



Request for Expressions of Interest

for

Recycling Processing Services
For Pilot Curbside Recycling Program

Due:

September 20, 2010

Issued by

Gershman, Brickner & Bratton, Inc. (GBB)

as Receiver for the U.S. District Court of Guam

August 20, 2010

Section 1 General Information about this Request for Expressions of Interest

1.1 Background and Purpose

The Island of Guam is a United States Territory with an area of 210 square miles in the Western Pacific Ocean. Guam has a population of approximately 170,000, and it is the largest and southern most of the Mariana Islands. The primary municipal solid waste disposal site in Guam is the Ordot Dump, which has existed since World War II and has been cited for violation of the Clean Water Act (33 U.S.C. §1251, et. seq.).

The Government of Guam entered into a Consent Decree with the United States Environmental Protection Agency ("USEPA") on February 11, 2004, to close the Ordot Dump, cease all discharges into the Lonfit River, open a new municipal solid waste landfill, and develop and implement recycling and hazardous waste management strategies to reduce the volume of materials going into the landfill ("the Consent Decree Projects").

Following the Consent Decree, the Guam Government, through its Department of Public Works, Solid Waste Management Division, proceeded with certain studies, surveys, and engineering design toward the closure of the Ordot Dump and the siting and development of a new lined, leachate controlled municipal solid waste landfill. However, the schedule of compliance in the Consent Decree was not met and progress to achieve compliance has been deemed unsatisfactory by the U.S. EPA and the United States District Court of Guam. Therefore, on March 17, 2008, the United States District Court of Guam issued a court order appointing Gershman, Brickner & Bratton, Inc. ("GBB"), a solid waste management consultant, as Receiver to achieve the Guam Government's compliance with the Clean Water Act as set forth in the Consent Decree and implementation of the Consent Decree Projects.

As Receiver, GBB has full power and authority to enforce the terms of the Consent Decree and assume all of the responsibilities, functions, duties, powers, and authority of the Guam Solid Waste Management Division of the Department of Public Works, and any and all departments or other divisions of the Department of Public Works insofar as they affect the Government of Guam's compliance with the Consent Decree. Working under the guidance of the Court and in consultation with the U.S. EPA, GBB has reviewed the work already performed by the Government of Guam and its consultants and building upon that work where possible, is in the process of developing and executing a plan that will provide both the financing and leadership necessary to successfully address these vital services for the people of Guam.

In August of 2010, the Federal District Court approved the recommendation by the Receiver to implement a curbside recycling program for 1,000 of its current weekly curbside trash collection customers who will receive a separate cart for recyclables, which will be collected on the same day as the customers' trash from their trash carts. These households will be selected, in consultation with the mayors, but there is no guarantee that each village will have customers who are chosen to participate. To assure that the pilot provides sound results upon which to base future recycling decisions, the customers chosen will be clustered together so that recycling collection will be as efficient as possible. Education material will be given directly to the residents of each household and a SWMD representative will go over this material so that residents will fully understand how the program works.

The recyclables that will be accepted are fiber, metal, and plastics as described in Table 1:

Table 1

Materials To Be Recycled in Pilot Curbside Program

Fiber	Examples: Cardboard, magazines, catalogs, newspapers, copy paper
Aluminum and Tin Cans	Examples: Soda, beer, juice, pet food, vegetable and soup cans
Plastics (PET & HDPE)	Examples: Clear and colored plastic bottles and containers with a #1 or #2 recycling symbol, such as those for soda, milk, laundry detergent, and water

GBB, in its capacity as Receiver for the Solid Waste Management Division of Guam ("SWMD"), is issuing this RFEI to identify interested and qualified entities to enter into a contract to receive, handle, and ship to beneficial users the post consumer materials collected in this pilot program. The Processing Facility shall be located in the central or northern portions of Guam and is expected to receive these materials Monday through Friday each week and must be received and processed by the Contractor on the same day. It is envisioned that the Contractor will have a baler in the event that the material needs to be baled for shipment; the Processing Facility must have the room to store the bales in a dry area and transport material to the Port Authority for shipment. The Contractor will keep track and provide to the SWMD monthly weights of the material combined and, if appropriate depending upon arrangement with end-users, separately. The Contractor will provide a quick sort to free the material of contamination and to dispose of said material in an environmentally proper manner. Periodically throughout the pilot project, the Contractor will be asked to sort and weigh a small portion of the material under the direction and assistance of the SWMD.

It is important that the Processing Facility be properly permitted by the Guam Environmental Protection Agency (GEPA) prior to the time that the pilot program is initiated. Accordingly, any interested party must already have a permitted facility and provide a copy of the permit with its response to this RFEI or present convincing evidence of its ability to become properly permitted not later than November 2010. Such evidence should include:

- (1) A copy of a pending application with the GEPA for a permit for a properly located Processing Facility; or
- (2) Correspondence with the GEPA evidencing an intent to make such an application, together with an estimate of the time that will be required to secure the permit provided by GEPA.

1.2 RFEI is Not a Solicitation for Which An Award Will be Made

This RFEI is not a formal procurement, solicitation, or request for proposals in any manner and no award will be made from this RFEI. GBB is simply requesting certain

information in an organized format (set forth in Section 3 herein) from organizations that can provide the services of a properly permitted post consumer processing facility.

The information will assist GBB in understanding the organizations that have interest in the project and how they may be able to provide the services needed by the SWMD. Submission of an Expression of Interest in response to this RFEI in no way commits any party to participation in the project, qualifies any party as an acceptable proposer to finance, construct and/or operate the Processing Facility, or limits their ability to respond to any formal procurement by the Guam Government and/or the Receiver relative to the Processing Facility or any Consent Decree Project that may be issued.

1.3 Contact Persons

Any communication regarding this RFEI should be made to the following person:

Linda Ibanez
Solid Waste Management Division
2nd Floor,
Department of Public Works
542 N. Marine Corps Drive
Tamuning, Guam 96913
Phone: 671-646-3111 Linda Ibanez
Email: Lindaibanez@gmail.com
Fax: 671-649-3777

The RFEI amendments, if any, will be sent to only those vendors having received the RFEI through the SWMD but all amendments will be placed on the Guam Receivership website <http://www.guamsolidwastereceiver.org/>

1.4 Written Questions

GBB will accept written questions by mail or e-mail, until five business days prior to the due date for Expressions of Interest. Any written questions received pertaining to this RFEI will be posted and answered on the Receiver's Website [www.guamsolidwastereceiver.org/receiver.html]. GBB will endeavor to respond to written questions within five business days of receipt. However, GBB makes no assurance that written responses will be tendered if, in the opinion of GBB, such information is evident in the RFEI, the question has already been answered or goes beyond the intended scope of the RFEI. Responses will not be attributed to the submitter.

1.5 Amendment or Cancellation of the RFEI

If this RFEI requires amendment, written notice of the amendment in the form of an Addendum will be posted on the Receiver's Website at www.guamsolidwastereceiver.org/receiver.html. GBB reserves the right to modify, amend or cancel this RFEI.

1.6 Incurred Expenses

GBB is not responsible nor does it accept any liability for any expenses that submitters may incur in preparing and submitting Expressions of Interest, including interviews or meetings, if any. Each party that submits an Expression of Interest does so at its own expense.

1.7 Confidentiality

Expressions of Interest submitted in response to this RFEI are subject to disclosure to the extent allowed by law. Submitters must mark any portions of their Expressions of Interest which 1) they deem confidential; and 2) would actually qualify as protected confidential material under Guam statutes in order for the material to be treated as confidential information. The marking of every page of the Expression of Interest as confidential does not meet this requirement.

1.8 Acceptance of Terms and Conditions

By submitting an Expression of Interest in response to this RFEI, submitter accepts all of the terms and conditions set forth in this RFEI.

Section 2 Documents Available for Review

There are several documents regarding the role of the Receiver available on <http://www.guamsolidwastereceiver.org/documents.html> where interested parties can learn more about the role of the Receiver.

Section 3 Submission Requirements

3.1. General Requirements

Submission of an Expression of Interest shall constitute acknowledgement and acceptance of all the terms and conditions contained in this RFEI. Expressions of Interest may be modified or withdrawn by an appropriate document duly executed and delivered to the place where Expressions of Interest are to be submitted at any time prior to the due date for Expressions of Interest.

GBB reserves the right to waive irregularities in Expressions of Interest received in response to this RFEI, and any such waiver shall not modify any remaining requirements in the RFEI or excuse the submitter from compliance with the terms and conditions of the RFEI.

GBB shall accept all Expressions of Interest for review that are prepared and submitted in conformance with this RFEI, but reserves the right to accept or reject in

whole or in part any or all Expressions of Interest submitted. Receipt of an Expression of Interest by GBB or submission of an Expression of Interest to GBB confers no rights upon the submitter, nor does it obligate GBB in any manner.

3.2. Delivery and Acceptance of Expressions of Interest

Expressions of interest should be e-mailed on or before September 20, 2010, to Linda Ibanez at Lindaibanez@gmail.com.

All Expressions of Interest shall be clearly marked "Expressions of Interest for Recyclable Processing Facility."

3.3. Information Provided by Receiver

Information included in or provided with this RFEI or provided on Receiver's Website is provided solely for the convenience of parties submitting Expressions of Interest. NO REPRESENTATION OR WARRANTY OF ANY KIND IS MADE BY GBB AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION INCLUDED IN OR PROVIDED WITH THIS RFEI. Parties submitting Expressions of Interest are solely responsible for conducting such independent due diligence investigations as may be necessary for the submission of Expressions of Interest. GBB and its employees, consultants, agents and advisors are not responsible for the completeness or accuracy of any information distributed or made available, orally or in writing, with this RFEI.

3.4. Ownership and Disclosure

Expressions of Interest received in response to this RFEI will be maintained by GBB and are matters of public record and subject to public inspection except as set forth in Section 1.7 herein.

Neither GBB nor its staff, agents, employees, representatives, consultants and advisors shall be responsible or liable in any manner for any losses that a submitter may suffer from the disclosure of information or materials to third parties or any other claims or damages resulting from this RFEI process. All Expressions of Interest (other than portions thereof subject to patent or copyright protection, if any) will become the property of GBB upon submission.

3.5. Conducting Investigations/Requesting Supplementary Information

GBB reserves the right to conduct investigations with respect to the qualifications, experience and representations of the submitter and any team members. Each submitter and any team member, through its request for and receipt of this RFEI and submission of an Expression of Interest, consents to such investigations.

3.6. Submittal Format

Any party submitting an Expression of Interest shall utilize the format as set forth below. The items listed below, and the designated locations thereof, shall be included in the Expression of Interest and in the order shown. Each section shall be clearly labeled, with pages numbered and separated by tabs as follows:

Tab 1 Cover Letter

Tab 1 shall contain a cover letter describing the organization and expressing the interest of the organization in meeting the needs and interests of the Guam Government and the Receiver relative to the Processing Facility's operation as well as providing beneficial outlets for the post consumer material either on the Island of Guam or an off-island consumer of material for the purposes of recycling and/or reuse.

Tab 2 Contact Information Form and Organization Information Form

The submitting organization shall include a completed Contact Information Form and an Organization Information Form in this Tab 2. The Forms to be used are provided in Appendix A and Appendix B, respectively, of this RFEI.

Tab 3 Qualifications and Experience

Tab 3 shall contain qualifications and experience that document the organization's ability, capacity, skills, resources, and financial strength to provide the outcomes desired by the Guam Government and the Receiver. As a minimum, the following information is requested:

- Organizational structure
- Résumés of key personnel who would be involved in the project/business relationship
- Description of other public-private partnerships of the organization and/or similar projects
- Description of experience with recycling transport

Tab 4 Description of Needs and Interests of the Organization

In Tab 4, the submitting organization is requested to describe its business philosophy, key interests, needs, and conditions in partnering with the SWMD and/or Receiver to meet the needs, interests, and goals as expressed in Section 1 of this Request. This description shall include financial and contractual needs; issues and constraints, if any, known or anticipated in a partnering/business arrangement with the Guam Government and/or Receiver; other parties who would be part of any business transaction and their expected needs and interests; and other relevant information, special features, and conditions that would be important for GBB to know and understand about the organization and the needs for a successful partnership and/or business arrangement for operation of the Processing Facility.

Specifically outline any essential contract provisions or binding assurances that would be required and describe the financing method and provide a description of how the financing will affect the initial or future operation of the Processing Facility and any other business terms that are essential to any proposal of your organization.

Tab 5 Facility Description, Location, and Contractor's Responsibilities

- a) In Tab 5, the submitting organization will provide a map showing the location of the Processing Facility and its proximity to the SWMD offices located at the DPW Compound located at 542 N. Marine Corps Drive, Tamuning, Guam 96913.

Tab 5 must also enclose a commitment to handle the expected waste travelling through the Processing Facility. The Receiver estimates that participating households will recycle between 2 and 10 pounds per week. The monthly tonnage the Processing Facility is expected to process is between 1 and 5 tons. This material must be sorted so that it is free of contamination, the commodities as a whole must be weighed and, if segregated for end-users, weighed separately. The Contractor will have to perform periodic waste characterization analysis of the recyclables that are generated by the pilot curbside program.

The Processing Facility should be constructed in a manner to process up to 600 tons a day.

Tab 5 shall detail the Contractor's commitment to be responsible for

- The Contractor shall meet all applicable rules, regulations, zoning, permitting, registration and licensing requirements, whether local, state or federal and to determine the applicability of any rule, regulation or other requirement.
- It shall be the Contractor's responsibility to provide all onsite and offsite equipment, labor, and necessary supplies to perform under this contract.
- It shall be the Contractor's responsibility to conform to the SWMD scheduled work week, holidays and other appropriate rules and regulations.
- The Contractor shall acquire all necessary federal, state, and local licenses and permits prior to starting work under contract. Fees are the responsibility of the Contractor.
- The Contractor shall meet all safety regulations as set forth by the Territory of Guam and the Federal Department of Transportation.
- At a minimum, for receipt of solid waste, the Contractor shall maintain the same hours of service as that of SWMD, i.e., as early as 8:00 a.m. to as late as 5:00 p.m., Monday through Friday. Email address and a fax machine is required for Contractor to receive written instructions and notices. The Contractor(s) will be required to follow the specific holiday schedule of SWMD as it applies to the landfill activity.

Section 4 Review of Expressions of Interest

4.1 Review

Expressions of Interest received by GBB in response to this RFEI will be reviewed by GBB. It is anticipated that upon review of Expressions of Interest by GBB, certain questions and/or need for clarification of certain information or statements in such Expressions of Interest may be noted, in which case, GBB may issue letters to such submitters requesting additional information to answer questions and/or provide clarifications.

4.2 Interviews

GBB may elect to interview parties submitting Expressions of Interest in response to this RFEI. Interviews, if any, may be conducted face-to-face or they may be held via telephone conference call. However, GBB reserves, in its sole discretion, the right to interview only certain parties or to interview all parties submitting Expressions of Interest.

Appendices

- A. Contact Information Form
- B. Organization Information Form

**APPENDIX A
REQUEST FOR EXPRESSIONS OF INTEREST**

**Recycling Processing Services
For Pilot Curbside Recycling Program**

Contact Information Form

Name: _____

Title: _____

(2nd) Name: _____
(optional)

Title: _____
(optional)

Company: _____

Address: _____

Telephone Number: _____

Fax Number: _____

E-mail (1st): _____

E-mail (2nd): _____

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

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

Please mail or e-mail completed form to:

Linda Ibanez
Solid Waste Management Division
2nd Floor,
Department of Public Works
542 N. Marine Corps Drive
Tamuning, Guam 96913
Phone: 671-646-3111 Linda Ibanez
Email: Lindaibanez@gmail.com
Fax: 671-649-3777

APPENDIX B

REQUEST FOR EXPRESSIONS OF INTEREST

**Recycling Processing Services
For Pilot Curbside Recycling Program**

ORGANIZATION INFORMATION FORM

A. General Information

Organization Name:

Address: _____

Telephone: _____ Fax: _____

E-Mail:

Contact: _____

Type of organization (corporation, joint venture, partnership, individual):

If a corporation, list the names of all officers, directors, and shareholders possessing five percent or more of outstanding stock in the corporation. If a partnership, list the names of all general and limited partners. Attach additional sheets as necessary.

**ORGANIZATION INFORMATION FORM
(Continued)**

B. Business Information

1. Describe the nature of your current business:

2. State the length of time you have been in that business under your present name:

3. With what other lines of business are you directly or indirectly affiliated?

4. Have you ever failed to complete any contract awarded to you?

If so, where and why?

5. Has any officer or partner of your organization ever been an officer or partner of some other organization that failed to complete a contract?

If so, state name of individual, other organization, reason therefore, and bonding company:

**ORGANIZATION INFORMATION FORM
(Continued)**

6. With what individuals or entities have you been associated as partner or otherwise during the past five years? Attach additional sheets as necessary.

7. Have you, your partners, members, joint venturers, parent corporation, or subsidiaries been a party to any lawsuits, including any current investigations, indictments, or pending litigation, within the last five years? If so, list these lawsuits. Attach additional sheets as necessary.

8. Has any Facility that you operated been the subject of administrative or judicial action for alleged violation of environmental or public health laws or regulations? If so, state the details and disposition. Attach additional sheets as necessary.

**ORGANIZATION INFORMATION FORM
(Continued)**

9. List any and all actions occurring within the last five (5) years which have resulted in revocation or suspension of any permit or authority to do business in any federal, state or local jurisdiction, recorded by Submitter, any officer or director thereof or any affiliate or related company.

10. List any and all actions occurring in the past five years that have resulted in the barring from public bidding recorded by Submitter, any officer or director thereof or any affiliate or related company.

11. List any bankruptcy proceedings in the past five years recorded by Submitter, any affiliate or related company.

**ORGANIZATION INFORMATION FORM
(Continued)**

C. Main Office and Place of Performance

Following is the name and location of (1) the main office and (2) place of business where the services will be performed.

Main Office:

Name of Company

Street Address

City, State, and Zip Code

Place of Business where services will be performed if different than Main Office:

Street Address

City, State, and Zip Code

The undersigned hereby declares that this Expression of Interest is made in good faith without fraud or collusion with any person or persons submitting an Expression of Interest on same RFEI and that the statements, representations, and information contained in this Expression of Interest, including this Organization Information Form, are accurate and truthful.

Signature of person duly authorized to sign Expression of Interest on behalf of the Submitter.

Authorized Signature

Title

Date