



San Luis Obispo County Integrated Waste Management Authority  
EXECUTIVE COMMITTEE MEETING AGENDA

Friday, March 1, 2024

10:00 AM

In Person Meeting:

870 Osos Street, San Luis Obispo, CA. 93401

**Mission Statement:**

The Mission of the IWMA is to provide coordinated efforts to follow state waste and recycling policy on behalf of member agencies through practical, cost-effective programs, education, and technical support.

**IWMA EXECUTIVE COMMITTEE MEMBERS**

President, Jan Marx, City of San Luis Obispo

Vice President, Robert Robert, City of Grover Beach

Past President, Charles Bourbeau, City of Atascadero

**Public Comment** - The IWMA Board and Executive Committee welcomes your input. To submit written public comment, indicate the agenda item number and email it to [sdelgiorgio@iwma.com](mailto:sdelgiorgio@iwma.com), or US mail at 870 Osos Street, San Luis Obispo CA. 93401. Written public comments must be submitted by 9:00 AM, the day of the meeting. All correspondence will be distributed to each Board Member and will become part of the official record of the Board Meeting.

**Americans with Disabilities Act Compliance** - In compliance with the Americans with Disabilities Act (ADA), the IWMA is committed to including the disabled in all its services, programs, and activities. If you need special aid to participate in this meeting, please contact Sasha Del Giorgio, Clerk of the Board **at least 72 hours** before the meeting to enable the IWMA to make reasonable arrangements to ensure accessibility. The IWMA Clerk of the Board can be reached at (805) 781-2192 and by email at [sdelgiorgio@gmail.com](mailto:sdelgiorgio@gmail.com).

1. Call to Order
2. Roll Call
3. Pledge of Allegiance

Non-Agenda Public Comment Period

Presentations

**4. Executive Directors Report**

Led by Peter Cron.

Consent Agenda Public Comment Period

Consent Agenda

**5. Approve Executive Committee Meeting Minutes – February 2, 2024** [Page 3](#)

Recommendation: That your Executive Committee approve the February 2, 2024, IWMA Executive Committee Minutes.

Regular Agenda Public Comment Period

Regular Agenda

**6. Review Board Meeting Draft Agenda – March 13, 2024** [Page 6](#)

Recommendation: That your Executive Committee review, discuss, and approve the draft March 13, 2024, IWMA Board Meeting Agenda, and provide staff direction as deemed appropriate.

**7. Request for Proposal for SB 1383 Field Outreach and Inspection Programs** [Page 10](#)

Recommendation: That your Executive Committee 1) approve the Request for Proposal for SB 1383 Field Outreach and Inspection Programs and 2) grant the Executive Director authority to release the RFP and review and rank proposals to bring back to the full IWMA Board for final selection and contract award.

Adjournment

2024 Upcoming Meetings and Events			
Board of Directors Meetings	March 13, 2024	May 8, 2024	June 12, 2024
Executive Committee Meetings	April 26, 2024	May 31, 2024	August 2, 2024
IWMA Solid Waste Summit	<i>Presented at the Gatherings - May 9, 2024, Time TBD</i>		

TO: San Luis Obispo County Integrated Waste Management Authority  
FROM: Sasha Del Giorgio, Clerk of the Board  
RE: Approve Executive Committee Meeting Minutes – February 2, 2024

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**BACKGROUND:**

N/A

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**RECOMMENDATION:**

That your Executive Committee approve the February 2, 2024, IWMA Executive Committee Minutes.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

A. 2024-02-02 EC DRAFT Minutes



## Executive Committee Meeting Minutes

February 2, 2024, 10:00AM  
870 Osos Street, San Luis Obispo, CA. 93401

### Executive Committee Members:

Jan Marx, President, City of San Luis Obispo  
Robert Robert, Vice President, City of Grover Beach  
Charles Bourbeau, Past President, City of Atascadero

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#### 1. Call To Order

President Marx called the Executive Committee to order on February 2, 2024, at 10:00 AM.

#### 2. Roll Call

Committee Members Present: Bourbeau, Robert, Marx

#### 3. Pledge Of Allegiance

Past President Bourbeau led the Committee in the Pledge of Allegiance.

### Non-Agenda Public Comment Period

No public comment submitted.

#### 4. Executive Directors Report

Led by Executive Director, Peter Cron.

#### 5. IWMA County-Wide Solid Waste Orientation

Led by Deputy Director, Jordan Lane.

### Consent Agenda Public Comment Period

No public comment submitted.

### Consent Agenda

#### 6. Approve Executive Committee Meeting Minutes – January 5, 2024

Recommendation: That your Executive Committee approve the January 5, 2024, IWMA Executive Committee Minutes.

**Motion By** Past President Bourbeau

**Second By** Vice President Robert

To approve Item 6, with the correction of the following administrative error:

- Item 1 – replace the word “caked” with “called”.

Motion approved on the following roll call vote:

Ayes: Bourbeau, Robert, Marx

CARRIED (3 to 0)

**Regular Agenda Public Comment Period**

No public comment submitted.

**Regular Agenda**

**7. Review Board Meeting Draft Agenda – February 14, 2024**

Recommendation: That your Executive Committee review, discuss, and approve the draft February 14, 2024, IWMA Board Meeting Agenda, and provide staff direction as deemed appropriate.

**Motion By** Vice President Robert

**Second By** Vice President Bourbeau

To approve Item 7.

Motion approved on the following roll call vote:

Ayes: Robert, Bourbeau, Marx

CARRIED (3 to 0)

**Closed Session Public Comment Period**

No public comment submitted.

**Closed Session: 10:43 AM**

The Executive Committee will recess into closed session pursuant to the Ralph M. Brown Act on the following item:

**8. Public Employment – Deputy Director (§ 54957)**

Reportable Action:

Remove the Closed Session Item No. 12 from the February 14, 2024, IWMA Board Meeting Agenda.

**Adjournment 10:55 AM**

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Sasha Del Giorgio  
San Luis Obispo County Integrated Waste Management Authority  
Clerk of the Board

TO: San Luis Obispo County Integrated Waste Management Authority  
FROM: Sasha Del Giorgio, Clerk of the Board  
RE: Review Board Meeting Draft Agenda – March 13, 2024

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**BACKGROUND:**

N/A

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**RECOMMENDATION:**

That your Executive Committee review, discuss, and approve the draft March 13, 2024, IWMA Board Meeting Agenda, and provide staff direction as deemed appropriate.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

- A. 2024-03-13 BOD DRAFT Agenda

San Luis Obispo County Integrated Waste Management Authority  
BOARD MEETING AGENDA

Wednesday, March 13, 2024

In-person Meeting:

1:30 PM

County of San Luis Obispo

Board of Supervisor Chambers

1055 Monterey Street, Suite D430, San Luis Obispo, CA. 93408



**Mission Statement:**

The Mission of the IWMA is to provide coordinated efforts to follow state waste and recycling policy on behalf of member agencies through practical, cost-effective programs, education, and technical support.

**IWMA BOARD MEMBERS:**

Jan Marx, President, City of San Luis Obispo  
Robert Robert, Vice-President, City of Grover Beach  
Charles Bourbeau, Past-President, City of Atascadero  
James Guthrie, City of Arroyo Grande  
John Hamon, City of El Paso de Robles  
Laurel Barton, City of Morro Bay  
Robert Enns, Special Districts  
Scott Newton, City of Pismo Beach  
Jimmy Paulding, County of SLO, District 4 Supervisor

**To submit a written public comment** – The IWMA Board welcomes your input. Indicate the agenda item number and email it to [sdelgiorgio@iwma.com](mailto:sdelgiorgio@iwma.com), or US mail at 870 Osos Street, San Luis Obispo CA. 93401. Written public comments must be submitted by 9:00 AM, the day of the meeting. All correspondence will be distributed to each Board Member and will become part of the official record of the Board Meeting.

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1. Call to Order
2. Roll Call
3. Pledge of Allegiance

## Presentations

### **4. Executive Directors Report**

Led by Peter Cron.

## Consent Agenda Public Comment Period

## Consent

### **5. Executive Committee Minutes Receive and File – February 2, 2024**

Recommendation: That your Board receive and file the February 2, 2024, IWMA Executive Committee Minutes.

### **6. Board Minutes Review – February 14, 2024**

Recommendation: That your Board approve the February 14, 2024, IWMA Board Meeting Minutes.

### **7. Receive and File Monthly Financial Reports**

Recommendation: That your Board receive and file the attached monthly financial reports.

### **8. Credit Card Processing Platform**

Recommendation: That your Board identifies a financial guarantor for a credit card processing platform.

## Regular Agenda Public Comment Period

## Regular Agenda

### **9. Second Quarter Budget Review Fiscal Year 2023/2024**

Recommendation: That your Board review and discuss the Second Quarter Budget, Fiscal Year 2023/2024.

### **10. Creation of an Ad-Hoc Budget Committee**

Recommendation: That your Board create an Ad-Hoc Budget Committee and select members to participate pursuant to section 2 of the IWMA Rules of Procedure.

### **11. Review and Approve Updated Policy F-8: Records Retention**

Recommendation: That your Board review and approve the updated Policy F-8: Records Retention and Destruction.



Adjournment

2024 Upcoming Meetings and Events			
Board of Directors Meetings	May 8, 2024	June 12, 2024	August 14, 2024
Executive Committee Meetings	April 26, 2024	May 31, 2024	May 31, 2024
IWMA Solid Waste Summit	<i>Presented at the Gatherings - May 9, 2024, Time TBD</i>		

TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Jordan Lane, Deputy Director

RE: Request for Proposal for SB 1383 Field Outreach and Inspection Programs

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**SUMMARY:**

Staff has prepared a Request for Proposal (RFP) to solicit responses from interested firms to develop, implement, and maintain SB 1383 field outreach and inspection programs consistent with the State of California’s solid waste and recycling mandates and supportive of the IWMA’s ongoing work efforts.

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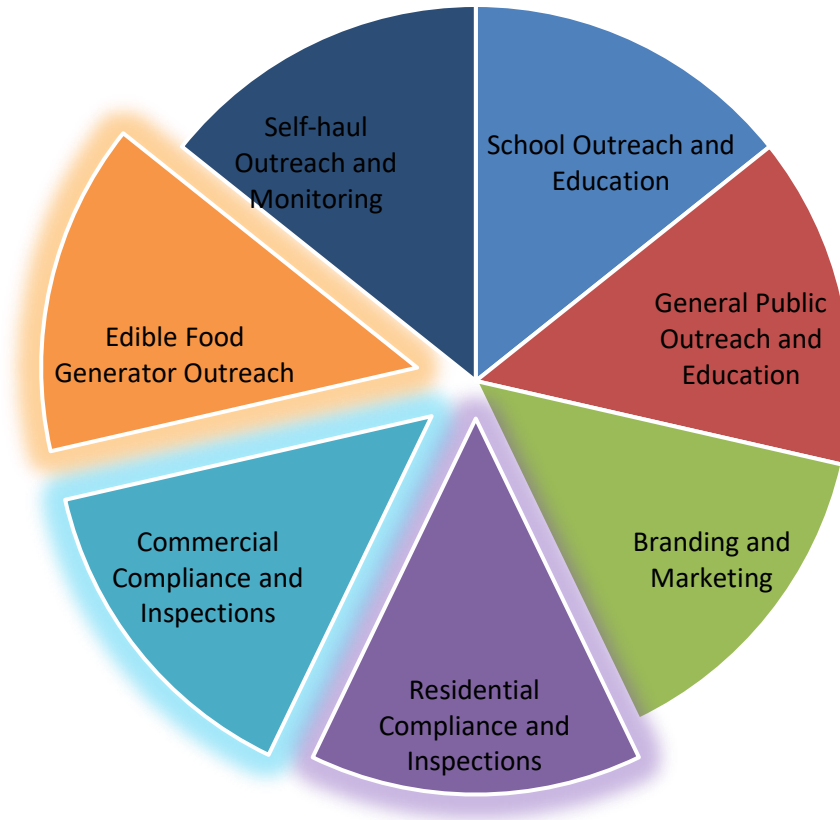
**BACKGROUND:**

Adopted in 2016, SB 1383 is the Short-lived Climate Pollutant Reduction Strategy and the largest change to the waste and recycling industries in over 30 years. SB 1383 establishes ambitious targets for organic waste disposal reduction and, unlike previous State regulations, specifies exactly how these reductions must take place. The regulations go beyond waste management and into waste reduction citing requirements for organic waste collection and recycling programs, robust food recovery programs, and recycled product procurement. Approximately 3 – 15 hours per business and multi-family customer is necessary to ensure full compliance with all state mandates.

On June 8, 2022, the IWMA entered into an agreement with Science Discovery for month-to-month Compliance Programs Support to address the requirements of SB 1383. As a means of stability and long-term planning, the IWMA is seeking a longer-term contract to maintain compliance with the outreach and inspection responsibilities of SB 1383. The draft RFP includes a contract term of three years with two options to consecutively extend one-to two- years (total possible contract term of seven years).

Below is an illustration of each of the pieces that make up the IWMA programmatic education and outreach structure. In January 2023, the Executive Committee approved an RFP to fulfill the “School Outreach and Education” and “General Public Outreach and Education” segments. The RFP for SB 1383 Field Outreach and Inspection Programs will fulfill portions of the “Edible Food Generator Outreach”, “Commercial Compliance” and “Inspections”, and “Residential Compliance and Inspections” segments.

## Program Education and Outreach Strategy



If approved, the IWMA Staff will review and rank incoming proposals. Per Expenditure Policy F-1, the full IWMA Board will make the final decision to enter into a contract. Every three (3) to seven (7) years, a Request for Proposal for SB 1383 Field Outreach and Inspection Programs will be presented to the IWMA Executive Committee to ensure that the IWMA invites qualified firms to bid on a regular basis.

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### **RECOMMENDATION:**

Staff recommends that your Executive Committee 1) approve the Request for Proposal for SB 1383 Field Outreach and Inspection Programs and 2) grant the Executive Director authority to release the RFP and review and rank proposals to bring back to the full IWMA Board for final selection and contract award.

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### **FISCAL IMPACT:**

This Committee action does not have a direct financial impact. However, contracting for field outreach and inspection services based upon the RFP process will have financial considerations. Fiscal impact will be discussed with the full Board during consideration of the final contract award.

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**ATTACHMENTS:**

A. RFP for SB 1383 Field Outreach and Inspection Programs



Request for Qualifications

for

**SB 1383 Field Outreach and Inspection Programs**

for the San Luis Obispo County

Integrated Waste Management Authority

RFP Released:

XXXXXX

RFP Submission Deadline:

XXXXXX at 3:00 PM

San Luis Obispo County IWMA

870 Osos Street

San Luis Obispo, CA 93401

805.782.8530

[W: www.iwma.com](http://www.iwma.com)

[E: jlane@iwma.com](mailto:jlane@iwma.com)

## **SECTION I - INTRODUCTION AND BACKGROUND**

### **A. Introduction**

The San Luis Obispo County Integrated Waste Management Authority (IWMA) is requesting proposals from qualified Contractors to provide SB 1383 field outreach and inspection services for compliance with current and future state and federal laws.

The proposed term of the contract is three years with options for up to two extensions of one- to two- years each, pending Executive Director approval.

All proposals must be received by, on, or before **TBD**, 2024. The preferred method for proposal submission is electronic via [jlane@iwma.com](mailto:jlane@iwma.com). However, if you wish to submit a paper copy, please submit it in a sealed envelope to:

Peter Cron, Executive Director  
SLO County IWMA  
870 Osos Street  
San Luis Obispo, CA 93401

### **B. Background**

The IWMA is a government entity formed through a Joint Powers Agreement governed by a nine-person Board of countywide elected officials. The IWMA Board of Directors consists of seven incorporated City representatives, one Special District representative, and one County representative. The Board of Directors oversees the IWMA office and its mission to provide coordinated efforts to comply with state waste and recycling policy on behalf of San Luis Obispo County member agencies through practical, cost-effective programs, education, and technical support.

The Executive Director reports directly to the Board of Directors and performs all duties necessary for proper and efficient management of the IWMA, as determined by the Board, state and federal law. The IWMA has a professional staff of six (as of the publishing date of this RFP), working under the direction of the Executive Director.

The IWMA serves a unique area that is comprised of over 3,616 square miles with over 8,800 commercial waste generators. This area is a combination of urban and rural landscape served by 5 unique hauling companies operating under over 24 franchise agreements.

The IWMA is seeking a request for proposals to assist the IWMA and its member jurisdictions in fulfilling field outreach and inspection program responsibilities for compliance with SB 1383.

The selected Contractor will concentrate their efforts on compliance with SB 1383 outreach and inspection, while occasionally being tasked with ancillary efforts to comply with AB 341, AB 1826, AB 939 and new solid waste legislation as it arises during the term of the contract. SB 1383 is the Short-lived Climate Pollutant Reduction Strategy signed into effect in 2016 as the largest change to the waste and recycling industries in over 30 years. SB 1383 establishes

ambitious targets for organic waste disposal reduction and, unlike previous State regulations, specifies exactly how these reductions must take place. The regulations go beyond waste management and into waste reduction citing requirements for organic waste collection and recycling programs, robust food recovery programs, and recycled product procurement.

The Contractor will assist the IWMA in fulfilling jurisdiction responsibilities related to residential and commercial customers including, but not limited to:

- Ensuring all commercial customers are subscribed to organic waste collection services
- Acting as liaison between commercial customers and hauling companies
- Ensuring curbside containers have met standardization requirements
- Providing contamination monitoring of curbside containers
- Performing residential route reviews
- Issuing waivers to generators with de minimis, physical space, or collection frequency constraints
- Conducting inspections of edible food generators and food recovery organizations
- Providing education and outreach to commercial customers
- Maintaining record of all interactions with the public to meet mandatory record-keeping requirements

In all aspects of commercial compliance, the selected Contractor should have well trained professional staff who will represent the IWMA during interactions with the public. Professional customer service is key to the success of the IWMA's compliance programs.

## **SECTION II – QUALIFICATIONS AND SCOPE OF SERVICES**

### **A. Qualifications**

The ideal Contractor will have the following characteristics:

- Strong understanding and experience with SB 1383, AB 341, AB 1826, and AB 939
- Understanding of the San Luis Obispo County IWMA and its member jurisdictions
- Understanding of the local solid waste franchise agreements
- Ability to conduct business in San Luis Obispo County and its Cities
- Commitment to transparency in its contracted operations
- Local office within San Luis Obispo County

### **B. Scope of Services**

Under direction of the IWMA's Executive Director, the Contractor will develop and implement a work plan to assist the IWMA and its member jurisdictions in performing outreach and inspection of waste generators to assist them in complying with state mandated recycling and source reduction programs. The proposed outreach and inspection program should support, at a minimum, compliance with SB 1383, AB 341, AB 1826, and AB 939 and any new solid waste legislation adopted during the term of the awarded contract.

The program should address:

- Ways to identify Commercial generators of organic and recyclable materials for compliance
- Conduction of site visits to targeted generators and site-specific outreach and education
- Development and presentation of site-specific work plans to assist commercial waste generators in meeting state mandated goals
- Regular follow-up with businesses to ensure continued program participation and compliance
- Collaboration with the IWMA in developing outreach materials
- Contamination monitoring and addressing of service issues
- Performing route reviews specific to SB 1383
- Communicating with IWMA staff on an as-needed basis including through weekly in-person meetings
- Maintaining electronic records on IWMA approved platform relating to compliance for SB 1383, AB 341, and AB 1826 reporting
- Maintain an inventory of approved back of house and front of house containers for commercial generators
- All labor associated with this scope of work including assembly of containers and stickering
- Special projects as required by the IWMA
- Ability to adjust and adapt to changing state laws and regulations

**SECTION III - TIMELINE AND SUBMITTAL INSTRUCTIONS**

The following represents the tentative schedule for this RFP. Any change in the scheduled dates for the Pre-Proposal Conference, Deadline for Final Questions, Proposal Submission Deadline, or Interviews will be advertised in the form of an addendum to this RFP. The schedule for other milestones dates may be adjusted without notice.

**A. Timeline**

DATE - 2024	EVENT
DATE	RFP release date
DATE	Optional pre-proposal phone conference at 1:30 p.m. (PST)
DATE	Deadline to submit written questions due by 3:00 p.m. (PST)



<b>DATE</b>	Proposals due by 3:00 p.m. (PST)
<b>DATE</b>	Preliminary screening process complete, including reference checks
<b>DATE</b>	Board consideration and approval of staff recommended Contractor (including proposer presentation, if requested)
<b>DATE</b>	Negotiate and finalize contract
<b>DATE</b>	IWMA Board President signs contract (if applicable)

## **B. Proposal Format and Content Requirements**

All proposals must include, and will be evaluated on, the following criteria:

- 1) Qualifications of Contractor and Personnel:
  - a) For bidder and each subcontractor and any other person or entities that will be conducting SB 1383 Field Outreach and Inspection (herein after referred to as “subcontractors”), list the following information:
    - i. Exact name and address of the company;
    - ii. experience related to conducting SB 1383 Compliance Education and Outreach;
    - iii. number of years the company has been in business under the present name; and
    - iv. the name, title, email address, phone number, and fax number of the primary contact.
  - b) Describe the relevant technical experience of key personnel and a description of their professional background.
  - c) Provide training requirements for all field personnel.
  - d) The bidder and any potential subcontractors must be permitted to work in San Luis Obispo County and be listed in the proposal.
  - e) Provide copies of relevant permits, training certifications, and registrations for bidders and all proposed subcontractors.
  - f) Provide a managerial flow chart under which events will be operated.
- 2) Technical Workplan

- a) Describe onsite procedures for conducting SB 1383 Outreach and Inspections. *This information should include the responsibilities of all staff and subcontractors.*
- b) Briefly describe how each task listed in the Scope of Services will be accomplished.
- c) Provide a detailed list of on-site equipment and supplies that will be used while conducting SB 1383 Outreach and Inspections. *This list should include all electronic reporting tools, personal protective equipment, and other equipment the bidder deems suitable or necessary.*
- d) Describe the process for collecting the required SB 1383 Compliance information from commercial customers.
- e) Describe the process for collecting the required SB 1383 Compliance information from residential route reviews.
- f) Include a sample invoice and report that provides information to the IWMA on SB 1383 Outreach and Inspections.

### 3) Budget, Retainer, and/or Rates

Include an estimate of a rate or retainer for all proposed services that would be the basis for monthly invoices during the life of the contract with the IWMA. All hourly rates, fees, and reimbursable costs must be clearly stated. Provide the title and rate of all Contractor staff and subcontractors that will be assigned to regular duties as outlined in the Scope of Services.

### 4) Client References

Provide a list of current and former clients, including any governmental agencies you have serviced. Include client name, contact person and title, complete address, telephone number, type of organization, and a brief description of work performed.

For the bidder and each proposed subcontractor, include copies of all notices of violations, administrative orders, or other enforcement actions taken by regulatory agencies during the past three years.

### 5) Identify Existing and Potential Conflicts of Interest

List all current public clients in San Luis Obispo County for which the Contractor provides service. To the extent they are reasonably foreseeable, please indicate any actual or potential conflicts of interest that might arise from the Contractor's representation of the IWMA. Please outline the manner in which conflicts would be resolved, mitigated, or avoided.

### 6) Disclosure of Litigation

Contractor must include in its Proposal a complete disclosure of any civil or criminal litigation or indictment involving the Contractor. Contractor must also disclose any civil or criminal litigation or indictment involving any of its joint ventures, strategic partners, prime Contractor team members, and subcontractors. This disclosure requirement is a continuing obligation, and any litigation commenced after a Contractor has submitted a

Proposal under this RFP must be disclosed to the IWMA in writing within five (5) days after the litigation has commenced.

### **C. Questions**

All questions (requests for interpretations or corrections) pertaining to the content of this RFP must be made in writing to [jlane@iwma.com](mailto:jlane@iwma.com) with the email subject line of: **QUESTIONS – SB 1383 Outreach RFP** by **TBD**, 2024, 3:00 p.m. (PST). Requests submitted after said date may not be considered. Questions will receive a response within five (5) business days. Questions and responses will be posted (anonymously) on the IWMA website:

<https://iwma.com/about/requests-for-proposal/>. The IWMA reserves the right to determine the appropriateness of comments/questions that will be posted on the IWMA website.

### **D. Submittal Instructions**

If you or your Contractor is interested and qualified, please submit one (1) electronic copy of your proposal, in Adobe (pdf), to [jlane@iwma.com](mailto:jlane@iwma.com) with the email subject line of: **PROPOSAL - SB 1383 Outreach RFP**, by **TBD**, 2024, 3:00 p.m. (PST).

## **SECTION IV - RFP PROPOSAL EVALUATION AND SELECTION PROCESS**

### **A. Criteria Weight**

The proposals shall be reviewed based on the following criteria and scale. One of the most important criteria are the qualifications of the Contractor and the costs of services. The goal is to contract with a Contractor that is qualified and cost effective:

- 1) Qualifications of Contractor and Personnel: 30%
- 2) Technical Workplan: 30%
- 3) Budget and/or Rates: 30%
- 4) Client References: 10%

Proposals will be reviewed upon receipt and the most qualified Contractors may be requested to make a presentation to the IWMA Executive Committee and/or full Board. The recommendation by IWMA Staff will also be presented to the IWMA Executive Committee and/or full Board for approval of selection.

### **B. Final Selection**

IWMA Staff will formulate its recommendation for award of the Contract and forward its selection to the full Board for approval. The final contract will be signed by the IWMA Board President.

### **C. Contract Award and Execution**

The IWMA reserves the right to enter into a contract without further discussion of the submitted proposal. Therefore, the proposal should be initially submitted on the most favorable terms the proposer can offer. The IWMA reserves the right to withdraw the RFP in whole or in part, at any time and for any reason. Submission of a proposal confers no rights upon a proposer and does

not obligate the IWMA in any manner. The IWMA reserves the right to award no contract and to solicit additional offers at a later date.

The contract awarded for this request will be written by the IWMA.

Each proposer, by submitting a proposal, agrees that if the IWMA accepts its proposal, such proposer will furnish all items and services upon the terms and conditions in this RFP and subsequent contract. Proposals that do not meet the mandatory requirements set forth in this RFP will not be considered. Proposers may be disqualified, and the proposal may be rejected by the IWMA for any of, but not limited to, the following reasons:

- Failure to properly respond to the RFP.
- Evidence of collusion among the proposers submitting the proposals.
- Failure to comply with the specification requirements of the RFP.

Terms, conditions, prices, methodology, or other features of the proposal may be subject to negotiation and subsequent revision. As part of the negotiations, the proposer may be required to submit additional financial information and other data to allow for a detailed evaluation of the feasibility, reasonableness, and acceptability of the proposal.

The RFP document and the successful proposal, as amended by agreement between the IWMA and the successful proposer, including e-mail or written correspondence relative to the RFP, may become part of the contract documents. Additionally, the IWMA may verify the successful proposer's representations that appear in the proposal. Failure of the successful proposer to perform as represented may result in elimination of the successful proposer from competition or in contract cancellation or termination.

The requirements listed in this RFP are not negotiable and will remain unchanged unless the IWMA determines that a change in such requirements is in the best interest of the IWMA.

The IWMA expressly reserves the right, in its sole judgment, to accept or reject any or all proposals, with or without cause, modify, alter, waive any technicalities or provisions, or to accept the proposal which, in its sole judgment, is determined to be the best evaluated offer resulting from negotiation and taking into consideration other evaluation factors set forth in the RFP. The successful proposer will be expected to enter into a contract with the IWMA. If the successful proposer fails to sign a contract within fifteen (15) business days, unless the IWMA grants an extension, following the delivery of the contract documents, the IWMA may elect to negotiate a contract with the next-highest ranked proposer.

The IWMA shall not be bound, or in any way obligated, until both parties have executed a contract. The selected proposer may not incur any chargeable costs prior to final contract execution. The foregoing should not be interpreted to prohibit either party from proposing additional contract terms and conditions during the negotiation of the final Contract.

The supplies and services are to be provided in compliance with all applicable state and federal standards, rules, and regulations. The IWMA reserves the right to request additional written and/or oral information from proposers at any time before contract award, to obtain clarification of their responses.

## **SECTION V - GENERAL CONDITIONS**

### **A. IWMA Rights & Options**

- 1) All proposals must be submitted to the IWMA email address: jlane@iwma.com with the email subject line of: **PROPOSAL – SB 1383 Outreach RFP** in Adobe (pdf) format by **TBD**, 2024, 3:00 p.m. (PST). Late proposals will not be considered.
- 5) All costs incurred in the preparation and submission of proposals and related documentation will be borne solely by the proposer.
- 6) This RFP does not constitute an offer of employment or contract for services.
- 7) The IWMA may, in its sole and absolute discretion, accept or reject all proposals, in whole or in part, with or without cause, in response to this RFP and to make more than one award, or no award, or postpone or cancel, at any time, this RFP process, if the IWMA determines such action to be in its best interests.
- 8) The IWMA reserves the right to remedy technical errors, modify the published scope of services and approve or disapprove the use of all sub-consultants.
- 9) The issuance of this RFP does not constitute an agreement by the IWMA that any subsequent selection process will occur, or that any contract will be entered into by the IWMA. Proposals and other materials will not be returned.
- 10) The IWMA has the right to use any or all ideas or concepts presented in any proposal or interview without restriction and without communication to all applicants.
- 11) All documents submitted to the IWMA in response to this RFP will become the exclusive property of the IWMA.
- 12) All proposals shall remain Contractor for one hundred twenty (120) days, following the closing date for receipt of proposals.
- 13) The IWMA reserves the right to award the contract to the Contractor who presents the proposal which, in the judgment of the IWMA, best accomplishes the desired results.
- 14) The term of the contract will be three years with a start date of **TBD**, 2024. The contract may be renewed at the discretion of the IWMA for up to 2 consecutive 12–24-month periods. Any request by the Contractor to increase pricing may not exceed national or regional CPI and must align with the IWMA's budget cycle.
- 15) Any contract awarded pursuant to this RFP will incorporate the requirements and specifications contained in this RFP. All information presented in the proposal will be considered binding upon selection of the successful proposer, unless otherwise modified and agreed to by the IWMA during subsequent negotiations.
- 16) Under the provisions of the California Public Records Act (the "Act"), Government Code section 6250 et seq., all "public records" (as defined in the Act) of a local agency, such as the IWMA, must be available for inspection and copying upon the request of any person.

Under the Act, the IWMA may be obligated to provide a copy of all responses to this RFP, if such requests are made after the contract is awarded. One exception to this required disclosure is information which fits within the definition of a confidential trade secret [Government Code section 6254(k)] or contains other technical, financial, or other data whose public disclosure could cause injury to the proposer's competitive position. If any proposer believes that information contained in its response to this RFP should be protected from disclosure, the proposer MUST specifically identify the pages of the response that contains the information by properly marking the applicable pages and inserting the following notice in the front of its response:

**NOTICE:** The data on pages \_ of this response identified by an asterisk (\*) contain technical or financial information, which are trade secrets, or information for which disclosure would result in substantial injury to the proposer's competitive position. Proposer requests that such data be used only for the evaluation of the response but understands that the disclosure will be limited to the extent the IWMA considers proper under the law. If an agreement is entered into with the proposer, the IWMA shall have the right to use or disclose the data as provided in the agreement, unless otherwise obligated by law.

- 17) The IWMA will not honor any attempt by proposer to designate its entire proposal as proprietary. If there is any dispute, lawsuit, claim or demand as to whether information within the response to the RFP is protected from disclosure under the Act, proposer shall indemnify, defend, and hold harmless the IWMA in any action arising out of such dispute, lawsuit, claim, or demand.
- 18) The proposer warrants that no official or employee of the IWMA has an interest, has been employed or retained to solicit or aid in the procuring of any contract resulting from this RFP, if any, and further warrants that such person will not be employed in the performance of the contract without immediate written notice to the IWMA.
- 19) Contractors submitting proposals shall warrant that their offer is made without any previous understanding, agreement, or connection with any person, Contractor or corporation submitting a separate proposal for the same service and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action. This condition shall not apply to proposals which are submitted by Contractors who have partnered with others to submit a cooperative proposal that clearly identifies a primary Contractor and the associated sub-Contractors.
- 20) Proposers shall comply with all laws and regulations governing nondiscrimination in employment, including the Americans with Disabilities Act of 1990, the Fair Employment and Housing Act (California Government Code, § 12900, et seq.), and the applicable regulations promulgated thereunder (2 California Code of Regulations, § 7285, et seq.).

**Nondiscrimination:** The proposer, regarding the work performed by them during the Contract, shall not discriminate on the grounds of race, color or national origin or other legally protected criteria in employment or the selection and retention of any potential subcontractors.

21) Unforeseen additional items and/or services may be required. The IWMA therefore reserves the right to negotiate with the successful proposer for additional items and/or services beyond what is described in the final contract.

### **B. Changes to the RFP**

This RFP is posted on the IWMA's website: <https://www.iwma.com/about/requests-for-proposal/>. Any changes, additions, or deletions to this RFP will be in the form of written addenda issued by the IWMA. Any addenda will be posted on the website. Prospective proposers must check the website for addenda or other relevant added information during the response period. The IWMA is not responsible for the failure of any prospective proposer to receive such addenda. All addenda so issued shall become a part of this RFP. Any proposer who has already submitted their proposal and desires to make corrections, may remove and replace their proposal up to the date and time for which this RFP closes.

### **C. Communications**

All communications concerning this RFP shall be directed to [jlane@iwma.com](mailto:jlane@iwma.com) with the email subject line of: **QUESTIONS – SB 1383 Outreach RFP**. All other communication is not binding and shall in no way modify the RFP or the obligations of the IWMA.

After the solicitation has closed, proposers can view the RFP on the IWMA website where any available award information will be posted and updated within the solicitation. Any questions and requests for information must be addressed to [jlane@iwma.com](mailto:jlane@iwma.com) with the email subject line of: **QUESTIONS – SB 1383 Outreach RFP**.

### **D. Insurance**

The selected proposer will be required to provide insurance coverage in the amount of one million dollars (\$1,000,000) Commercial General Liability Insurance, and two million dollars (\$2,000,000) of Professional Liability Insurance.

INSURANCE REQUIRED	COVERAGE LIMITS
Commercial General Liability & Property Damage	\$1,000,000 Per Occurrence
Professional Liability	\$1,000,000 Per Occurrence \$2,000,000 Aggregate

The selected proposer shall provide, within five (5) days after the contract for services is executed by all parties, a certificate of liability insurance naming the IWMA and its employees and officers as additionally insured. This shall be maintained in full force and effect for the duration of the contract and must be in an amount and format satisfactory to the IWMA.

### **E. Exceptions and Deviations**

Any exceptions to or deviations from the requirements set forth in this RFP must be declared in the proposal submitted by the proposer. Such exceptions or deviations must be segregated as a

separate element of the proposal under the heading “Exceptions and Deviations”. The IWMA may waive any immaterial deviation or defect in a proposal.

**F. Award**

The IWMA reserves the right to make awards within One Hundred Twenty, (120) days after the date of the RFP closing.