



Request for Qualifications for Commercial Solid Waste Collection, Recycling, and Disposal Services for the City of El Segundo

RFQ #23-06

Release Date: November 21, 2023

Notice is hereby given that the City of El Segundo Public Works Department is soliciting statements of qualification (SOQ) from waste management companies interested in submitting a proposal for a non-exclusive franchise agreement for the collection, recycling, and disposal of commercial waste generated in the City.

Three (3) hard copies and one (1) electronic copy of the sealed SOQ must be received by the City Clerk by: **11:00 a.m. PST, December 15, 2023.**

City of El Segundo
City Clerk's Office
350 Main Street
El Segundo, CA 90245

Late submittals will not be accepted.

Interested parties may obtain a copy of this RFP by accessing the City of El Segundo website: <https://www.elsegundo.org/government/departments/city-clerk/bid-rfp>

Any and all updates, addenda, questions and answers and changes to this RFQ will be distributed only to those companies who register with the City by December 1, 2023. The city will not be held responsible or liable if interested bidders or proposals miss any information relevant to this RFQ.

1. INSTRUCTIONS

1. OBJECTIVE

The City of El Segundo, California (City) is soliciting statements of qualification (SOQ) from waste management companies interested in submitting a proposal for a non-exclusive franchise agreement for the collection, recycling, and disposal of commercial waste generated in the City (“commercial waste management services”). For the purpose of this RFQ, “commercial waste management services” includes industrial, retail, multifamily properties, and schools. The effective date of the new non-exclusive franchise agreement(s) is anticipated to be June 12, 2024.

This request for qualifications (RFQ) is the first step in a four-step process leading to the selection of one or more non-exclusive franchisees to provide commercial waste management services in the City:

- Step 1: Interested companies submit statements of qualification to the City.
- Step 2: The City evaluates the submittals and develops a list of qualified companies.
- Step 3: The qualified companies are invited to submit formal proposals with service rates.
- Step 4: The City evaluates the applications in relation to the stated criteria and selects the company or companies to be awarded a non-exclusive franchise agreement.

The City is interested in receiving SOQs from companies with a documented history of successfully providing high-quality waste management services to municipalities, and the demonstrated ability to achieve high levels of waste diversion, ensuring compliance with current regulations (e.g., AB 341 and SB 1383). The City encourages companies responding to this RFQ to discuss how they plan to minimize the environmental impact of their operations through efficient route planning and the use of waste recycling, diversion and disposal facilities that will result in the significant net reductions in greenhouse gas emissions from collection, transportation, and facility processing.

2. BACKGROUND

The City of El Segundo was incorporated in 1917 and is about 5.5 square miles in size. It is home to 17,000 people and is known as a major aeronautical and industrial business center, home to the Los Angeles Air Force Base, Chevron Oil Refinery, Mattel, Los Angeles Times, and other major businesses.

El Segundo maintains a blend of residential and commercial land uses. Residential and municipal waste management services are currently provided by EDCO Disposal (EDCO) pursuant to an exclusive franchise agreement with the City. Commercial waste management services are currently provided through a permit system by multiple permitted haulers.

On June 12, 2019, the City mailed a copy of the “5-year Notice of Intent to Franchise Commercial Haulers Affidavit” to all permitted haulers in the City, pursuant to Public Resources Code § 49520.

3. CURRENT DATA

The existing permitted haulers have reported the total of approximately 610 commercial accounts and approximately 440 multi-family accounts. There are approximately 310 multi-family accounts on a 3-bin system, 65 on a 2-bin system and 65 on a 1-bin system. There are approximately 310 commercial accounts on a 3-bin system, 110 on a 2-bin system and 190 on a 1-bin system. Additionally, there was approximately 24,000 tons of waste hauled from commercial and multi-family facilities of the City during 2022.

Companies responding to this RFQ are advised to independently verify the actual service conditions in the City including, but not limited to, the topography, street conditions, concentration and density of residential and commercial service locations, and accessibility of service locations.

4. SCHEDULE (ESTIMATED)

Release of this RFQ.....	Nov. 21, 2023
Deadline for submittal of questions to the RFQ	Dec. 1, 2023
City responses to questions to the RFQ	Dec. 8, 2023
Statements of qualifications due	Dec. 15, 2023, 11:00 a.m.
Notice inviting qualified applicants	Jan. 15, 2024
City releases Request for Proposal (RFP).....	Jan. 15, 2024
Deadline for submittal of questions to the RFP	Feb. 1, 2024
City response to questions to the RFP.....	Feb. 8, 2024
Proposals in response to RFP due.....	Feb. 15, 2024
City staff recommendations to City Council	Mar. 2024
City Council award of non-exclusive franchise agreements.....	Mar. 2024
Franchisee transition period	April 1 – May 30, 2024
Non-Exclusive Franchise service begins	June 12, 2024

5. COMPONENTS OF THIS RFQ

This RFQ includes four documents. Companies responding to this RFQ are advised to thoroughly review all documents.

- 1.These instructions
- 2.Company information form
- 3.Commercial Waste Collection and Recycling Service Plan
- 4.Certification Statement

6. QUALIFICATION CRITERIA

The following are minimum criteria to be considered a qualified company:

- a. If the company desires to be considered for a commercial non-exclusive franchise agreement in El Segundo, it must be currently providing waste collection, recycling, and disposal services relatively similar to those described in the commercial service plan in at least three California jurisdictions pursuant to an exclusive or non-exclusive franchise agreement. These franchise agreements must have been awarded by a California city, county, regional agency that provides waste services, or municipal service agency or district.
- b. Operate only with trucks that utilize SB 1383-compliant fuel.
- c. Be in good standing with all active franchise agreements with no enforcement actions within the last five years.

7. REASONS FOR DISQUALIFICATION

Companies responding to the RFQ may be automatically disqualified from further consideration for the following reasons:

- a. Including materially false, misleading, or inaccurate information or statements in their submittals to the City.
- b. Deviating materially from the communication protocol specified in these instructions.
- c. Failing to execute, without modification, the Certification Statement that is included as part 5 of this RFQ.
- d. Failing to complete and submit all required documents or to provide additional information requested by the City.

8. REGISTRATION WITH THE CITY

Companies intending to respond to this RFQ **must register their intention by sending an email to Erica Miramontes, by December 1, 2023**. The company's email to Erica Miramontes should include:

- a. The name of the company that will be submitting the statement of qualifications.
- b. The name, telephone number, and email address of the primary contact person.
- c. A statement that the company intends to submit a statement of qualifications in response to the City's RFQ.

Responses to questions and addendums to the RFQ will only be sent to those companies that register with the City prior to the deadline.

9. COMMUNICATION PROTOCOL

All questions and comments related to this RFQ must be submitted in writing or via email by December 1, 2023 to:

Erica Miramontes
City of El Segundo
Public Works Department
350 Main Street
El Segundo, CA 90245
Email: emiramontes@elsegundo.org

The City staff will not respond to questions or requests for clarification received orally or via telephone, and the City will not be responsible for any oral exchanges or other information or exchanges regarding this RFQ that occur between parties.

Written responses to all questions received prior to the submittal deadline will be prepared and distributed on December 8, 2023 to all companies that register with the City as being interested in responding to this RFQ. Companies are advised to not rely on responses to their questions or clarifications of the requirements of this RFQ from sources other than the written responses received from Erica Miramontes. The contracts for services will be the final and sole understanding between the City and the contractor(s).

10. SUBMITTAL INSTRUCTIONS

10.1 General

The City is interested in receiving SOQs that primarily contain quantitative as well as qualitative information. Companies are encouraged to refrain from submitting superfluous information and marketing brochures, and to focus on responding to the specific information requested by the City and demonstrating their ability to provide the services requested.

10.2 Due date for submittals

All components of a company's SOQ must be received by the City in a sealed envelope by **11:00 a.m. PST on December 15, 2023**. Submittals received after this time and date will not be considered.

10.3 Address for submittals

A company's SOQ must be mailed or delivered to:

City Clerk
City of El Segundo
350 Main Street
El Segundo, CA 90245

10.4 Number of copies

Three (3) bound copies and **one** (1) flash drive (emails not accepted) of all components of a company's SOQ are required. All copies should be printed on paper with at least 50% recycled

fiber content. Electronic copies must be in searchable PDF or Microsoft Word format as a single document.

10.5 Ownership and Control of SOQs

Responses to this RFQ will become the exclusive property of the City of El Segundo. All documents submitted in response to this RFQ will be public records and subject to disclosure.

10.6 Contents of the SOQs

If a company fails to provide any of the information requested by the City, the company's SOQ may be deemed incomplete and the company may be disqualified from consideration for a franchise.

a. Cover Letter

The cover letter should be no longer than two pages and must be signed by an officer or official with the authority to make binding commitments on behalf of the company. The title of the individual signing the cover letter must be specified. If a company is a subsidiary, it shall clearly identify the parent company and shall include the parent company's signature on the cover letter and Certification Statement.

b. Company Information Form

All sections must be completed.

Some sections of the form require that additional information or clarifications be provided. This document is distributed as an MS Word file so companies can add the requested information directly in the text boxes in the document. The text boxes can be expanded to accommodate the requested information.

Companies should not attach general marketing brochures, press materials or clippings about their companies or facilities, or include any audio or video materials or live hyperlinks to such materials.

c. Certification Statement

The statement, as prepared by the City, must be signed by an officer of the company with the authority to make binding commitments on behalf of the company. The City may require companies to provide additional information to:

- i. Clarify any of the facts, statements, or calculations in their SOQs.
- ii. Further explain or elaborate upon the litigation or investigations in which the company, its parent, or any of its subsidiaries is a party.

- iii. Provide more details on any instances in which the company, its parent, or any of its subsidiaries were found to not be in compliance with any permit, license, or franchise terms and conditions.

11. EVALUATION

All statements of qualification received by the submittal deadline will first be evaluated by the City and/or its representatives for completeness and those determined to be complete will be evaluated in relation to the qualification criteria specified in these instructions. The City staff and/or its representatives may contact representatives at other agencies where the companies are currently or have previously provided waste collection and recycling services. City staff and/or its representatives shall be responsible for making the determination of the companies that qualify as eligible bidders.

12. NOTIFICATION

All companies that submitted a statement of qualifications by the deadline will be notified in writing by the date specified in Section 4 of these instructions of the results of the City's evaluation of their qualifications. Companies judged to be qualified will be invited to submit a proposal and cost forms for a non-exclusive commercial franchise agreement.

2. COMPANY INFORMATION FORM

A. Company Information

1. Company name:
2. DBA:
3. Corporate or other parent:
4. Physical location of primary office in Los Angeles County
Street:
City: State: Zip code:
5. Company type:
 Corporation State in which company is incorporated
 LLC
 Partnership
 ESOP
 Sole proprietorship
 Other:
6. Years in business:

B. Contact Person

7. Contact name: Telephone:
Title: Email address:
8. Contact mailing address:
Street:
City: State: Zip code:
9. Company official with the authority to bind and make commitments on behalf of the company (include parent company if applicable)
Names: Titles:

C. Company Ownership

10. Are shares in the company publicly traded? Yes No If "Yes", skip to Section D.
If "No", complete the remainder of this section.

11. List the names and addresses of the ten largest shareholders or partners and those with a 10% or greater ownership interest in the company:

Name	Address	Ownership Share
11.1		%
11.2		%
11.3		%
11.4.		%
11.5.		%
11.6		%
11.7		%
11.8		%
11.9		%
11.10		%

12. List the company officers and directors (including parent company if applicable)

Name	Title/Position
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D. Franchise Experience

13. To be qualified, your company must have at least three commercial franchises in California. List the details of applicable franchises in California for which your company is currently providing waste collection and recycling services. List franchises in Los Angeles County first. If the franchise covers a zone or district within the jurisdiction, enter the name of the zone or district in "Area Served". If the franchise covers the entire jurisdiction, enter the name of the jurisdiction in "Area Served."

Commercial	
Please confirm the Company has at least three commercial franchises within California:	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Quantity of vehicles owned by the Company:	Type of fuel used in vehicles:

Jurisdiction Area Served Year franchise awarded Waste & materials collected in 2022 tons Contact Person Telephone #	Franchise Type Select Number of residential customers Number of commercial customers Percent of waste & materials collected in 2022 that was diverted from disposal %	Services Provided <i>check all that apply</i> <input type="checkbox"/> Waste collection <input type="checkbox"/> Mixed waste recycling <input type="checkbox"/> Source separation recycling <input type="checkbox"/> Mixed organics recycling <input type="checkbox"/> Food waste recycling <input type="checkbox"/> Green waste recycling <input type="checkbox"/> C&D debris recycling <input type="checkbox"/> Bulky item collection
Jurisdiction Area Served Year franchise awarded Waste & materials collected in 2022 tons Contact Person Telephone #	Franchise Type Select Number of residential customers Number of commercial customers Percent of waste & materials collected in 2022 that was diverted from disposal %%	Services Provided <i>check all that apply</i> <input type="checkbox"/> Waste collection <input type="checkbox"/> Mixed waste recycling <input type="checkbox"/> Source separation recycling <input type="checkbox"/> Mixed organics recycling <input type="checkbox"/> Food waste recycling <input type="checkbox"/> Green waste recycling <input type="checkbox"/> C&D debris recycling <input type="checkbox"/> Bulky item collection

<p>Jurisdiction</p> <p>Area</p> <p>Year franchise awarded</p> <p>Waste & materials collected in 2022 tons</p> <p>Contact Person</p> <p>Telephone #</p>	<p>Franchise Type Select</p> <p>Number of residential customers</p> <p>Number of commercial customers</p> <p>Percent of waste & materials collected in 2022 that was diverted from disposal</p> <p style="text-align: center;">%</p>	<p>Services Provided <i>check all that apply</i></p> <p><input type="checkbox"/> Waste collection</p> <p><input type="checkbox"/> Mixed waste recycling</p> <p><input type="checkbox"/> Source separation recycling</p> <p><input type="checkbox"/> Mixed organics recycling</p> <p><input type="checkbox"/> Food waste recycling</p> <p><input type="checkbox"/> Green waste recycling</p> <p><input type="checkbox"/> C&D debris recycling</p> <p><input type="checkbox"/> Bulky item collection</p>
<p>Jurisdiction</p> <p>Area Served</p> <p>Year franchise awarded</p> <p>Waste & materials collected in 2022 tons</p> <p>Contact Person</p> <p>Telephone #</p>	<p>Franchise Type Select</p> <p>Number of residential customers</p> <p>Number of commercial customers</p> <p>Percent of waste & materials collected in 2022 that was diverted from disposal</p> <p style="text-align: center;">%</p>	<p>Services Provided <i>check all that apply</i></p> <p><input type="checkbox"/> Waste collection</p> <p><input type="checkbox"/> Mixed waste recycling</p> <p><input type="checkbox"/> Source separation recycling</p> <p><input type="checkbox"/> Mixed organics recycling</p> <p><input type="checkbox"/> Food waste recycling</p> <p><input type="checkbox"/> Green waste recycling</p> <p><input type="checkbox"/> C&D debris recycling</p> <p><input type="checkbox"/> Bulky item collection</p>
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E. Litigation History

14. Provide details on any litigation filed within the past ten years between your company, parent company, or subsidiaries and a California public agency that related to a contract, permit, or franchise for solid waste services. If you need additional space, please use the format below and submit an attachment to your proposal.

14.1 Agency Date Filed Status Select

Name of your company, parent, or subsidiary that was a party

In the space below, provide a description of the litigation, indicate how your company responded to the litigation, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issues that caused the litigation to be initiated.

14.2 Agency Date Filed Status Select

Name of your company, parent, or subsidiary that was a party

In the space below, provide a description of the litigation, indicate how your company responded to the litigation, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issues that caused the litigation to be initiated.

14.3 Agency Date Filed Status Select

Name of your company, parent, or subsidiary that was a party

In the space below, provide a description of the litigation, indicate how your company responded to the litigation, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issues that caused the litigation to be initiated.

14.4 Agency Date Filed Status Select

Name of your company, parent, or subsidiary that was a party

In the space below, provide a description of the litigation, indicate how your company responded to the litigation, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issues that caused the litigation to be initiated.

14.5 Agency Date Filed Status Select

Name of your company, parent, or subsidiary that was a party

In the space below, provide a description of the litigation, indicate how your company responded to the litigation, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issues that caused the litigation to be initiated.

14.6 Agency Date Filed Status Select

Name of your company, parent, or subsidiary that was a party

In the space below, provide a description of the litigation, indicate how your company responded to the litigation, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issues that caused the litigation to be initiated.

14.7 Agency Date Filed Status Select

Name of your company, parent, or subsidiary that was a party

In the space below, provide a description of the litigation, indicate how your company responded to the litigation, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issues that caused the litigation to be initiated.

14.8 Agency Date Filed Status Select

Name of your company, parent, or subsidiary that was a party

In the space below, provide a description of the litigation, indicate how your company responded to the litigation, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issues that caused the litigation to be initiated.

16.1 Agency Date Amount \$
Issue

In the space below, provide a description of the issue that resulted in the fine, penalty, or liquidated damages, indicate how your company responded, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issue that caused the fine, penalty, or liquidated damages to be levied.

16.2 Agency Date Amount \$
Issue

In the space below, provide a description of the issue that resulted in the fine, penalty, or liquidated damages, indicate how your company responded, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issue that caused the fine, penalty, or liquidated damages to be levied.

16.3 Agency Date Amount \$
Issue

In the space below, provide a description of the issue that resulted in the fine, penalty, or liquidated damages, indicate how your company responded, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issue that caused the fine, penalty, or liquidated damages to be levied.

16.4 Agency Date Amount \$
Issue

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remedial actions taken by your company to address the issue that caused the fine, penalty, or liquidated damages to be levied.

16.5 Agency	Date	Amount \$
Issue		

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16.6 Agency	Date	Amount \$
Issue		

In the space below, provide a description of the issue that resulted in the fine, penalty, or liquidated damages, indicate how your company responded, and identify how it was resolved or current status of any corrective or remedial actions taken by your company to address the issue that caused the fine, penalty, or liquidated damages to be levied.

17. Is the company, its parent, or any of its subsidiaries currently the subject of any litigation or investigations by a law enforcement or public agency related to the waste collection, recycling, or disposal activities of the company, its parent, or any of its subsidiaries in California? If you need additional space, create a new page using the format below and attach it to your proposal.

Yes No If "Yes", provide details

17.1 Agency	Date filed or initiated	Status Select
Issue		

In the space below, provide a description of the issue that is/was the subject of the litigation or investigation, indicate if it was resolved or the status and how your company responded, and identify any corrective or remedial actions taken by your company to address the issue that caused the litigation or investigation to be initiated.

17.2 Agency

Date filed or initiated

Status Select

Issue

In the space below, provide a description of the issue that is/was the subject of the litigation or investigation, indicate if it was resolved or the status and how your company responded, and identify any corrective or remedial actions taken by your company to address the issue that caused the litigation or investigation to be initiated.

17.3 Agency

Date filed or initiated

Status Select

Issue

In the space below, provide a description of the issue that is/was the subject of the litigation or investigation, indicate if it was resolved or the status and how your company responded, and identify any corrective or remedial actions taken by your company to address the issue that caused the litigation or investigation to be initiated.

17.4 Agency

Date filed or initiated

Status Select

Issue

In the space below, provide a description of the issue that is/was the subject of the litigation or investigation, indicate if it was resolved or the status and how your company responded, and identify any corrective or remedial actions taken by your company to address the issue that caused the litigation or investigation to be initiated.

17.5 Agency

Date filed or initiated

Status Select

Issue

In the space below, provide a description of the issue that is/was the subject of the litigation or investigation, indicate if it was resolved or the status and how your company responded, and identify any corrective or remedial actions taken by your company to address the issue that caused the litigation or investigation to be initiated.

17.6 Agency

Date filed or initiated

Status Select

Issue

In the space below, provide a description of the issue that is/was the subject of the litigation or investigation, indicate if it was resolved or the status and how your company responded, and identify any corrective or remedial actions taken by your company to address the issue that caused the litigation or investigation to be initiated.

Note: The City may require companies to provide more details on any of these issues

3. COMMERCIAL WASTE COLLECTION AND RECYCLING SERVICE PLAN

The City of El Segundo will be awarding one or more non-exclusive franchise agreements for the collection, recycling, and disposal of waste from commercial, industrial, and multi-family properties in the City. The term of this franchise is anticipated to be from June 12, 2024 to no later than June 12, 2031 (7 years). This document describes the services that the successful franchise(s) will be required to provide to customers in the City. Companies submitting a statement of qualifications for a non-exclusive franchise agreement are advised to read this document carefully as they must certify that their company has the experience, skill, and resources to successfully provide these services.

Additional details of the services to be provided will be included in the draft franchise agreement upon the release of the request for proposal (RFP).

1. Weekly Collection, Recycling, and Disposal Services

- 1.1 Provide regular collection of refuse, recyclable, and mixed organic materials. There are approximately 610 commercial accounts and approximately 440 multi-family accounts being currently serviced in the City by permitted haulers. If franchisee is to co-collect Solid Waste and Recyclables (Mixed Waste), a High Diversion Organic Waste Processing Facility (HDOWPF) must be used and specified in the Agreement. Frequency of collection shall be determined by the service needs of each customer, but shall occur at least once per week.
- 1.2 Divert from disposal at least 50% of the refuse and materials collected through approved CalRecycle diversion methods. At least 65% of construction and demolition debris collected must be diverted from disposal. The minimum diversion requirements may change during the term of the franchise agreement if so required by California law; in such case, the franchisee must take all steps necessary to comply with such requirements.
- 1.3 Dispose of non-recyclable waste in a fully-permitted disposal facility.
- 1.4 Containers:
 - 1.4.1 Provide each customer with an appropriately-sized cart, bin, or roll-off.
 - 1.4.2 Bins may be new or used, of welded steel construction, with wheels and covers.
 - 1.4.3 Customers that cannot accommodate a bin are to be provided with lidded wheeled carts of adequate size and construction. All carts provided to customers for refuse, recycling, and mixed organic service shall be new.
 - 1.4.4 Roll-offs to be clean and in good repair.
 - 1.4.5 All container labels shall be SB 1383-compliant and marked with the name and customer service telephone number of the franchisee and shall advise the customer to not dispose of hazardous materials or universal waste. A telephone number for information on the proper disposal of these items shall be included. The label shall

also indicate that the customer should contact the franchisee for repair or replacement of damaged containers.

1.4.6 All bins and roll-offs shall include a sticker or label with a safety warning.

1.4.7 Maintenance and Repair, and Exchange of Containers: All customer containers shall be maintained in good condition and must be kept clear of graffiti. Broken or damaged carts and bins shall be repaired or replaced by the franchisee at no charge to the customer or City. Bins, particularly those used for the collection of food waste, shall be cleaned as needed to eliminate odors and discourage vermin infestation.

1.5 Provide as-needed service for customer-owned compactors.

1.6 Provide roll-out service for a fee to customers that request this service.

1.7 Provide all customers with recycling services and organic materials (landscaping debris and trimmings, non-hazardous wood waste, and food waste) diversion services.

2. Temporary Services

2.1 Provide appropriately-sized bins and roll-offs for the temporary collection of refuse, recyclable materials, and construction and demolition debris to customers who order such service. Customers for temporary service are to be offered a variety of bin and roll-off sizes, and containers for the collection of mixed and source separated materials.

2.2 At least 65% of the construction and demolition debris collected from customers provided with temporary service must be diverted from disposal.

3. Vehicles and Collection Routes

All vehicles used to service customers are to be 2017 models or newer and in full compliance with all local, regional, and state regulations, including SCAQMD Rule 1193. All vehicles shall be kept clean, painted, free of graffiti, and in good repair. Additionally, all vehicles shall operate on SB 1383 compliant renewable gas.

Collection routes are to be dedicated to the City and designed to minimize total vehicle-miles required to service customers and transport collected refuse and materials from the City to processing and disposal facilities.

4. Billing of Customers and Payment for Services

The franchisee(s) will be responsible for billing customers for services provided. Franchise and other fees levied by the City, if any, are to be included in the amounts charged to customers and remitted to the City upon receipt by the franchisee(s).

5. Service Rates

The franchisees will be responsible for determining the rates charged to their customers. However, the City will set ceilings for rates based on the franchisees' proposals.

Rates may be adjusted once annually by the average annual change in the consumer price index for all urban consumers as calculated by the U.S. Department of Labor, Bureau of Labor Statistics, for the Los Angeles-Long Beach-Anaheim area.

6. Franchisee Service Contracts with Customers

The term of any service contracts between a franchisee and its customers shall not extend beyond the term of the franchisee's non-exclusive franchise agreement with the City.

Franchisees shall not include any automatic renewals or extensions, such as "evergreen" clauses, in the service contracts with its customers.

Each customer shall be provided with the option of terminating its services with a franchisee upon 30 days' notice provided that the customer is not delinquent in paying for services received from the franchisee.

7. Customer Service and Support

Provide the personnel, equipment, and systems necessary to receive and respond to customer requests for extra services, changes to service, bulky item collection, billing questions, and equipment repair or exchange. The standard time for responding to and resolving customer calls shall be 24 hours or the next business day, whichever is sooner. There must be adequate customer service staff fluent in English and Spanish.

8. Customer Education and Outreach

Provide all new customers with information on the services provided, collection schedules, proper handling of hazardous and universal waste, the importance of recycling and waste diversion, and the procedures for separating and handling recyclable materials and organics. The franchisee will also be required to provide on-going customer education on these topics through quarterly newsletters to customers. Printed materials must be available in English and Spanish.

The franchisee(s) will be responsible for providing customers with the information required to support compliance with AB 341, AB 1826, and SB 1383, including providing the City with the information required to meet the respective reporting requirements.

9. Litter Control

Collect and transport refuse and materials so as to avoid the creation of litter or spills on City streets, driveways, and private property. Drivers will be responsible for cleaning up spills and litter created when servicing a customer cart or bin.

10. Reporting

Monthly reports shall be submitted to the City with information on the quantities of waste and materials collected, recycled, and disposed, and the number of customers served. The reports must also indicate the quantities of materials transported to and processed at all facilities used during the month. Information on facility usage submitted to the City must be consistent with the information submitted by the franchisee to the facility operators and the Disposal Reporting System.

The City shall specify the form of the reports and the method by which reports are to be submitted. The percent of waste diverted from disposal shall be calculated and reported monthly. If the franchisee uses material recovery or recycling facilities that receive waste and materials from more than one source, the waste diversion rate reported to the City shall be based on the actual characteristics of the waste or materials from the City delivered to those facilities.

The waste diversion rate reported to the City must be based on the quantities of waste and materials collected in the City each month that are diverted from disposal. Diverted materials from other jurisdictions shall not be included in the calculation of the franchisee's waste diversion rate reported to the City.

11. SB 1383 Compliance

Franchisee shall perform and/or assist the City with services in compliance with CalRecycle requirements under SB 1383 including, without limitation: contamination monitoring, route reviews and inspections (Section 18984.5), food recovery assistance, which may include inspections (Section 18991), waiver assistance (Section 18984.11), organic waste recovery education and outreach (Section 18995.1), and all recordkeeping and reporting requirements.

12. Recovered Organic Waste Product (ROWP) Procurement

Franchisee shall provide the City with ROWP for the City to meet its procurement target.

13. Audits and Inspections

The City shall have the right to audit a franchisee's books and records related to the services provided pursuant to the franchise.

14. Insurance

Franchisees shall obtain and keep in effect, the following insurance policies and limits:

- Comprehensive general liability \$10 million
 - Automobile liability..... \$10 million
 - Worker's Compensation Liability Limits required by the State of California
 - Pollution Liability Insurance..... \$2 million per occurrence
- \$4 million aggregate

