixteen multiple depth LFG monitoring probes are present around the perimeter of the Santiago Canyon Landfill.

A review of gas combustion system operating data from January 2009 through May 2010 indicates that LFG recovery averaged approximately 1,115 scfm at 41 percent methane. Over the period of data reviewed, the flow rate ranged from 625 (March 2010) to 1462 scfm (May 2010); the methane content ranged from 33 percent (May 2010) to 47 percent (March 2009). A map depicting the landfill gas collection system and LFG monitoring probe locations is provided in Section V, Attachment C.

The GCCS operates under a Permit to Operate (Permit F13641) issued by the South Coast Air Quality Management District (SCAQMD). The permitted equipment includes the landfill gas collection features (wells and collectors), the gas combustion system (flare), and the condensate/groundwater collection system. The permit was issued under Title V of the Clean Air Act. A copy of the permit is provided in Section V, Attachment D.

The currently proposed post-closure end use for Santiago is non-irrigated open space with native vegetation to provide erosion control over the existing final cover system. Current closure and post-closure requirements limit end use options to maintain the integrity of the final cover surface.

The land surrounding and adjacent to Santiago is designated either as open space-resource area, open-space ridgeline, or low density residential (LDR) use by the East Orange General Plan and is within the City of Orange Sphere of Influence. The nearest habitable structure is more than 1,000 ft from the Santiago Canyon Landfill property. The County of Orange also designates the area surrounding Santiago as a conservation area / wilderness park. The area to the east of Santiago is Irvine Lake which provides flood control and serves as a recreational area. The areas northwest and south of Santiago are designated as LDR.

OC Waste & Recycling anticipates the proposed project would be constructed on one of three areas at the site. Specifically, these areas have been identified as: within the waste footprint on the “top deck” of the landfill, on native land adjacent to the flare facility and or on native land adjacent to the existing offices. A map depicting these areas is provided as Section V, Attachment E. Concerns to develop this type of project on these areas are specifically referenced in the Gift Deed in the Covenants and Exhibits. Additionally, the project would require approval of the Nature Reserve of Orange County.

The proposed LFG utilization development will be required to comply with construction requirements and restrictions in the Gift Deed. The Gift Deed is provided as Section V, Attachment F.

### **3. Villa Park Landfill**

The Villa Park Landfill is located at 5445 Santiago Canyon Road in the City of Orange. Waste disposal operations began in 1962 and ended in 1966. The waste footprint encompasses approximately 15.9 acres (Section V, Attachment G). Approximately 1,155,000 tons of municipal waste was disposed at this site. The waste mass ranges in thickness from approximately 9 to 100 ft with an average thickness of 60 ft. The entire site is unlined. During the site’s closure in February 1966, a 2-ft thick soil cover was placed over the landfill amounting to 36,000 cy of final cover material placed. In 1978, approximately 25,000 cy of solid waste was removed from the northwest corner of the landfill to allow for the construction of Loma Street.

A LFG collection and monitoring system (GCMS) was installed in 1995 to capture the LFG being generated at the site. The original GCMS consists of 17 vertical LFG wells connected to a blower/activated carbon absorption system and 21 multi-depth monitoring probes along the perimeter of the site.

In 2000, the site was regraded. Approximately 2 to 5 ft of additional random soil cover material was placed at the site, amounting to 25,000 cy. A total of 34 new vertical extraction wells were installed throughout the site. The 17 older vertical wells were abandoned and the blower/activated carbon system was removed. The GCMS was upgraded to a blower/flare system which includes two Hoffman centrifugal blowers located in parallel rated for 325 scfm, 7.5 HP each and one Perennial Energy enclosed flare rated for 325 scfm. A review of operating data from 2010 indicates that LFG recovery averaged approximately 160 scfm at 20 percent methane.

The GCMS (now a GCCS with the addition of the blower/flare system) operates under a Permit to Operate issued by the SCAQMD. A copy of the Permit is presented in Attachment H. A drawing of the current landfill configuration, adjacent property, and the GCCS are attached as Attachment I.

#### **4. Gothard Street Landfill**

The Gothard Street Landfill is located at 18131 Gothard Street in the City of Huntington Beach near the intersection of Gothard Street and Talbert Avenue. Waste disposal operations began 1947 and ended in 1962. Waste materials disposed were predominantly burnt waste (from 1947 to 1956), and municipal solid waste and construction debris (from 1956 to 1962). The waste footprint encompasses approximately 33 acres with a total waste capacity of 848,000 cy. The waste depth ranges between 19.5 to 65 feet below ground surface. The entire site is unlined. In accordance with regulatory requirements for landfill closure in effect at that time, a soil cover (estimated to be approximately 2 to 10 feet thick) was placed on top of the waste disposal area.

In December 1963, the County of Orange deeded approximately 22 acres of the northern and western portion of the site to the City of Huntington Beach for park use, and retained ownership of the remaining 11 acres on the east side. The approximate property boundary of the 11-acre refuse is provided as Section V, Attachment J. In 1975, the City of Huntington Beach constructed the former police shooting range to the west of the County-owned property. An irrigated sports complex (with baseball and soccer fields, concession stands/structures, and a parking lot) was subsequently constructed in 2001 by the City of Huntington Beach on City-owned property to the north and west of the County-owned property. There are commercial buildings located on a portion of the County-owned property.

OC Waste & Recycling used the County-owned-property as a transfer station from 1962 until 1982. In 1993, OC Waste & Recycling placed an additional soil cover (up to 20-ft thick) to the west of the former transfer station. In 1999, OC Waste & Recycling installed a GCCS consisting of a series of 10 vertical landfill gas extraction wells. A layout map of the GCCS is included as Section V, Attachment L. The landfill gas is currently extracted from 4 to 6 vertical wells and the collected gas vented to the atmosphere through a 1.5 horsepower blower. The landfill gas condensate flows by gravity to a 120 gallon condensate sump located near the edge of the blower station. The condensate is pumped-out periodically, and either taken to the Santiago Canyon Landfill where it is evaporated in the flare or hauled off site by a licensed contractor for off-site treatment and disposal.

The County-owned property on Gothard is currently used by OC Waste & Recycling as non-irrigated open space and has Coastal Sage Scrub growing as identified in Section V, Attachment O, except for the northeast corner of the property which is currently leased to the City of Huntington Beach for the operation of a Day Labor Center. Currently, there are no other planned uses by the County for the County-owned property. It should be noted however, the City of Huntington Beach has expressed an interest in acquiring the County owned property and proposals should address this possible change in ownership. Complete Exhibit F and attached as tab 8.

The GCCS operates under a Permit to Operate issued by the SCAQMD. A copy of the Permit is presented in Section V, Attachment K.

## **OC Waste & Recycling Goals and Objectives**

The proposal should address the following areas:

- 1. Proposed Benefits to the County**
- 2. Identify/describe the Projects Technology, End Product and Planned End User**
- 3. Provide Land Restriction Plans**

Note: If submitting proposals for more than one site, the proposal must include separate Exhibits for each site.

### **1) Proposed Benefits to the County**

The proposal must clearly indicate the proposed benefits to OC Waste & Recycling from the proposed Project. In an effort to more clearly define “benefits to OC Waste & Recycling”, OC Waste & Recycling has provided the following goals and objectives the County anticipates realizing from a LFG utilization project. These goals and objectives include, but are not limited to the following:

- a) Expansion of the County landfill gas recovery program by efficiently utilizing the renewable potential of the landfill gas produced at the County-owned landfills which are identified in this proposal.
- b) Reduce the current environmental impact caused by the destruction of the LFG. This reduction should include the reduction of greenhouse gas emissions.
- c) Provide tangible benefits to the County.
  - i) Payment of royalties to the County (Complete Exhibit C and attach as tab 6)
    - (a) In order for OC Waste & Recycling to adequately compare competitive proposals on a common basis, in addition to explanations for other proposed benefits, the Proposer shall identify the proposed financial terms and conditions for the purchase of landfill gas from OC Waste & Recycling and shall include the estimated amounts to be paid to the County for use of collected LFG. This amount shall be reported as an annual total for each year of the proposed duration of the project. This report should include detailed information on how this annual figure was determined, which should include, when applicable and not limited to, revenues that may be derived from:
      - (i) Anticipated total gross sales of the final “product”
        1. Identify the proposed percentage of the royalties to be paid from the gross sales of the final “product”
      - (ii) Tax credits and renewable energy credits
        1. Monetizing environmental attributes (e.g. carbon emission reduction credits, potential Renewable Energy Production Tax Credits, renewable energy certificates, etc)
    - ii) Offset/eliminate the County’s purchase of electricity to power on-site equipment.
      - (1) Provide "green power" for County use, local and Countywide.
    - iii) Reduce the County’s present and future LFG management costs, which could include:
      - (1) operations and maintenance of the collection system and flare/LFG disposal system; equipment replacement as needed; and / or
      - (2) LFG monitoring and reporting.

## 2) Identify/Describe the Projects technology, end product and planned end user

- a) The Proposer shall include a description of the proposed LFG utilization system with enough detail to show compliance with OC Waste & Recycling requirements and objectives. The description should also include the proposed delivery system for the product(s) from the LFG utilization Project. This includes, but is not limited to, proposed interconnect facilities and routes, trucking routes, or pipelines.
- b) Describe the approach to market and sell the products proposed to be produced from the LFG utilization system. It will be the Proposer's responsibility to identify potential end users of the products and negotiate a Power Purchase Agreement (PPA) or other agreement appropriate to the type of products produced.

## 3) Land restriction plans (Complete Exhibit F and attached as tab 8)

In addition to describing the proposed benefits to OC Waste & Recycling, the proposers must demonstrate how the proposed projects will be in compliance with certain land restrictions present at two of the landfills.

- a) The Proposer shall provide a plan to meet the requirements described in the Irvine Company Gift Deed (Santiago Canyon Landfill only). The Gift Deed is provided in Section V, Attachment F.
- b) The Proposer shall provide a plan for the Gothard Street Landfill to comply with the County's property ownership and constraints. It should be noted however, the City of Huntington Beach has expressed an interest in acquiring the County owned property and proposals should address this possible ownership change. The Easement Deed is provided in Section V, Attachment N.

## Clarification of Responsibilities

The responsibilities provided herein are provided for the convenience of the Proposer and are not meant to delineate all responsibilities contemplated by this RFP, any possible project and possible resultant agreement(s). It is the Proposer's responsibility to demonstrate that it has considered or addressed the items in this section.

Additional post award responsibilities are delineated in the Option Agreement and the Gas Lease Agreement which are model agreements are included in Section III and IV, respectively. OC Waste & Recycling urges Proposer(s) to review and understand the agreements as part of preparing its proposal.

1. All expenses associated with the development of the Project shall be at the sole expense of the Proposer.
2. The Proposer, at its own expense, shall design, permit, construct, own and operate the LFG utilization project (unless proposing a turnkey project). All design documents will be subject to the review and approval of OC Waste & Recycling and/or its representative. It will be the Proposer's responsibility to file, pay for, and receive any applicable Federal, State, County, and Local permits or reports related to the construction and operation of the Project. If the County is required to file reports or obtain permits as a result of the Project, the Proposer, at Proposer's expense, shall prepare the reports and permit application forms for the County's approval and signature. Any modifications to existing permits (e.g. Title V) necessitated by new emission sources installed by the Proposer will be prepared and submitted by the County, at Proposer's expense, with information to be provided by the Proposer. The Conditional Use Permit (CUP) for the sites may or may not be consistent with the proposed Project; if required, the Proposer shall prepare or modify the CUP at Proposer's expense.
3. The Proposer, at its own expense, shall design and construct any additions/improvements to the Gas Collection and Control System (GCCS) that it believes will optimize recovery of LFG. All design documents will be subject to the review and approval of OC Waste & Recycling. GCCS and infrastructure additions/improvements shall be constructed in a manner that meets all applicable Federal, State and Local Regulations.

4. The Proposer shall be responsible for operating the Project and if proposed to operate the GCCS, shall do so in compliance with all applicable Federal, State and Local regulations. The Proposer shall be responsible for all regulatory violations associated with the Project, operation of the GCCS, and compliance with applicable permits and regulations related to LFG at the site, including paying for fees, fines, and remedial actions associated with the violations.
5. The installation and operation of the proposed project must maintain continued compliance with applicable regulatory requirements, health and safety regulations and all landfill operational requirements.

### **Reference Materials**

For informational purposes only, OC Waste & Recycling has provided information on LFG production and projected production. OC Waste & Recycling makes no guarantees concerning the information provided. The County will not guarantee any minimum or maximum quantity or quality of LFG now or in the future. OC Waste & Recycling urges each Proposer to evaluate for themselves the LFG generation and recovery for each site. Due to the age of the Villa Park and Gothard Landfills the County does not have sufficient data to provide a LFG generation model for these sites.



## **EXHIBIT B**

### **County Supplied Resources**

Proposers must identify any requirements for County supplied equipment, materials, facilities, or any other County support that will be necessary to implement the Proposer's proposal. The County reserves the right to accept or reject any and all requests/requirements for County supplied resources.

**(Complete and submit as tab 5)**

## Exhibit C

### Proposed Benefits to the County

Brief description of the LFG Utilization Project: \_\_\_\_\_  
\_\_\_\_\_

Final product(s) of the LFG Utilization Project: \_\_\_\_\_  
\_\_\_\_\_

1. Estimated average annual royalty payment: \$ \_\_\_\_\_

2. Total estimated royalty payment (project life): \$ \_\_\_\_\_

3. List "other" benefits to the County

Description	Monetary equivalent if applicable or definable
_____	\$ _____
_____	\$ _____
_____	\$ _____

(Complete and submit as tab 6)

## **Exhibit D**

### **Project Schedule**

The Proposer is to provide a schedule identifying the key milestones for the proposed project, from award until the proposed Commercial Operations Date.

**(Complete and submit as tab 7)**

## **Exhibit E**

### **Organization Chart/Staffing Plan**

Provide an organization chart that reflects titles of key staff and management contacts of each individual assigned to provide the services under the proposed Contract. In addition, provide a complete listing of the names and titles of the key personnel assigned to the project. Resumes shall contain information to each staff member's education, certifications, licenses, previous and current relevant experience.

**(Complete and submit as tab 2)**

## **Exhibit F**

### **Compliance Plans**

**1) Compliance Plan for Irvine Company Gift Deed**

Santiago Canyon Landfill only

(Include plan or state not applicable)

**2) Compliance Plan for Huntington Beach**

Gothard Street Landfill only

(Include plan or state not applicable)

**(Complete and submit as tab 8)**

## Exhibit G

### REFERENCES

	Reference No. 1	Reference No. 2	Reference No. 3
<b>Owner Address</b>			
<b>Owner Contact Telephone Number</b>			
<b>Related Project Brief Description</b>			
<b>Average annual scfm of LFG converted</b>			
<b>Average Annual Royalties Paid</b>			
<b>Total No. of Agreement Amendments</b>			
<b>Target Completion Date</b>			
<b>Actual Completion Date</b>			

(Complete and submit as tab 3)

## **Exhibit H**

### **Project Overview and Approach**

Provide a narrative overview to the responses required as per Exhibit A, Statement of Work (See also Exhibit C and Exhibit F). The response should at a minimum identify/describe the projects technology, end product and planned end user. The response should describe the approach to meeting the RFP's overall and specific requirements including the Proposer's technical approach to address the requirements set forth in Exhibit A. The Proposer shall state specific capabilities, approaches and demonstrate a clear understanding of the nature of the work to be performed, under the proposed contract and its relation to the County's needs.

*(If proposing a sub-contractor for any requirement(s), detail proposed sub-contracting plans in this area.)*

**(Complete and submit as tab 4)**

## Attachment A-1

### County of Orange Child Support Enforcement Certification Requirements

1. For an individual contractor:

Name: \_\_\_\_\_  
D.O.B.: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_  
Residence Address: \_\_\_\_\_  
\_\_\_\_\_

2. For contractor doing business in a form other than as an individual:

The name, date of birth, social security number and residence address of each individual who owns an interest of 10 (ten) percent or more in the contracting entity (if no individual owns 10 (ten) percent or more, write "N/A"):

Name: \_\_\_\_\_  
D.O.B.: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_  
Residence Address: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
D.O.B.: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_  
Residence Address: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
D.O.B.: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_  
Residence Address: \_\_\_\_\_  
\_\_\_\_\_

(Additional sheets may be used if needed)



County of Orange Child Support Enforcement  
Certification Requirements

"I certify that \_\_\_\_\_ is in full compliance with all applicable federal, state, and local reporting requirements regarding its employees and with all lawfully served Wage and Earnings Assignment Orders and Notices of Assignments and will continue to be in compliance throughout the term of Contract \_\_\_\_\_ with the County of Orange. I understand that failure to comply shall constitute a material breach of the Contract and that failure to cure such breach within 60 calendar days of notice from the County shall constitute grounds for termination of the Contact.

---

*Signature* *Name (Please Print)*

---

*Title* *Date*

---

*Company Name*

---

*Contract Number*

---

*Signature\** *Name (Please Print)*

---

*Title* *Date*

---

*Company Name*

---

*Contract Number*

**\*Two signatures required if a corporation.**

## Attachment A-2

### EDD Independent Contractor Reporting Requirements

Effective January 1, 2001, the County of Orange is required to file federal Form 1099-Misc for services received from a “service provider” to whom the County pays \$600 or more or with whom the County enters into a Contract for \$600 or more within a single calendar year. The purpose of this reporting requirement is to increase child support collection by helping to locate parents who are delinquent in their child support obligations.

The term “service provider” is defined in California Unemployment Insurance Code Section 1088.8, subparagraph B.2 as “an individual who is not an employee of the service recipient for California purposes and who received compensation or executes a Contract for services performed for that service recipient within or without the state.” The term is further defined by the California Employment Development Department to refer specifically to independent Contractor. An independent Contractor defined as “an individual who is not an employee of the ... government entity for California purposes and who receives compensation or executes a Contract for services performed for that ... government entity either in or outside of California.”

The reporting requirement does not apply to corporations, general partnerships, limited liability partnerships, and limited liability companies. Additional information on this reporting requirement can be found at the California Employment Development Department web site located at [www.edd.ca.gov/txicr.htm](http://www.edd.ca.gov/txicr.htm).

To comply with the reporting requirements, County procedures for contracting with independent Contractor mandate that the following information be completed and forwarded to the contracting agency/department immediately upon request:

First name, middle initial and last name  
Social Security Number  
Address  
Start and expiration dates of Contract  
Amount of Contract

_____		
First Name	Middle Initial	Last Name
SSN _____		
Contract Number _____		Dollar value of Contract _____
Start Date _____		
Expiration Date _____		