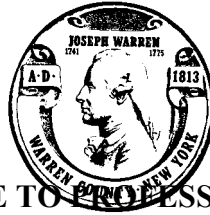


WARREN COUNTY PURCHASING DEPARTMENT

1340 STATE ROUTE 9
LAKE GEORGE, NY 12845
Telephone: (518) 761-6538
Fax: (518) 761-6395

JULIE A. PACYNA
PURCHASING AGENT

JASON M. SHPUR
DEPUTY PURCHASING AGENT



NOTICE TO PROFESSIONALS

The undersigned shall receive sealed proposals for the provision of services to the County of Warren as follows:

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

You may obtain these Specifications either on-line or through the Purchasing Office. If you have any interest in these Specifications on-line, please follow the instructions to register on the Capital Region Purchasing Group website, either for free or paid subscription. Go to <http://co.warren.ny.us> and choose **BIDS AND PROPOSALS** to access the Capital Region Purchasing Group OR go directly to <http://www.govbids.com/scripts/CRPG/public/home1.asp>. **If you choose a free subscription, please note that you must visit the site up until the response deadline for any addenda. All further information pertaining to this bid will be available on this site. Bids which are not directly obtained from either source will be refused.**

Proposals may be delivered to the undersigned at the Warren County Municipal Center, Warren County Purchasing Department, 2nd Floor, 1340 State Route 9, Lake George, New York during regular business hours. Proposals will be received up until **Thursday, February 12, 2009 at 3:00 p.m.** at which time they will be publicly opened and read. All proposals must be submitted on proper proposal forms. Any changes to the original documents are grounds for immediate disqualification.

Late proposals by mail, courier or in person will be refused. Warren County will not accept any proposal which is not delivered to Purchasing by the time indicated on the time stamp in the Purchasing Department Office.

The right is reserved to reject any or all bids.

Julie A. Pacyna, Purchasing Agent
Warren County Municipal Center
Tel. (518) 761-6538

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

DATE: FEBRUARY 12, 2009

TIME: 3:00 PM

PLACE: MUNICIPAL CENTER

I. BACKGROUND INFORMATION:

On or about 1993, a Solid Waste Management Plan, as required by New York State Law, was adopted for Warren and Washington Counties together, as a planning unit. The Plan integrated solid waste management (reduce, reuse and recycle, waste to energy, and landfilling) and joined Warren and Washington Counties as a planning unit.

As identified in the Plan, one aspect of solid waste disposal was the use of a waste-to-energy facility which was constructed and is currently being operated as the result of agreements between Warren County, Washington County, the Counties of Warren and Washington Industrial Development Agency, and Adirondack Resource Recovery Associates (the plant operators and currently, as a result of a subsequent purchase and restructuring, now known as the Hudson Falls Resource Recovery Facility). Warren County is required to deliver a certain amount of solid waste and to pay monthly disposal payments, which payments are determined by a formula which takes into consideration costs associated with the Facility and the amount of waste delivered to the Facility by Warren and Washington Counties, as well as revenues received for waste delivered from outside the Counties, among other things.

In addition to the waste-to-energy facility, the Solid Waste Management Plan addresses the collection of solid waste and recycling using somewhat different approaches in each County. Reuse and reduction measures were also addressed in the Solid Waste Management Plan.

The obligation of Warren County, as well as Washington County, to deliver solid waste to the Hudson Falls Resource Recovery Facility will be expiring in 2011. As that date approaches, Warren County desires to consider all of the available options for solid waste disposal, as well as update the Solid Waste Management Plan required by New York State Law.

II. SCOPE OF SERVICES REQUESTED:

Warren County desires to employ a consultant or consultants who have the ability to assist Warren County with planning and also advise Warren County with regard to its options for solid waste disposal when Warren County's commitment to deliver solid waste to the Hudson Falls Resource Recovery Facility expires. Warren County also desires to retain a consultant who has the ability to revise and/or update the Solid Waste Management Plan currently in effect for Warren County, together with Washington County, as a planning unit. Warren County anticipates that the consultant must be able to perform the following tasks:

- A. Study, review and identify the solid waste management disposal operations currently being used in Warren and Washington Counties;
- B. Study, identify and make recommendations with regard to options that are available for solid waste disposal once Warren County's commitment to the Hudson Falls Resource Recovery Facility has expired;
- C. Make recommendations with regard to Warren County's solid waste and recycling collection and disposal methods (currently Warren County operates a main recycling center, and towns arrange for the collection and transfer of solid waste and recyclables);
- D. Examine and identify options available with regard to undeveloped real property in Washington County originally identified but not used for a landfill (Hartford Landfill);
- E. Amend, revise, update and/or rewrite the Solid Waste Management Plan as may be ultimately

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

DATE: FEBRUARY 12, 2009

TIME: 3:00 PM

PLACE: MUNICIPAL CENTER

determined appropriate by Warren County, with the advice of the consultant;

- F. Attend meetings of the Warren County Board of Supervisors and any public information and/or hearings that may be desired and/or required;
- G. Provide financial information, including estimated costs with regard to alternatives and/or options available for Warren County concerning solid waste disposal in the year 2011 and thereafter; and
- H. Draft and develop a written report discussing the matters outlined above.

III. APPROACH TO PROVIDING SERVICES:

It is understood that the provision of the services may necessitate the involvement of professionals from various academic disciplines (engineering, legal, financial advisors, etc.). While it is anticipated that the Warren County Attorney will provide the legal services, it is recognized that it may be necessary to retain consultants or firms of varying disciplines in order to completely address all aspects of the work necessary or provide necessary expert information or assistance to respond to this Request for Proposals (RFP). Warren County will arrange for such services by securing the same through additional RFPs, as the same may be needed, upon advice of the consultant.

IV. TIME FOR OR DURATION OF SERVICES:

The services may be commenced upon award of contract and the person or company is asked to plan to continue to provide representation until all services are completed or until terminated at an earlier time at the option of the County.

V. RESPONSES TO THIS REQUEST FOR PROPOSALS - SUBMISSION INSTRUCTIONS:

- A. Proposals must be received no later than Thursday, February 12, 2009, at 3:00 p.m.

The Warren County Board of Supervisors may reject proposals which are materially incomplete and/or which do not conform to the proposal content or submission requirements. The Warren County Board of Supervisors reserves the right, to the extent permitted by law, to waive any irregularity, variance or informality in a proposal in keeping with the best interests of Warren County.

- B. Proposals are to be enclosed in a sealed envelope, plainly marked as "Proposals for Solid Waste Consulting Services" and addressed to:

Julie Pacyna, Purchasing Agent
Warren County Municipal Center
1340 State Route 9
Lake George, NY 12845
Telephone No. (518) 761-6538

- C. If you are interested in responding to this request, please send a letter together with other appropriate information, such as resumes, description of your company and experience which must include the following information:
 - i) Whether you are able to provide the requested services and brief overview on how you proposed to undertake providing the services. Please identify those services for which you believe it will be necessary to hire additional consultants, such as engineers, etc.

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

DATE: FEBRUARY 12, 2009

TIME: 3:00 PM

PLACE: MUNICIPAL CENTER

- ii) Whether you will perform the services for a fee based on hourly rates with not to exceed amounts, straight hourly rates, or a firm, all-inclusive fee. Please specify and address all out of pocket expenses, including travel, copying documents, mailings, telephone cost, etc. to render said services.
- iii) Identify at three (3) entities you have provided consultation services for municipal solid waste collection and disposal.
- iv) If a particular person will be assigned to the project, please provide in detail the qualifications and experience of that person with regard to similar facilities or projects.
- v) Please provide the proposed staffing or total number of persons you plan to have available to assist will regard to this project and provide names and experience of said persons.
- vi) Proposals shall be submitted with an ink signature on the attached proposal forms in a sealed envelope.
- vii) Each proposal must be accompanied by a completed non-collusion certificate, (form attached) signed in ink and, if appropriate, Corporate Resolution with seal. Faxes are not acceptable.

VI. QUESTIONS:

If there are any questions concerning this RFP or services to be rendered please contact Paul B. Dusek, Warren County Attorney at (518) 761-6463 or fax (518) 761-6377. Responses to any questions will be provided by written fax to all parties to whom this RFP has been sent.

VII. RFP GENERAL TERMS AND CONDITIONS:

- A. Selection of a Consultant or firm to provide the services required shall be made using a variety of criteria including experience, fees, ability to provide the work product within the time requested, and as a result of the consideration of such other matters set forth herein or determined by the Warren County Board of Supervisors to be appropriate considerations. Awarding of the contract to the successful provider will be made at the earliest possible time, and upon acceptance of proposal, shall bind themselves to enter into the written contract with Warren County. Where requested to submit a proposal on individual items and/or on a total sum or sums, the County reserves the right to award in whole or in part based on the lowest responsible proposal.
- B. The Consultant or firm selected shall be required to furnish an engagement letter and/or execute an agreement. The terms of such engagement letter or agreement is subject to discussion and agreement but is anticipated to include the following:
 - 1. Inclusion of a scope of services similar to that set forth in this Request for Proposals unless modified upon agreement by the County.
 - 2. A provision shall be included, which allows Warren County to terminate services at any time upon thirty (30) days notice.
 - 3. A provision that requires monthly billing statements, which provide a description of services performed, the dates of services and the amount of time spent in providing or performing the services.

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

DATE: FEBRUARY 12, 2009

TIME: 3:00 PM

PLACE: MUNICIPAL CENTER

4. A credit of the fee payable shall be provided in the event that services are terminated and/or deleted.
5. Insurance coverage satisfactory to the County Board of Supervisors.
6. A provision that requires all services performed under a contract awarded to the successful proposer shall conform to prevailing professional or provider standards and to the requirements of the contract. Upon written notice of any defect from the County, the service provider will be expected to correct or re-perform any defective or nonconforming services at no cost to Warren County, and any services corrected or re-performed by the service provider will be subject to all provisions of the agreement warranty to the same extent as the work initially performed. If the service provider fails or refuses to correct or re-perform, the County shall be entitled to any remedy that may be provided for under the contract, and in any event, that may be authorized by law.
7. A provision requiring the Consultant to indemnify and hold harmless the County, its officers, directors, agents and employees from, and against any and all claims, notices of claim, demands or causes of action for injury or death to any person, including contractor's employees or damage to property (including all costs and reasonable attorney's fees incurred in defending any claim, demand or cause of action), arising directly or indirectly, out of or resulting from, the performance of contractor's work or any negligent or wrongful acts, errors, omissions, negligence, incompetence, malfeasance and misfeasance by the Contractor, its employees, agents, material men, suppliers and/or subcontractors in the performance of its obligations under this agreement. The County and the Contractor shall notify each other in writing within thirty (30) days of any such claims or demands and shall cooperate in the defense of any such actions. If this indemnity, or any part thereof, is made void or otherwise impaired by any law controlling construction thereof, such indemnity shall be deemed to conform to the indemnity permitted by law, so as to require indemnification in whole or in part to the fullest extent permitted by law.

The Contractor shall be responsible for all damages, whether for bodily injury, life or property to the extent caused by the negligent acts, errors or omissions of the Contractor, its officers, directors, agents, servants or employees or anyone for whom the Contractor is legally bound, in connection with its services under this agreement. It is expressly understood and agreed that the Contractor shall indemnify and save harmless the County for claims, suits, actions, damages, attorneys' fees and costs of every name and description to the extent arising out of negligent acts, errors or omissions of the Contractor, its officers, directors, agents, servants or employees, under this agreement and such indemnity shall not be limited by reason of enumeration of any insurance coverage provided hereafter.

In order to be considered for selection to provide the services requested by this RFP, the Contractor submitting the proposal must agree to not limit professional, general or other liability to an amount less than the limits of the required insurance coverage.

8. A provision requiring the Consultant to assume sole responsibility for completing services as requested and the service provider may not assign the work to be performed without the consent of the County, which consent shall rest in the sole discretion of the County.
9. A provision providing that the Consultant shall not be deemed an agent of the County for any purpose whatsoever.

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

DATE: FEBRUARY 12, 2009

TIME: 3:00 PM

PLACE: MUNICIPAL CENTER

10. Inclusion of such other terms and conditions that may be required pursuant to Federal or State Law, Regulation and/or by the County Attorney.
- C. Warren County reserves the right to reject any and all proposals received after the date and time indicated for submission. Warren County reserves the right to not accept any proposal which is not delivered directly to Purchasing by the time indicated on the time stamp in the Purchasing Office.
- D. Please note that retention of services by reason of this RFP is not certain. The right to reject any and all proposals, solicit new or additional proposals or perform some or all of the services in-house or by using services available from professionals currently under contract are retained at all times, even after proposals have been reviewed and considered.
- E. Additional information, interviews and/or presentations may be required at the option of County. In no event shall the County or its Boards, Officers and employees be liable for any costs incurred for the preparation of and participation in the submission of responses to this request or subsequent interviews of persons or companies.
- F. It is the Consultant's sole responsibility to be familiar with and understand all terms and conditions regarding the RFP before the opening. Any questions should be submitted in writing to the County Attorney and, if relevant, should cite the section and page number of the RFP document relating to the question raised by the provider. Answers to all questions of a substantive nature will be given to all service providers as a formal addendum which will be annexed to and become part of the RFP. Please be advised that Warren County shall not be bound by any verbal response by any County Official or employee which is not confirmed in writing or which does not result in an addendum issued by the Purchasing Department.
- G. Warren County reserves the right to waive or modify minor irregularities in proposals received, utilize any and all ideas submitted in the proposals unless those ideas are covered by legal patent or proprietary rights and generally adapt any or all of the company's proposal in developing contract language. With regard to legal patent or proprietary rights, it shall be incumbent upon the party furnishing the proposal to notify the County of such.
- H. Nothing contained herein shall be deemed an offer by the County or be interpreted as making a representation or giving any assurances that a contract may be entered into or that Warren County is in some fashion obligated. Should Warren County be unsuccessful in negotiating a contract with the service provider within the time frame acceptable to Warren County, Warren County may begin contract negotiations with another service provider responding to the RFP, reject all RFPs, re-advertise, or take such other action as may be deemed appropriate.
- I. Proposals will not be returned once submitted, and the County may dispose of the same in any manner allowed under law.
- J. Submission of the proposal to Warren County shall be deemed consent for the proposals to be publicly identified, and information contained therein shall be deemed a matter of public record unless such information is designated by the party submitting the proposal as trade secrets or other information allowed to be kept confidential pursuant to the Public Officer's Law of the State of New York. In order to designate information as confidential, the party submitting the proposal must highlight the information and inform the County of its desire to keep that information confidential in a letter transmitting the proposal. Whether the information designated by the service provider is allowed to be kept confidential pursuant to New York State Laws shall be determined by the Warren County Purchasing Agent upon consultation with the County Attorney and notice of such determination shall be made to the service provider prior to the release of the information to afford

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

DATE: FEBRUARY 12, 2009

TIME: 3:00 PM

PLACE: MUNICIPAL CENTER

the service provider an opportunity to appeal the decision.

- K. Warren County reserves the right to make any investigation deemed necessary to determine service provider qualifications and responsibility. Provider shall furnish to the County, upon request, all data pertinent thereto.
- L. Submission of a proposal constitutes agreement to all terms and conditions set forth herein. By submitting a signed proposal, the service provider: (a) warrants that the contents of its proposal are accurate and binding upon the proposer; (b) represents that its staff is knowledgeable about the services to be provided as identified in this RFP; and (c) warrants that it will use reasonable and appropriate efforts to provide such services in a professional and timely manner. In addition, the service provider further warrants that it has become sufficiently acquainted with the conditions, facts, and circumstances relating to providing the requested services. Failure or omission of the service provider to adequately acquaint itself with existing conditions, facts and circumstances shall not in any way relieve it of any obligations with respect to this RFP.
- M. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, be reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

DATE: FEBRUARY 12, 2009

TIME: 3:00 PM

PLACE: MUNICIPAL CENTER

PROPOSAL

PROPOSAL OF: _____
COMPANY NAME

TO: Julie A. Pacyna, Purchasing Agent
Warren County Municipal Center
1340 State Route 9
Lake George, NY 12845

The undersigned having carefully examined the specifications and having to their satisfaction ascertained all the facts concerning these specifications, herewith submits the following attached proposal.

Cost to perform all Services as per the requirements of the attached specifications for any and all costs associated with the above-described consultant services be performed as outlined in the proposal and all out-of-pocket expenses incurred during the term of the Agreement to be entered into between the parties either hourly costs or a lump sum, including listing of any additional associated expenses and other project costs, through completion of this project AS OUTLINED AND ATTACHED TO THESE RFP PROPOSAL DOCUMENTS (if applicable). There shall be no other amounts due and payable by the County regardless of costs or expenses of the Consultant except for additional services requested by the County which are beyond the Scope of Services or those services customarily performed as part of the scope of services.

Please attach all other information requested in these specifications.

Date: _____ Federal ID# _____

Contractor Signature: _____

Contractor name (Printed): _____

Name of Firm: _____

Business Address: _____

Phone #() _____ Fax # _____

NOTE: The Following Certification and Corporate Resolution, if applicable, must accompany this proposal. Financial statement, if desired, will be requested at a later date. D.B.A. and/or Certificate of Incorporation will be required from successful bidder.

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

DATE: FEBRUARY 12, 2009

TIME: 3:00 PM

PLACE: MUNICIPAL CENTER

CERTIFICATION

Non-Collusive Certification required of all bidders under Section 103-d of the General Municipal Law as amended by Chapter 751 of the Laws of 1965, effective September 1, 1965.

By submission of this bid or proposal, the bidder certifies that:

- (a) This bid, or proposal, has been independently arrived at without collusion with any other bidder or with any competitor or potential competitor;
- (b) This bid, or proposal, has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids or proposals for this project, to any other bidder, competitor, or potential competitor;
- (c) No attempt has been or will be made, to induce any person, partnership, or corporation to submit or not to submit a bid or proposal;
- (d) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder as well as to the person signing in its behalf;
- (e) That attached hereto (if a corporate bidder) is a certified copy of resolution authorizing the execution of this certificate by the signatory of this bid, or proposal, in behalf of the corporate bidder.

Individual Bidder

Co-Partnership

By _____
Partner

Corporation

By _____
President

WC 32-09 - REQUEST FOR PROPOSALS FOR CONSULTING SERVICES INVOLVING PLANNING FOR FUTURE (2011 AND AFTER) METHODS OF SOLID WASTE DISPOSAL AND UPDATING AND/OR MODIFYING CURRENT SOLID WASTE MANAGEMENT PLAN REQUIRED BY STATE LAW FOR WARREN COUNTY

DATE: FEBRUARY 12, 2009

TIME: 3:00 PM

PLACE: MUNICIPAL CENTER

CORPORATE RESOLUTION

RESOLVED that _____
(Name of Corporation)

be authorized to sign and submit the Bid, or Proposal, of this Corporation for the following project:

(Title of Project)

and to include in such Bid Proposal the Certificate as to non-collusion required by Section 103-d of the General Municipal Law as the act and deed of such corporation, and for any inaccuracies of misstatements in such certifies this Corporate Bidder shall be liable under the penalties of perjury.

The foregoing is a true and correct copy of the Resolution adopted by _____

Corporation at a meeting of its Board of
Directors held on the _____ Day of _____, 20____, and is still in force and
effective on this _____ Day of _____, 20_____.

(SEAL OF CORPORATION)

SECRETARY
(Signature)