

REQUEST FOR PROPOSAL

LANDFILL PURCHASE & OPERATION

The Evans County Board of Commissioners is seeking sealed proposals from a firm to purchase the Little Bull Creek Construction/Demolition (C&D) Landfill and associated operational equipment that is currently owned and operated by Evans County government. The Evans County Little Bull Creek C&D Landfill (“the Landfill”) is located at 2681 George Smith Road, Claxton, GA 30417. It is a Construction/Demolition Waste Landfill (C&D) with permit number 054-006D(C&D). The Landfill receives C&D waste from paid customers in Evans and surrounding counties.

Evans County is seeking qualified proposers to purchase the Landfill and the permit to operate the Landfill, provided the firm meets all requirements of the Georgia Department of Natural Resources – Environmental Protection Division (EPD). Evans County will transfer ownership and title to the winning bidder. The winning bidder must agree that any remedial action and liability arising from the past, present and future operation of the Landfill rests with the new owner, and must agree to indemnify Evans County for any such remedial actions and liabilities. Therefore, all activities associated with the acquisition and operation of the facility must be performed in strict adherence to applicable EPD regulations.

Evans County will not close on the sale of the Landfill and its operational equipment until the permit transfers to the buyer in accordance with EPD procedures. Thus, the sale of the Landfill will be contingent upon transfer of the permit. However, the County is willing to enter into an operating agreement with the buyer before the permit transfers so that the buyer can operate the Landfill in the time between award of the bid and permit transfer.

Potential purchasers may have access to available files and records of the Evans County C&D Landfill that are directly related to the facility’s operation, compliance status (including inspection and monitoring reports), and potential expansion. Copies of the current D&O plan, plats, surveys, assessments, permits, and similar information will be made available. A list of Landfill operating equipment to be sold as part of this transaction will also be provided. The foregoing information will be made available online. If additional documentation is sought, the proposer should contact Kent McCormick of Triple Point Engineering at (478) 476-0700; kmccormick@tpointeng.com. Proposers are encouraged to conduct their own review and evaluation as deemed necessary and are responsible for all costs associated with such due diligence activities.

Scope

Interested parties must submit a comprehensive proposal detailing all factors associated with the purchase of the Landfill including the proposer’s initial operation plan.

County goals

- Awarding the bid to a company that will be a responsible partner with Evans County and its citizens;
- Obtaining an appropriate amount of revenue for the sale of the Landfill (up front and/or over time);

- Ensuring that the successful bidder takes responsibility for trash and debris that escapes the Landfill or is found on/along the roads leading to the Landfill;
- Ensuring responsible expansion of the Landfill;
- Addressing quality of life concerns of nearby residents (such as hours of operation, installing directional back-up alarms on equipment, designating routes, and assuming responsibility for road repairs);
- Reserving Landfill air space for Evans County residents;
- Extending the life and value of the Landfill; and
- Benefitting the County as a whole.

Questions

Questions related to this RFP should be submitted in writing to Kent McCormick, via email to kmccormick@tpointeng.com and must be received by **June 11, 2024** at which time the County will compile all the answers and issue an addendum before close of business by **June 21, 2024**. Please be specific to ensure that questions asked are responded to correctly. The only official answers or positions of the County will be stated in writing and all answers will be sent to all proposers. Firms are advised that from the date of the release of this RFP until award of the contract, NO contact with County personnel or County officials is permitted, except as authorized by the contact person listed below. Any such unauthorized contact will result in the disqualification of the firm's submittal. Casey Burkhalter, Evans County Administrator, should be contacted to schedule site visits. Mr. Burkhalter can be reached at (912) 739-1141 or by email at countyadministrator@evanscounty.org.

Proposal Contents

Each proposal shall consist of five items. The total submission should not exceed fifty (50) pages in total. The proposal must include:

1. Cover letter;
2. Executive Summary;
3. Proposal to Purchase Landfill;
4. A \$250 non-refundable submission fee in the form of cashier's check payable to "Evans County Board of Commissioners"; and
5. Proposal Forms A-D, attached hereto.

The cover letter should be succinctly written to inform the Evans County Board of Commissioners of the proposer's interest in acquiring the Landfill and overseeing its day-to-day operations.

The Executive Summary shall be prepared on proposer's letterhead providing a summary of the proposal which shall be limited to no more than two (2) pages.

At a minimum, the following information must be provided within the proposal submitted by interested parties. Incomplete or late submissions will not be accepted. Any assumptions by the individual/firm making the proposal should be clearly explained within the submission. All proposals shall include the following:

1. Proposed purchase price for the Evans County Little Bull Creek C&D Landfill;

2. Proposed benefits to Evans County as a whole, including reserving air space for Evans County residents;
3. Proposed financing structure (if any) for the purchase of Landfill, however cash proposals will receive highest priority;
4. Documentation from proposer stating the individual's/firm's commitment to assume responsibility for all closure/post-closure liabilities;
5. Evidence of ability to acquire adequate bonds and insurance and to satisfy the financial assurances requirements of EPD;
6. Proposed host fee;
7. Initial operations plan for continued use of the Landfill addressing the following: capacity to be made available to Evans County; tipping fees, both short-term and long-term; plan for the disposal of tires, white goods, and land clearing debris; plan for daily waste flow; anticipated hours of operation; and any other information related to the operation of the Landfill that the proposer deems necessary;
8. Proposed use of the Landfill facility after its future closure;
9. Plan (if any) for utilizing the existing 2 Landfill employees;
10. Plan (if any) to acquire certain capital equipment currently used at the Landfill;
11. A list of all landfills owned/operated by the firm in the southeastern United States, a list of facilities previously owned by the proposer, as well as a summary of environmental compliance documentation for all landfills previously or currently owned or operated by the proposer;
12. A copy of all EPD Notice of Deficiencies (NOD), Notice of Violations (NOV), consent orders and other materials related to disciplinary actions against the proposer related to landfill operations;
13. Experience of relevant personnel that will be involved in the acquisition and operation of the Landfill;
14. Proposed timeline for transferring the permits for the facility, project financing, and a timetable for completion of all aspects of the transition;
15. If the proposer intends to operate the Landfill prior to transfer of the permit, a draft proposed operating agreement;
16. Commitment to pave (designed to accommodate proposed truck traffic) David Tippins Road leading from Sunbury Road to the Landfill to Evans County Road specifications within 1 year, or to fund the cost of such paving, such cost to not exceed \$1,100,000.00;
17. References for previous, similar projects in which the firm has engaged; and
18. Any other information deemed relevant and appropriate by the proposer.

Public Records

All proposals at an appropriate time may be subject to public inspection under Georgia law. All proposals submitted in response to this RFP will become the property of Evans County and a matter of public record. Companies must identify, in writing, all copyrighted material, trade secrets, or other proprietary information that it claims is exempt from disclosure. Any company claiming such an exemption must also state in its proposal that the company agrees to hold harmless, indemnify and defend the County and its agents, officials and employees in any action or claim brought against the County for its refusal to disclose such materials, trade secrets or other proprietary information to any party making a request. Any company failing to include such a statement shall be deemed to have waived its right to an exemption from disclosure.

Schedule

The Evans County Board of Commissioners, through their designee, intend to evaluate all proposals submitted. Once the proposals have been ranked, no appeals will be considered and all decisions will be final, unless the Evans County Board of Commissioners reject all proposals. Following review of proposals, the top firm/firms may be invited to make an oral presentation to the selection panel at a date and time to be determined.

Any firm/firms selected for continued negotiation will be required to present a bid bond of \$10,000 to serve as a good-faith negotiations fee prior to initiation of purchase agreement negotiations. This fee shall be returned to the proposer if Evans County decides to terminate negotiations with the proposer. At closing, the \$10,000 bid bond will be either returned to the proposer or credited towards the purchase price of the Landfill.

To be considered, five (5) copies of the firm's proposal must be received by 11:00 a.m. EST on July 11, 2024 at Evans County Board of Commissioners, 613 W Main Street Claxton GA 30417. All proposals must be sealed and should be clearly labeled "SEALED PROPOSAL - Evans County Little Bull Creek C&D Landfill – EPD Permit No. 054-006D(C&D)". Any proposals received after 11:00 a.m. EST on July 11, 2024 will not be considered.

All proposers will be notified by letter of the status of their proposal within five business days subsequent to a determination by the committee as to whether oral presentations will be requested of the proposer.

Evaluation Criteria & Selection

Procedures for selection of a firm will be in accordance with applicable state law governing the disposition of property and local procurement requirements. Evans County will evaluate all proposals received to select a preferred offer(s) to initiate purchase agreement negotiations utilizing the following evaluation criteria. Factors to be considered are:

- Responsiveness: The County will determine whether the bid complied with the instructions for submitting bids including completeness of bid, which encompasses the inclusion of all required attachments and submissions. The County must reject any bids that are submitted late. Failure to meet other requirements may result in rejection.
- Responsibility: The County will determine whether the bidder is one with whom it can or should do business. Factors that the County may evaluate to determine "responsibility"

include, but are not limited to: excessively high or low priced bid, past performance, references (including those found outside the bid), compliance with applicable laws-including tax laws, bidder's record of performance and integrity, whether the bidder has been delinquent or unfaithful to any contract with the County, whether the bidder is qualified legally to contract with the County, financial stability, and the perceived ability to perform completely as specified. A proposer must at all times have financial resources sufficient, in the opinion of the County, to ensure performance of the contract and must provide proof upon request. The County reserves the right to inspect and review the proposer's facilities, equipment and personnel and those of any identified subcontractors. The County will determine whether any failure to supply information, or the quality of the information, will result in rejection.

- Competitive price;
- Complexity of proposal with preference given to lump sum proposals;
- Community benefit to be realized from the sale of the Landfill to proposer;
- Strength of proposer's financial assurances;
- Proposer's willingness to accept the Landfill "as is" and assume responsibility for closure/post-closure liabilities;
- Experience owning and operating landfills, including but not limited to, environmental compliance; and
- Experience working with the Georgia Department of Natural Resources EPD Division.

Disclaimer

The Evans County Board of Commissioners reserves the right to accept or reject any or all proposals. The Evans County government is an Equal Opportunity Employer. Additionally, Evans County reserves the right to waive any and all irregularities or informalities in the proposals. Furthermore, firms shall be aware that Evans County may request additional information from any proposer in order to ensure a complete evaluation is conducted.

**FORM A
PROPOSER REPRESENTATIONS**

This Proposal is submitted to the Evans County Boards of Commissioners. In submitting this Proposal, the Proposer certifies, represents, and agrees to the following:

1. If this proposal is accepted, the Proposer agrees to enter into good faith negotiations with Evans County to develop an agreement to purchase the Evans County Little Bull Creek C&D Landfill.
 2. This Proposal has been prepared at the cost and expense of the Proposer with the expressed understanding that there shall be no claims whatsoever for reimbursement for any reason including the cancellation of the RFP.
 3. This Proposal will remain subject to acceptance (selected for negotiations) for 120 days after the due date.
 4. The Proposer has not directly or indirectly induced or solicited any other Proposer to submit false or sham information; the Proposer has not solicited or induced any person or corporation to refrain from responding to the RFP; and the Proposer has not sought by collusion or otherwise to obtain any advantage over any other Proposer for the purchase of the Evans County Little Bull Creek C&D Landfill.
 5. The pricing information contained in the Proposal has been arrived at independently of other Proposals and without consultation, communication, or agreement for the purpose of restricting competition as to any matter relating to such pricing with any other Proposer.
 6. Proposer does not take exception to any requirements outlined in the Proposal Package, except for the following:
-

SUBMITTED on _____, 2024

**By _____
(Proposer/Company Name)**

(Signature & Title of Person Authorized to Sign)

(Typed Name of Signatory)

(Address)

(Signatory's Telephone Number)

**FORM B
PROPOSED PRICE**

Provide below the proposed offering price for each component used to determine your firm's offering price for the purchase of the Evans County Little Bull Creek C&D Landfill, Permit #054-006D(C&D).

\$ _____ (Permit)

\$ _____ (Land)

\$ _____ (Timber)

\$ _____ (Buildings)

\$ _____ (Equipment)

\$ _____ (Other Assets - Defined)

\$ _____ **(Total Price)**

Please describe payment method in detail including frequency, method, source of funding, etc.

FORM C
PROPOSER'S STATEMENT OF ORGANIZATION AND FINANCIAL CAPABILITIES

1. Full name of Proposer/Firm: _____

2. Principal contact person(s) and telephone number(s): _____

3. Form of Proposer's business (corporation, partnership, joint venture, public entity, etc.):

4. If a partnership, give names of partners and identify whether partners are general or limited; if a corporation, give names of officers with authority to act on behalf of the corporation; if a joint venture, identify all joint venture participants; if an LLC, identify all members:

Name and Title

Business Address

1. _____

2. _____

3. _____

4. _____

If a legal entity, identify the state where initially formed, the date of formation, all states where registered to do business, and the date you registered to do business in Georgia:

_____.

Attach copies of articles of incorporation/articles of organization (as applicable).

If a joint venture, attach joint venture agreement and if a partnership, attach partnership agreement.

FORM C
PROPOSER'S STATEMENT OF ORGANIZATION AND FINANCIAL CAPABILITIES
(continued)

5. List all major firms (or joint venture members) participating in this project:

Name and Title

Specific Area of Responsibility

1.

2.

3.

4.

6. Identify the provisions of any agreement between parties designated in Items 5 and 7 of this Form which assigns legal or financial liabilities or responsibilities:

7. Please describe in detail the specific financial information that has been provided as part of the proposal to purchase the Evans County Little Bull Creek C&D Landfill to prove financial capability to purchase the Landfill.

**FORM D
PROPOSER'S CONFIDENTIALITY AGREEMENT**

This Proposal is submitted to the Evans County Boards of Commissioners. In submitting this Proposal, the Proposer, its agents, representatives, and employees, agree that any information gained through the RFP and/or purchase processes concerning the Landfill facility, accompanying businesses, and its operations will be kept confidential. Proposer will not disclose the information in whole or in part except to its agents, representatives, or employees for the purpose of completing the purchase of the Landfill.

The Proposer will not be prohibited from disclosing or using any information which:

1. is or becomes generally available to the public other than as a result of a disclosure by the Proposer;
2. was already in the Proposer's possession before any disclosure of the information;
3. has been or is obtained by the Proposer from a third party who the Proposer has no reason to believe is not lawfully in possession of the information and who the Proposer has no reason to believe is in violation of any contractual, legal, fiduciary obligation to the Seller with respect to the information; or
4. is required to be disclosed by a subpoena or other directive of a court, administrative agency, quasi-judicial body or arbitration panel.

SUBMITTED on _____, 2024

**By _____
(Proposer/Company Name)**

(Signature & Title of Person Authorized to Sign)

(Typed Name of Signatory)

(Address)

(Signatory's Telephone Number)