



**REQUEST FOR PROPOSALS**

**REGULATORY FEE STUDY**

**RELEASED: NOVEMBER 19, 2024**

**RESPONSES DUE: DECEMBER 18, 2024**

## About the Agency

StopWaste (The Agency) is a public agency governed by the Alameda County Waste Management Authority (WMA), the Alameda County Source Reduction and Recycling Board (RB), and the Energy Council (EC). Since 1976, we've been helping residents, businesses, schools, and local governments become better stewards of the environment by preventing waste, saving energy, conserving resources, and taking action to increase community resilience to climate change. StopWaste works on behalf of 17 member agencies (city and county governments and 2 sanitary districts) in Alameda County, serving 1.7 million residents as well as local businesses.

For more information regarding our organization and programs, visit our website:

<http://www.StopWaste.org>.

## Project Background & Overview

The Agency is requesting proposals from qualified consultants to conduct a comprehensive analysis to determine which Agency activities (projects and programs) are eligible for cost recovery through a regulatory or other fee authorized by Proposition 26. Regulatory and service fees are charges that recover the actual cost of specific "regulatory" activities or of specific services or benefits provided to the fee payor. An initial analysis conducted by SCI Consulting (Appendix C) concluded that there are activities that the Agency conducts that are associated with enforcement and compliance with various State mandates and that costs associated with these activities may be recoverable pursuant to a regulatory or service fee.

The Agency's work is integral to meeting state mandates such as Senate Bill 1383 ("SB 1383"), Assembly Bill 341 ("AB 341"), and Assembly Bill 1826 ("AB 1826"), which target significant reductions in organic waste disposal and mandate proper sorting of disposed waste at residential, commercial and multi-family properties. Moreover, the Agency oversees the preparation of the Alameda County Integrated Waste Management Plan ("ColWMP") and the Alameda County Hazardous Waste Management Plan, both of which are pivotal in coordinating waste management across the Agency's jurisdictions to optimize resource recovery and preserve landfill capacity. The projects and services in the current Agency budget that are the most likely candidates for such funding pertain to the Agency's central role in the implementation of SB 1383, which requires staff to monitor compliance and conduct inspections and enforcement related to a number of state requirements. However, the Agency is interested in exploring opportunities to recover costs from other programs as well.

StopWaste currently operates an annual discretionary budget of \$12.6 million, primarily funded by fees paid by waste haulers at disposal sites, commonly known as 'tipping fees.' These fees include the following:

Fee Type	Fee Per Ton	
AB 939 Facility Fee	\$4.34	Levied on all Alameda County solid waste landfilled within California, pursuant to AB 939 (1989). Funds countywide recycling, waste prevention and planning efforts.
Measure D Fee	\$3.70	\$8.23/ton is collected on waste disposed at Vasco Road and Altamont Landfills. The Agency receives 45% of this funding (\$3.70/ton) for specific waste reduction activities and disburses the remaining 55% to its member agencies for their waste reduction efforts.
Mitigation Fee	\$4.53	Levied on all waste landfilled in Alameda County that originates from out-of-county.

Although the Agency is likely to continue collecting these tipping fees in the future, its mission is to reduce waste, creating a unique funding dilemma: as Agency efforts reduce tonnage from landfill, there is a corresponding reduction in revenue, which curtails the Agency’s ability to deliver effective programs. Further, some of the Agency’s work adds value beyond significant reductions in landfill tonnage, such as programs to reduce microplastics or exposure to toxins in packaging and household hazardous waste. The Agency’s recent budget report suggests that, without intervention, fund balances could be depleted by FY 2031. Without additional revenue and diversification of Agency revenue sources, the Agency may be forced to reduce or eliminate some services, potentially compromising its ability to fully implement the state’s mandated waste reduction goals.

## Description of Requested Services

The Agency will engage a consultant to conduct a fee study, which includes a precise calculation of potential fee rates and associated revenue, based on the costs the fee would support. The scope will include the following:

1. Conduct a detailed and exhaustive review of all the Agency’s regulatory programs, projects, and services, identifying which elements qualify for funding through a regulatory or other fee (consistent with Proposition 26 and other applicable state laws and relevant court decisions) and estimate the Agency’s costs to provide these services.
2. Clearly identify the specific stakeholders (e.g., commercial businesses, households) regulated by or receiving services associated with each of the Agency’s regulatory programs, projects, and services.

3. Assess and outline feasible fee collection methods for each target group to ensure that fees can be effectively recovered, specifically focusing on whether they may be collected through property tax bills, as well as other strategies for collecting the fees.
4. Interactively present and refine the findings from Tasks 1 through 3 to the Agency General Counsel and staff and assist in selecting optimal activities to include in the Task 5 Fee Study.
5. Prepare a robust, detailed report (Proposition 26 compliant Fee Study) presenting the information described above and supporting the findings based on knowledge of the application of regulatory and other fees in the State of California. The fees proposed in this report should be well justified, closely associated with Agency costs, well quantified and focused on measurable (fee payer) stakeholder attributes.
6. Include examples of similar fees that have been adopted by other public sector agencies in California post-Proposition 26.

## **Qualifications and Experience**

Organizations submitting a proposal must be properly qualified to perform this analysis and staff assigned to the project must have relevant experience. Qualified respondents shall demonstrate expertise and experience in the following areas:

- Deep familiarity and expertise with Prop 26 requirements.
- Experience and understanding of regulatory programs, services, and projects similar to those conducted by StopWaste, designed to advance circular economy solutions, including waste prevention, improved recycling and composting, complying with State waste management laws, and taking action to increase community resilience to climate change.
- Capability in conducting rigorous economic and policy analysis.
- Proven track record of combining rigorous analysis and application of California law with innovative approaches to unique problems.
- Demonstrated expertise working with public agencies in California on researching, understanding, and implementing regulatory and service fees.
- Experience preparing and presenting regulatory and service fee studies of a similar nature to this project.
- Capacity to propose innovative solutions for addressing potential challenges

## Submittal Requirements

The Agency encourages local small businesses and organizations with ties to the community and women- and BIPOC-owned and run entities to apply. Potential respondents are strongly encouraged to contact StopWaste with any questions about the process, the submittal requirements, and the scope of work. Responses to this RFP must consist of one electronic file. Proposals must provide the following:

1. **A summary of the organization** proposing to provide services. Please include brief resumes for the primary contact and key personnel, and how the work aligns with the purpose and goals of this RFP.
2. **A brief overview** of the manner in which the firm proposes to conduct the project.
3. **A professional fee schedule** for the primary contact and the key personnel identified above who would be working on the project, along with the hourly fee which will be charged to the Agency for additional services if required. Include the total cost of the project based on the scope outlined in this RFP.
4. **If services would be provided remotely, in-person, or both.**
5. **Examples of three (3) projects** that best demonstrate the respondent's expertise. For each project:
  - a. Provide the project name, location, year, and name of client.
  - b. Explain the scope of the project and the respondent's role.
6. Examples may include work previously performed for StopWaste.
7. **Describe elements of the project, tools or resources developed, consulting services provided, and project cost.** If available, include metrics used to assess the impact of the project. If available, link to work samples online or provide as an attachment. The proposal should include what information will need to be provided by Agency staff to complete the project and a proposed timeline from initiating to completing the project.
8. **A list of three (3) references.** For each reference, include name, organization, email and/or phone number, and duration and type of services provided.
9. **A signed Required Contract Elements Certification (Appendix A).** The Agency assumes that any qualified respondents to this RFP are willing and able to comply with the Agency's insurance requirements and standard service contract elements as specified in Appendices A and C of this RFP. The Agency will also assume that any work product developed as a result of contracting with the Agency will become the property of the Agency. We strongly encourage respondents to contact us with questions about the Professional Services Agreement, including Insurance Requirements.

## Application Deadline and Instructions

The deadline for receipt of proposals is December 18, 2024. Proposals received after 5:00PM Pacific Time will not be accepted. Email proposals to: [pcabrera@stopwaste.org](mailto:pcabrera@stopwaste.org) with the subject line clearly marked "RFP Response: Regulatory Fee Study."

The Agency encourages local small businesses and organizations with ties to the community and women- and BIPOC-owned and run entities to apply. Potential respondents are strongly encouraged to contact Patricia Cabrera, Administrative Services Director, at [pcabrera@stopwaste.org](mailto:pcabrera@stopwaste.org), or (510) 891-6500, with any questions about the process, the submittal requirements, or any aspect of this RFP. All questions will be posted and answered online.

The proposal's Appendix A must be signed by a contracting authority of the firm.

Selection of a consultant will be based on the proposal submitted and interviews (if needed). Evaluation criteria can be found in Appendix B. Staff may request additional clarifying information from any or all proposers and request interviews at its discretion.

If needed, interviews will be held during the week of January 6, 2025. StopWaste reserves the right to award a contract without holding interviews. The staff recommendation will be presented to the WMA Board on February 26, 2025 at their regular monthly meeting held at 3 PM.

To be considered, the Agency must receive complete proposals submitted by **December 18 at 5:00 p.m.** Potentially qualified candidates may be asked to participate in an interview, at the Agency's option. It is anticipated that the selected firm will be notified on or around the 17th of January 2025.

If feasible, the results of the analysis will be available by May 2025 and presented to the WMA Board at its May 28, 2025 or a subsequent meeting. However, a final timeline for this presentation will be based on what the selected firm determines is necessary to conduct a thorough review.

<b>Release of RFP:</b>	November 19, 2024
<b>Proposals Due:</b>	December 18, 2024, 5pm PT
<b>Staff Evaluation</b>	December 19 - January 6, 2025
<b>Short list Interviews (virtual):</b>	Week of January 6, 2025 (if needed)
<b>Notice of Intent to Award sent to all respondents</b>	Week of January 13, 2025 (tentative)
<b>Recommendation on Contract Award to WMA Board</b>	January 22, 2025 (tentative)

<b>Notification of Selected Contractor:</b>	Week of January 27, 2025 (tentative)
<b>Contract Executed</b>	Week of February 2, 2025 (tentative)
<b>Completed Consultant Analysis/Report</b>	Mid-May 2025 (tentative)
<b>Staff Presentation to WMA Board</b>	May 28, 2025 (tentative)

**Contract, Budget and Payment Process**

The budget for this project will be informed by proposals and estimates received as part of this RFP and subsequent conversations.

**Please review the Agency’s [standard contract](#).** Prior to commencing work, selected contractors will need to enter contract with the Agency using this template. If selected for the award, the contractor will enter into an agreement using the standard contract, which will be customized for this project regarding the scope of services, deliverables and timelines associated with the project, but no other changes to the standard contract will be made. Upon successful execution of a written agreement for services, the consultant will be paid by the submittal of invoices along with acceptable project progress and reports. Ten percent (10%) of the contract award will be withheld pending completion of the project.

**Notice of Intent to Award**

When the Agency has selected a contractor to proceed with the project and is ready to enter contract, a Notice of Intent to Award shall be provided via e-mail to the selected vendor/contractor(s) as well as all parties who responded to the RFP. If subject to the Agency’s Protest of Service Contract Decisions policy the award shall take effect four (4) business days after the Notice is issued if no protest is received by the third (3<sup>rd</sup>) business day. The Agency reserves the right to reject all proposals if none are determined to be an appropriate fit for the project.

**Bid Protest Process**

The Agency values fair and competitive contracting procedures and has established a Protest of Service Contract process for instances where bidders wish to protest the bid process or appeal the recommendation to award a contract once the Notices of Intent to Award has been issued. The Protest of Service Contract Decisions policy applies only to awards exceeding \$100,000 in a fiscal year. Contract awards below this threshold are not subject to protest. Protests shall be handled in accordance with the process outlined in the [Protest of Contract Award Policy.pdf](#).

**Action by the Board**

This Request for Proposals does not commit nor obligate the WMA Board to fund any proposals received. The Board reserves the right to cancel this Request for Proposals in whole or in part at its sole discretion, and/or to accept or reject any proposal received based upon the review of proposals. Each proposer understands in submitting their proposal that the decision of the

Board will be final, in accordance with the Agency's protest policy and process. In addition, proposals submitted become the property of the Board and will not be returned. The Board and staff reserve the right to request additional clarifying information and to meet with any or all proposers at its discretion.

## **Attachments**

Appendix A: Required Contract Elements

Appendix B: Evaluation Criteria

Appendix C: [SCI Funding Options Technical Memorandum \(Linked\)](#)

Appendix D: [ACWMA Standard Service Contract \(linked\)](#)



## Appendix A - Required Contract Elements

### Professional Services Agreement including Insurance Requirements and Statement of Economic Interest

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It is a requirement of the Alameda County Waste Management Authority that any individual or firm selected to provide professional consulting services must be able to comply with the terms of our [professional services agreement](#), which includes the following insurance requirements:

- A. **Comprehensive general liability insurance:** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis including products and completed operations, personal & advertising injury liability, blanket contractual liability, and broad-form property damage liability coverage. The combined single limit for bodily injury and property damage shall be at least \$2,000,000. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
- B. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto (Code 1), bodily injury and property damage liability insurance covering owned, non-owned (Code 9), rented, and hired (Code 8) cars. The combined single limit for bodily injury and property damage shall be at least \$1,000,000.
- C. **Statutory workers' compensation and employer's liability insurance** as required by state law with a limit of at least \$1,000,000 per accident for bodily injury or disease. Neither Contractor nor its carrier shall be entitled to recover any costs, settlements, or expenses of workers' compensation claims arising out of this agreement. The Employer's Liability policy shall be endorsed to waive any right of subrogation against the Agency, its employees or agents.
- D. **Professional Errors and Omissions Liability Insurance.** The limit of liability shall be at least \$1,000,000. If the policy is written on a "claims made" basis, Contractor must maintain required coverage for a period of three years after the expiration of this agreement. Contractor may satisfy this requirement by renewal of existing coverage or purchase of either prior acts or tail coverage applicable to said three-year period.

In addition, the individual or firm's project manager may be required to submit a Statement of Economic Interest Form (Form 700) as required by the State Fair Political Practices Commission. For a copy of a Form 700, please see the California Fair Political Practices Commission website at <http://www.fppc.ca.gov>

Please sign the statement below to indicate that you and your firm understands and will comply with the terms of the Authority's professional services agreement including the required insurance policies and will submit a Statement of Economic Interest Form if requested by Authority staff.

*I have reviewed and will comply with the terms of the Authority's professional services agreement and certify that my firm has the ability to obtain the required insurance policies and submit the Statement of Economic Interest Form.*

*I understand that failure to comply with any of these requirements will result in the Agency's refusal to enter into a contract for services with my firm.*

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix B

### Evaluation Criteria

The following criteria are used to evaluate submitted proposals:

<p><b>Organizational Capacity &amp; Commitment</b> Does the respondent seem to have adequate capacity, have they demonstrated adequate experience and readiness to implement the project?</p>
<p><b>Responsiveness and Qualifications</b> Is the response clear and comprehensible? Are the qualifications appropriate and responsive to the needs of the project?</p>
<p><b>Experience with Local Government and Mission-Driven Organizations</b> Proven success in working with public agencies, non-profit organizations, or mission-driven entities, particularly those focused on environmental sustainability, public policy, or community impact.</p>
<p><b>Experience Relevant to the Project</b> Does the proposal demonstrate experience and understanding of programs, services, and projects such as those conducted by StopWaste, and as described in this RFP?</p>
<p><b>Financial Viability</b> Is the proposed budget reasonable? Is the project sustainable and/or transferable? Other funding sources secured or sought?</p>
<p><b>Local Presence and Client Base</b> Strong preference will be given to firms based in Alameda County or those with an established local client base, as familiarity with the region and its diverse communities is a key component of this plan.</p>