

## City Response to Questions Received from Disposal Services RFP Eligible Proposers

October 29, 2012

| # | Citation                                       | Page # | Line # | Proposer Question  | City Response  |
|---|--|--------|--------|--|--|
| 1 | RFP Sec. 5<br>(Contract)<br>Article 7<br>§7.01 | 25-26  |        | This general indemnity provision should be modified to make it clear that the Contractor is not indemnifying the City for claims based on the City violation of any law in setting disposal rates, including but not limited to Prop. 218, etc.  | Article 7, Lines 1121-1128 of the Contract address your statement. If there is another issue please clarify.   |
| 2 | RFP Sec. 4.2                                   | 4-1    | 382    | Section 4.2 Mistakes - In the event of <u>extension</u> errors, the unit price will prevail. What does that mean?  | An "extension" value represents the unit value multiplied by the number of units. In such cases where the calculated extension amount has been calculated incorrectly, the unit value prevails, and overrides the arithmetic error.                                |
| 3 | RFP Sec.<br>4.23.5.1.1                         | 4-13   | 852    | 4.23.5.1.1 , 18. Outline contingency options in case the Prime Disposal option is not available?<br><b>G. Fitzgerald: What is the question?</b><br>Since disposal contingency options are intended as temporary options are they required to meet the same capacity requirements? I would think compliance with all applicable laws would suffice. | An alternate disposal site must be identified as a contingency option for temporary use. Such a disposal site must be fully permitted and in compliance with all applicable regulations, but need not meet the capacity requirements described in RFP Section 2.3. |
| 4 |  |        |        | Can we offer them the corporate audited statements v. individually audited financial statements for Keller?  | Please see Addendum No. 4, Line 3.   |

| # | Citation | Page | Line | Proposer Question  | City Response  |
|---|----------|------|------|--|--|
| 5 |          |      |      | <p>What specific fees will out-of county landfills pay to Stopwaste and/or County Agencies? Will it include Measure D, Facility Fee, HHW fee, County Business License tax and Open Space fees? Has the City/Stopwaste.org factored in the potential revenue loss in the evaluation of out-of-county landfills?</p> | <p>RFP Section 3.1.9 describes the requirements to include government fees as part of the Disposal Tipping Fee, includes the list of identified government fees, and notes that the proposer is responsible for identifying any other applicable fees. In addition, Form 2 Disposal Tipping Fee, lists all the fees noted in the question, and other applicable fees. The City explicitly recognizes the economic benefit of a disposal site located in Alameda County by allowing for two (2) bonus points for in-county landfills.</p> |