

**ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**  
**UNSOLICITED PROPOSALS POLICY**

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**1.0 PURPOSE**

The Rockland County Solid Waste Management Authority encourages the submission of new and innovative ideas to enhance its operation, and public education and outreach on reuse and recycling. When such ideas do not fall under topic areas publicized under the Authority's programs, they must be submitted as unsolicited proposals. The purpose of this policy is to specify the means by which individuals, business entities and/or organizations can submit unsolicited proposals and how the Authority will respond to them.

**2.0 SCOPE**

This policy clarifies how organizations can submit valid unsolicited proposals for thorough evaluation by the Authority.

**3.0 DEFINITIONS**

3.1 **Unsolicited Proposal** - An unsolicited proposal is an offer initiated and submitted to the Authority by others, without solicitation from the Authority, with the objective of obtaining a contract. A valid unsolicited proposal must:

- Be innovative and unique;
- Be independently originated and developed by the offeror;
- Be prepared without the Authority's supervision, endorsement, direction, or direct involvement;
- Include sufficient detail to permit a determination that the proposed work could benefit the Authority in its pursuit of fulfilling its mission;
- Not be an advance proposal for an item, project, or material that the Authority is required to acquire through competitive means; if it is found to be so at any time during the submission process, the Authority reserves the right to cease discussions at its sole discretion;
- Not address a previously published solicitation for proposals.

## 4.0 RESPONSIBILITIES

- 4.1 Authority Staff-Staff is responsible for clarifying application requirements when requested, and for receiving, processing, and following up in a timely manner on each proposal. Authority staff will make an initial determination of whether the proposal is complete (i.e., meets the criteria outlined in Section 5.0) and communicate with offerors. Staff is responsible for researching proposals when necessary, for bringing proposals to the Executive Committee, and for coordinating initial meeting with offerors and Executive Committee.
- 4.2 Authority Legal Counsel will review the proposal to determine if there are any legal issues that must be addressed before the review process can proceed.
- 4.3 The Executive Committee will review the recommendations of Authority Staff, consultants and Counsel regarding proposals. The committee is also responsible for deciding whether each proposal has enough merit to proceed to consideration by the Authority Board.
- 4.4 The Authority Board is responsible for the final determination on whether proposals forwarded by the Executive Committee may proceed.

## 5.0 CRITERIA

- 5.1 Only fully documented proposals will be accepted for review.
- 5.2 All unsolicited proposals will be subject to the following terms:
  - 5.2.1 Requests for confidentiality will be subject to the provisions of the New York State Freedom of Information Law.
  - 5.2.2 All information and supplemental materials provided to the Authority as part of the process is subject to New York Freedom of Information Law.
  - 5.2.3 If an unsolicited proposal includes data that the offeror does not want disclosed to the public for any purpose (except for evaluation purposes by the Authority) the title page must be marked with the following legend:

### Use and Disclosure of Data

This proposal includes data that shall not be disclosed outside the Authority and shall not be duplicated, used, or disclosed - in whole or in part - for any purpose other than to evaluate this proposal, unless disclosure is required by law. However, if a contract is awarded to this offeror as a result of - or in connection with - the submission of these data, the Authority shall have the right to duplicate, USB, or disclose the data to the extent provided in the resulting contract or by law. This restriction does not limit the Authority's right to use information contained in these data if they are obtained from another source without restriction. Note: the Authority's outside consultants are bound by this non-disclosure as it would pertain to customary client-agent relationships / agreements.

- 5.2.4 The offeror shall mark each sheet of data it wishes to restrict with the following legend: "Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal."

5.2.5 If the Authority's Board approves of a proposal, the final selection of the vendor will be subject to the Authority's procurement policy, if applicable.

5.2.6 The Authority reserves the right to implement the plan unilaterally.

### 5.3 Review of Unsolicited Proposals

#### 5.3.1 The Authority Staff Review (including consultants)

5.3.1.1 Prior to initiating a comprehensive evaluation, staff will determine if the proposal

- Is a valid unsolicited proposal as defined in 3.1;
- Is suitable for submission in response to an existing the Authority requirement (See Section 1.0);
- Is related and consistent with the Authority's mission;
- Contains sufficient technical information and cost-related or price-related information for evaluation;
- If applicable, has overall waste diversion/recycling and cost-effective merit for the Authority and Rockland County;
- Can result in positive improvements;
- Has been submitted by an offeror who has a proven track record and requisite experience in operation and management of this or similar projects;
- Has been submitted by an offeror with references from current and past clients, suppliers, and/or related professionals;
- Has been approved by a representative authorized to obligate the offeror contractually; and
- If applicable, complies with the marking requirements of Section 5.2

5.3.1.2 If a proposal meets the above requirements, staff shall acknowledge receipt of the proposal in writing within 30 days of receipt of the proposal with instructions as to the next steps of the process and will proceed with a comprehensive evaluation of the proposal.

5.3.1.3 If a proposal fails to meet the above requirements, staff shall acknowledge receipt of the proposal in writing within 30 days of receipt of the proposal with an explanation of how the proposal fails to meet the procedural and/or substantive requirements. The offeror may resubmit a completed proposal.

#### 5.3.1.4 Comprehensive Evaluation

5.3.1.4.1 When performing a comprehensive evaluation of an unsolicited proposal, staff shall consider the following factors as well as any additional factors deemed appropriate at the sole discretion of the Authority and its outside consultants for the specific proposal:

- Unique, innovative and meritorious methods, approaches or concepts demonstrated by the proposal;
- Potential contribution of the effort to the Authority's mission;

- Overall waste diversion/recycling and cost-effective merits for the Authority and its member communities;
- Potential impact on the Authority's budget;
- Potential required investments of labor, equipment or facilities by the Authority;
  
- The offeror's capabilities, including:
  - 1) financial capability of the offeror to capitalize and operate proposed venture,
  - 2) related experience, including descriptions of previous projects completed or currently in operation, facilities with addresses and names of relevant contact information, techniques, or unique combinations of these that are integral factors to achieving the proposal objectives,
  - 3) The express written authorization from the offeror for the Authority and/or its outside consultants to contact supplied references and verify all of the above with relevant documentation and records, professional and personal reference checks, credit bureau checks, criminal background checks,
- The realism of the proposed cost.

#### 5.3.2 Executive Committee Review

5.3.2.1. The Executive Committee will review all recommendations from staff and outside consultants and make such decisions as to whether more information is needed, and determine whether the proposal has merit enough to take to the Authority Board;

#### 5.3.3 Authority Board Review

5.3.3.1 Once a proposal has been reviewed and recommended by staff and the Executive Committee, it will be presented to the Authority Board for review at a regularly-scheduled board meeting.

### 5.4 Required Contents of Proposals

#### 5.4.1 Basic Information

5.4.1.1 Name and address and type of organization (i.e., business, for-profit, non-profit, educational, etc.)

5.4.1.2 Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes.

5.4.1.3 If applicable, the identity of proprietary data (pursuant to Section 5.2) to be used only for evaluation purposes.

5.4.1.4 Names of other agencies or parties receiving the proposal or funding the proposed effort

5.4.1.5 Date of submission

5.4.1.6 Signature of person(s) authorized to represent and contractually obligate the offeror

#### 5.4.2 Technical Information

- 5.4.2.1 Concise description (approximately 200 words) of proposed effort
- 5.4.2.2 Objectives of effort/activity, method of approach and extent of effort to be employed, the nature and extent of anticipated results, and how work will help support accomplishment of agency's mission
- 5.4.2.3 Names and biographical information on offeror's key personnel who would be involved, including alternates, and their related experience
- 5.4.2.4 Type of support needed from the Authority (e.g., facilities, equipment, materials, or personnel resources)
- 5.4.2.5 Beneficial impact to the Authority in the following areas:
  - Budget
  - Diversion/recycling
  - Solid Waste Comprehensive plan
  - Effect on the Authority's communities
  - What happens to the Authority in case of failure?

#### 5.4.3 Supporting Information

- 5.4.3.1 Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation
- 5.4.3.2 Period of time for which the proposal is valid (a six month minimum is suggested).
- 5.4.3.3 Type of contract preferred
- 5.4.3.4 Express written authorization from offeror for the Authority (and its outside consultants and / or experts) to conduct appropriate personal background checks inclusive of criminal, credit bureaus, etc. at their sole discretion
- 5.4.3.5 Needed from the applicant: Full disclosure of balance sheet capacity / credit worthiness and ability to finance the proposed project, including sources of funding and their respective balance sheets or at least a letter of creditor similar to verify pre-funding sources of capital
- 5.4.3.6 Project financials and pro-forma for the project for years 1 -5
- 5.4.3.7 Contact information and authority for the Authority (and its outside consultants) to verify financial wherewithal
- 5.4.3.8 Note: any of the above listed items in Section 5 determined to be incomplete or unacceptable to the Authority, may be rejected at the sole discretion the Authority, and a written record with related supporting documentation will be provided to the offeror.