

1 **SECTION 5 PROPOSAL EVALUATION PROCESS**

2 **5.1 GENERAL**

3 Proposals submitted by the Proposers will be judged through the evaluation process described
4 in this Section. The selected Proposers will be chosen based on the outcome of this evaluation.

5 In order to be evaluated, proposals must comply with the following:

- 6 ▪ Proposers must have attended the Pre-Proposal conference.
- 7 ▪ Proposals must be received by the submission date.
- 8 ▪ Proposals must be submitted in conformance with Section 4 of the RFP.

9 All proposals received by the submission date as indicated in this RFP will be reviewed by
10 Purchasing to determine whether they are responsive. Proposers who are not responsive will be
11 offered a debriefing session with Purchasing and will have the opportunity to protest the
12 decision. Responsive Proposals will then be distributed to the Technical Evaluation Committee
13 ("TEC") for evaluation and scoring. Furthermore, as part of the evaluation process, Proposers
14 will be asked to attend personal interviews to discuss their proposals.

15 **Best and final offer ("BAFO").** A BAFO may be held with finalists at the City's sole discretion.
16 This process will allow Proposers to make any final adjustments or clarifications to their
17 proposals, and/or submit a revised pricing proposal. If the City elects to conduct a best and final
18 process, a separate set of instructions will be provided at that time. **Proposers are cautioned**
19 **that the BAFO is optional, at the sole discretion of the City. Therefore, Proposers should**
20 **not assume that there would be an additional opportunity to amend their technical or**
21 **cost proposals.**

22 If for any reason during the course of negotiations with the selected Proposer, the City
23 determines that a reasonable Agreement cannot be negotiated, the City reserves the right to
24 suspend negotiations with the selected Proposer, contact the next ranked Proposer and begin
25 negotiations for the purpose of signing an Agreement with that selected Proposer. The City
26 further reserves the right to enter into simultaneous negotiations with two or more Proposers if
27 reasonably competitive proposals are received for the same service types and Service Districts.

28 **5.2 DISQUALIFICATION**

29 Factors such as, but not limited to, any of the following may be considered just cause to
30 disqualify a proposal without further consideration:

- 31 ▪ Evidence of collusion, directly or indirectly, among Proposers in regard to the
32 amount, terms, or conditions of this proposal;

- 33 ▪ Failure to direct all questions/inquiries through the Purchasing contact;
- 34 ▪ Any attempt to improperly influence any member of the selection staff;
- 35 ▪ Existence of any lawsuit, unresolved contractual claim or dispute between the City
- 36 and the Proposer and/or the Proposer's related entities;
- 37 ▪ Evidence of incorrect information submitted as part of the proposal; and
- 38 ▪ Evidence of Proposer's inability to successfully complete the responsibilities and
- 39 obligations of the proposal.

40 **5.3 NON-CONFORMING PROPOSAL**

41 A proposal shall be prepared and submitted in accordance with the provisions of these RFP
42 instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from
43 or to a proposal may be sufficient grounds for non-acceptance of the proposal, at the sole
44 discretion of the City.

45 **5.4 REQUIRED DOCUMENTS**

46 Proposals will be reviewed to determine if all required documentation is included. Proposers
47 that fail to submit the required documents with their proposal will be disqualified from further
48 consideration.

49 **5.5 PROPOSAL EVALUATION**

50 The City reserves the right to award Agreements(s), which are most advantageous to the City, in
51 any combination of Service Districts and service types (SFD Solid Waste Services, SFD
52 Recycling Services, Yard Trimming and Residential Street Sweeping Services) based on
53 evaluation criteria listed below.

- 54 ▪ Cost – 25%
- 55 ▪ Approach and Technical Solution – 25%
- 56 ▪ Experience and Performance – 25%
- 57 ▪ Customer Service – 10%
- 58 ▪ Financial Capacity – 5%
- 59 ▪ Local Business Preference – 5%
- 60 ▪ Small Business Preference – 5%

61 The following subsections provide a brief discussion of the evaluation criteria.

62 5.5.1 COST – 25%

63 The cost evaluation is intended to provide an equitable basis for cost comparison between
64 proposals and an evaluation of the effect of those costs on customer rates, including additional
65 administrative costs due to the award of multiple Agreements. All cost information to be used in
66 this evaluation will be as stated in the proposal. The proposals will be reviewed to verify that the
67 proposed costs are consistent with the activities described in the proposal and the Proposer's
68 work plans.

69 5.5.2 APPROACH AND TECHNICAL SOLUTION – 25%

70 The purpose of the technical evaluation is to verify that the Proposer can meet the proposed
71 performance specifications and criteria on a long-term basis. Technical evaluation criteria will
72 include without limitation:

- 73 ▪ Review of the Proposer's performance of similar services;
- 74 ▪ Review of the Proposer's detailed design and technical support data to confirm the
75 performance predictions as represented in the proposal;
- 76 ▪ Overall system design and integration of the separate elements of the system;
- 77 ▪ Demonstrated technical feasibility of equipment;
- 78 ▪ The required plans in accordance with Section 4.4.9 of this RFP;
- 79 ▪ Experience of the MRF operator;
- 80 ▪ Ability to meet implementation schedule;
- 81 ▪ Environmental Stewardship (All environmental management policies and activities
82 related to the proposed activities should be described, including the use of
83 alternative fuel vehicles, use of recycled products throughout operations, internal
84 waste reduction and reuse protocol, water and resource conservation activities within
85 facilities (design, construction and operation), and use of non-toxic products when
86 possible. The Proposers commitment to adhere to or exceed minimum voluntary
87 standards, such as those of the US Composting Council's Seal of Testing Assurance
88 will be assessed and considered by the City. Plans to adhere to these and similar
89 guidelines should be outlined in the appropriate operational plans);
- 90 ▪ Commitment to Equal Employment Opportunity;
- 91 ▪ Commitment to Employee and Public Safety;
- 92 ▪ Working Conditions Commitment;
- 93 ▪ Commitments to labor peace and how the Proposer will protect against labor discord
94 during the term of the Agreement;

95 ▪ Previous history as an employer; and

96 ▪ Previous labor relations history.

97 **5.5.3 EXPERIENCE AND PERFORMANCE – 25%**

98 The experience of each Proposer will be evaluated to determine the relative ability of each
99 Proposer to implement the program elements described in this RFP and to attain the City
100 objectives for solid waste management diversion. Experience evaluation criteria and areas of
101 experience to be considered will include without limitation:

102 ▪ For all service types:

103 ○ Qualifications and structure of project management team, relationships
104 between management team and corporate management, and internal
105 controls;

106 ○ Previous experience providing services to cities of similar size;

107 ○ Demonstrated expertise in implementing and maintaining customer service
108 programs, including the development and use of performance measures and
109 benchmarking;

110 ○ Previous experience in successfully designing and implementing transition
111 plans, relevant to this RFP;

112 ○ Experience in designing, implementing, and operating public education and
113 information programs that promote high participation and diversion;

114 ○ Demonstrated expertise in designing and using data management systems to
115 assure accurate data collection, analysis and reporting;

116 ○ References; and

117 ○ Litigation history.

118 ▪ Additional evaluation criteria for SFD Solid Waste Services:

119 ○ Successful operation of residential solid waste programs; and

120 ○ Implementation and administration of complex solid waste collection systems,
121 including equipment selection and route design.

122 ▪ Additional evaluation criteria for SFD Recycling Services:

123 ○ Implementation and administration of complex recyclable materials collection
124 systems, including equipment selection and route design;

125 ○ Successful operation of residential recycling programs that achieve high
126 participation levels and diversion rates; and

- 127 ○ Cost-effective processing and marketing of recyclable materials with
128 demonstrated success in attaining highest and best uses for such materials.
- 129 ▪ Additional evaluation criteria for YT & RSS Services:
- 130 ○ Implementation and administration of complex street sweeping and yard
131 trimming materials collection systems, including equipment selection and
132 route design;
- 133 ○ Successful operation of yard trimmings programs that achieve high
134 participation levels and diversion rates; and
- 135 ○ Cost-effective processing and marketing of yard trimmings with demonstrated
136 success in attaining highest and best uses for such materials.

137 **5.5.4 CUSTOMER SERVICE – 10%**

138 Each proposal will be evaluated to assess the Proposers' approach to:

- 139 ▪ Implementing customer service programs;
- 140 ▪ The plans as required in accordance with Section 4.4.9 of this RFP;
- 141 ▪ Continuity and timeliness of service;
- 142 ▪ Performance measures; and
- 143 ▪ Measurements of outreach effectiveness.

144 **5.5.5 FINANCIAL CAPACITY – 5%**

145 Each proposal will be evaluated to assess the relative financial capacity and strength of the
146 Proposer. This will include without limitation:

- 147 ▪ An evaluation of financial statements;
- 148 ▪ A financial review of each Proposer, including a review of key financial ratios; and
- 149 ▪ Proposer's capacity and plans for responding to fluctuations in recyclable material
150 markets and for making needed start-up investments in equipment, both of which
151 should be specifically addressed in the Proposals.

152 **5.5.6 LOCAL BUSINESS PREFERENCE – 5%**

153 Businesses with a legitimate presence in Santa Clara County in accordance with the ordinance
154 titled "Contracting Preferences for Local and Small Business."

155 **5.5.7 SMALL BUSINESS PREFERENCE – 5%**

156 Local Business that has thirty-five (35) or fewer employees in accordance with the ordinance
157 titled "Contracting Preferences for Local and Small Business."

158 **5.6 ANNOUNCEMENT OF AWARD**

159 The City will inform all Proposers of its intent to award an Agreement in writing.

160 **5.7 PROTEST PROCEDURE**

161 If an unsuccessful Proposer wants to dispute the award recommendation, the protest must be
162 submitted in writing to the Chief Purchasing Officer no later than ten calendar days after
163 announcement of the successful Proposer, detailing the grounds, factual basis and providing all
164 supporting information. Protests will not be considered for disputes of proposal requirements
165 and specifications, which must be addressed in accordance with Section 4. Failure to submit a
166 timely written protest to the Chief Purchasing Officer will bar consideration of the protest.

167 The address for submitting protests is:

168 City of San Jose
169 Attention: Chief Purchasing Officer
170 200 East Santa Clara Street, 13th Floor
171 San Jose, CA 95113

172 **5.8 AGREEMENT AWARD**

173 After the RFP evaluation process and Agreement negotiations are completed, City Staff will
174 recommend the top ranked Proposer(s) to the City Council for Agreement award. City Council
175 will then make a decision to approve recommendations.