

Iowa Department of Natural Resources Responses to Questions Related to Solid Waste EMS Pilot Program RFQ (4/3/09)

1. How will the initial 6 EMS areas be selected? What criteria will be used? (Page 1, Section A) See “Application Criteria for Pilot Applicants” approved 12-15-08 and “EMS Pilot Application Form” (approved 2-11-09) available at <http://www.iowadnr.gov/waste/sw/swapac.html>
2. Will the consultant provide communication and assistance directly to each EMS, or will the consultant be expected to coordinate assistance and communication through the Council? (Page 2, Section A) Consultant should plan to work directly with each EMS pilot area but will also coordinate these efforts with or through the Council. The difference in these working relationships can be summed up as follows. Consultant’s work with the pilot planning areas will be detail oriented and area specific. The work with the Council will be more focused on the overall program, its framework, and evaluation criteria. This expectation will be fleshed out in greater detail in the RFP.
3. How does the Council envision the format of the “evaluation tool?” (i.e. as an interactive spreadsheet or as a checklist)? (Page 3, Section E) There has been no discussion, and therefore no decision made on this. We are interested in hearing your ideas or tools you may have used in other projects.
4. Will any amendments be transmitted by the DNR to firms responding to the RFQ? (Page 6, Section M) Yes. Based on comments we have received the RFQ is amended and will be provided to all who received the original RFQ as well as posted on our website. See response to Questions 11 & 12.
5. Has a budget been established or estimated for the project? Does the IDNR have a plan for what portion of the funding in HF2570 will be allocated to implement the pilot projects? Does that funding include an allocation for this consultant project services or is that funding separate? The legislation designates up to 30% of that portion of the state tonnage fee remitted for deposit into the Solid Waste Alternatives Program (SWAP) account can be used for the program. That is approximately \$600,000 per year. There is no carryover from one fiscal year to the next. The funds can be used for offsetting costs for council meetings, council members’ travel expenses, and other activities focused on promoting the program such as an informational workshop that will be held in May. None of the funding is used for DNR staffing. The main focus of the funds is to assist in developing and implementing the program both at the state and local levels. The council will be establishing criteria for awarding grants to pilot areas for implementation. The funding for the proposed work that will be described in

the RFP related to this RFQ will be from this source. A budget figure or range will be identified in the RFP.

6. HF 2570, Lines 5-24 through 5-27, states that EMS must submit an annual report to the Department starting on September 1, 2009. What will be included in this initial report? (Page 2, Section A) Please note that the September 1, 2009 date is moot. That would have been the date for the annual report provided this initiative met all of the other timelines in the legislation. An annual report will be due approximately one year from the implementation of the pilot program. Developing the content of the report is part of the scope of work that will be included in this project.
7. Will current diversion goals be replaced through EMS planning? (Page 1, Section A) All planning areas will continue to track their progress toward the state diversion goals including the pilot participants. The latter do so solely for the purpose of providing the information the department needs to determine the state's overall goal status. Planning areas participating in the pilot program will not have their performance evaluated through the goal diversion methodology but rather how they are meeting the goals and objectives they establish in each of the six plan components set forth in the legislation. The tonnage fee for the pilot program participants is set in the legislation as \$3.65 per ton. This is equivalent to planning areas that have exceeded the 25% goal and have met several other performance thresholds. The benefit to the participants is that the fee won't change unless they are no longer participating in the program.
8. Does the Council intend to establish guidelines under which the EMS areas will develop their plans, or will EMS areas independently develop their own plans? (Page 1, Section A) The Council has provided some guidelines in its Elements and plan components included in Appendix B. EMS areas will work within that framework to develop specific local plans. Ongoing designation as an EMS is predicated upon demonstrated continuous improvement.
9. Will the 6 work areas be applied within the context of solid waste management, or will they be applied more broadly? What activities are currently being considered for the Water Quality Improvement area? (Page 1, Section A) A planning area pilot program participant can expand the scope of the plan component areas beyond just traditional solid waste management activities. The activities considered under Water Quality Improvement in the legislation are examples. Participants can identify others that may be more relevant or have a higher priority within their geographical area.
10. The RFQ contains the following clause: *"It is the explicit responsibility of each applicant to identify any real or perceived conflicts that might arise if*

selected, and relate these conflicts in detail as part of their submittal." How are "real or perceived conflicts" defined under the terms of the RFQ? Knowing that many qualified consultants for these services have relationships with solid waste entities in Iowa, including the IDNR, how does the IDNR and the Council plan to take advantage of these consultants' knowledge of the Iowa solid waste industry while avoiding "perceived" conflicts? Does the IDNR and/or the Council have a planned process to address the real or perceived conflict of interest issue(s)? If so, please clarify this process. For example, how will perceived conflicts, stated or unstated, be addressed by the selection entity through the process of evaluating the submitted qualifications? [The Council will consider conflicts of interest on a case by case basis. We can share some of the concerns that were expressed by Council members when this was discussed. These include but are not limited to the following situations. A potential contractor may have a perceived advantage in marketing its services to other planning areas in the state that may be considering participation in the program sometime in the near future. If a potential contractor has a business relationship with a participating planning area there may be the perception that the development of the program will be customized to meet the client's needs or circumstances at the detriment of other participants. It is understood that a Council member may have a potential conflict of interest in the case where the member has a relationship with a potential contractor. In that case the individual would excuse themselves from the discussion on that applicant. We cannot list out all circumstances where real or perceived conflicts may be relevant. It is the applicant's responsibility to identify such potential circumstances in their response. In this stage of the RFQ process no one is being excluded for consideration.](#)

11. The RFQ includes, in essence, a request for a scope of work (refer to item #4 of Appendix A, Request for Qualifications). Can you elaborate on how the submitting firm's qualifications to provide the services will be evaluated vs. a specific submitted work plan/approach (which is more typically part of a Request for Proposal)? [The RFQ as issued has been amended by removal of Item #4 of Appendix A. We agree that this is not pertinent to the RFQ.](#)
12. Please also clarify how the work plan/approach will be evaluated relative to the criteria on page 4 of the RFQ. How is what the IDNR is asking for in Appendix A/item 4 related to the eventual RFP that will be requested of firms found to meet the RFQ requirements? [See response to previous question.](#)
13. I need a point of clarification on your requirement to "include resources necessary" as outlined in Appendix A. Does this mean you are looking for a cost proposal to accompany the qualifications? Thanks so much. [There is no need to provide a cost proposal in you response to the RFQ. The](#)

reference to resources would be non-personnel objects or capabilities that, as appropriate, may be needed to carry out the project.

14. The selected consultant will contract with the IDNR. Please clarify the roles of the IDNR staff, the Solid Waste Alternatives Program Advisory Council and the Environmental Protection Commission in the RFQ selection and subsequent processes, e.g. RFP, etc.

- ❖ The Environmental Protection Commission is a governor-appointed citizens' body comprised of nine members. The commission provides oversight for actions of the IDNR's Environmental Services Division (ESD) in terms of approving all rulemaking, award of contracts or grants greater than \$25,000, enforcement referrals to the Iowa Attorney General's office, and other matters as stipulated in state law.
- ❖ The Director of IDNR was provided via the legislation the responsibility of appointing SWAP Advisory Council members. Voting members on the Council include an IDNR representative. The IDNR staff involved in this project are members ESD's Land Quality Bureau. Staff are responsible for general administration of the program including scheduling of meetings, keeping minutes, providing data and informational resources to the Council and ensuring that all documents related to the RFQ and RFP are reviewed and approved by IDNR's Financial Bureau and its Legal Services Bureau.
- ❖ The SWAP Advisory Council has the authority to establish its operational practices and make decisions on procedural matters such as the issuance of the RFQ and RFP. The Council makes recommendations to the Department on the selection of potential applicants and contractors. In all matters, the Department has the final decision-making authority and, in the case of contracts and grants over \$25,000, makes recommendations for approval or denial to the Environmental Protection Commission.