



California Architectural Paint Recovery Program

Request for Information



Milk-Run Transportation Services

Due Date:

January 20th, 2012 5:00 p.m. PST

PaintCare

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I. INTRODUCTION AND BACKGROUND

A. California's Architectural Paint Recovery Program

On September 28th, 2010 then Governor Schwarzenegger signed AB 1343 creating the California Architectural Paint Recovery Program by statute. Cal. Public Resources Code §§ 48700 – 48706 (2010). The broad purpose of California's Architectural Paint Recovery Program is to “require paint manufacturers to develop and implement a Program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint” in California. *Id.* § 48700. The statute defines Architectural Paint as “interior and exterior architectural coatings, sold in containers of five gallons or less for commercial or homeowner use, but does not include aerosol spray paint or architectural coatings purchased for industrial or original equipment manufacturer use.” *Id.* § 48701(a). PaintCare, Inc. (“PaintCare”) is the stewardship organization for California's Architectural Paint Recovery Program (“Program”). They key Program goals are to:

- (A) Reduce the generation of postconsumer paint;
- (B) Promote the reuse of postconsumer paint; and
- (C) Properly manage post-consumer paint at end-of-life, including recovery and recycling of postconsumer paint.

The purpose of this request for information (RFI) is to identify potential transportation service providers. Based on the quality of response, we will negotiate contract pricing or create a short-list for a transportation request for proposal (RFP). To implement its stewardship plan, PaintCare or its contracted Program Manager will administer this RFI, implement, administer and oversee the Program.

The Program will be funded by an assessment on each container of Architectural Paint sold in California, remitted to the Program by the producers. The Program will include a network of paint collection sites, which may be local government sites, retailers or others. Program products will be transported from these collection sites to processing centers for proper management by the Program’s selected transportation service providers.

Information from this Paint Transportation RFI will help us create the statewide collection program. July 1st, 2012 is targeted as start date for Program operations; however, this start date is subject to change.

For more information about California's Architectural Paint Recovery Program, visit:

www.calrecycle.ca.gov/epr/PolicyLaw/Paint.htm

In July 2010, the first PaintCare program was implemented in Oregon under similar legislative statute. Though this RFI is unique to California, proposers can view the first year Oregon Annual Report at the Oregon Department of Environmental Quality Paint Product Stewardship website:

www.deq.state.or.us/lq/sw/prodstewardship/paint.htm

B. Calendar of Key Events

Event	Date/Location
RFI Issued	December 22 nd , 2011
Deadline for RFI Questions	January 12 th , 2012 5:00 p.m. PST
Closing Date for RFI Responses	January 20 th , 2012
Evaluation Period	January - February 2012
Targeted Program Implementation Date	July 1 st , 2012

C. RFI Questions

It is the responsibility of Proposers to request clarification of any RFI details by email to Mike O'Donnell, modonnell@paint.org before 5:00 p.m. PST on January 12th 2012. Inquiries after this date cannot be guaranteed a response. Inquiries should contain the following subject line: "PaintCare: Question regarding California transportation RFI." Oral requests for clarification will not be entertained. Notice of significant inquiries (as determined at PaintCare's sole discretion) may necessitate addendums to the original RFI. It is the responsibility of Proposers to check the paintcare.org (California tab) website for updates to the RFI.

D. Definitions

"Architectural Paint" means interior and exterior architectural coatings, sold in containers of five gallons or less for commercial or homeowner use, but does not include aerosol spray paint or coatings purchased for industrial or original equipment manufacturer use.

"Collection Container" is a container used by Collection Sites to hold Program Products. We envision most of the program being serviced with reusable plastic totes holding about 1 cubic yard of Program Products. In the Oregon PaintCare Program these totes have an integrated pallet and provide secondary containment. Collection Containers may also include DOT specification drums, boxes on pallets, cages, roll-offs or other containment meeting the requirements of DOT SP-11624.

“Collection Site” means a physical location authorized by the Program for the deposit of Program Products. Collection Sites may include paint retailers, hardware stores, permanent and temporary HHW sites, one-day community HHW collection and paint-only collection events.

“HHW” is an acronym for household hazardous waste.

“Legislation” means Cal. Public Resources Code §§ 48700 – 48706 (2010).

“PaintCare” is a tax-exempt entity established under Section 501(c)(3) of the Internal Revenue Code which will carry out the responsibilities of the “stewardship organization” referred to in the Legislation. PaintCare or its contracted Program Manager will be the contracting entity for any contracts that may arise as a result of this RFI process.

“Processing Center” means a physical location authorized by the Program where Program Products from Collection Sites is taken for temporary storing, sorting, and processing for proper end-of-life management (e.g. reuse, recycling, energy recovery, and/or disposal).

“Program” means the statewide California Architectural Recovery Program set forth in the Legislation and implemented by PaintCare.

“Program Products” means Architectural Paint and coatings assessed a fee under the Program.

“Proposal” means a proposal submitted in response to this RFI.

“Proposer” means a person, organization or governmental entity submitting a response to this RFI.

“RFI” is an acronym for Request for Information.

“RFP” is an acronym for Request for Proposal.

“Roll-off” is a metal container in sizes from 10 to 40 cubic yards that may be used for hauling larger amounts of Program Products.

“State” means the State of California.

E. Operational Overview of Architectural Paint Recovery Program

1. **Collection Site:** Leftover Architectural Paint in original consumer containers will be received from the public at Collection Sites located across the State. These may be local government sites, retailers or other contracted locations. In addition, there are expected to be a number of one-day events managed by local governments or the Program where Program Products are collected. We expect most Collection Sites to commingle latex and alkyd paint in the same Collection Container. Collection Sites will not be expected to sort Program Products into different Collection Containers.
2. **Collection Containers:** Containers of Program Product will be placed by the Collection Site in Collection Containers. Reusable Collection Containers will be used where possible.
3. **Transport and Load Consolidation:** Collection Containers filled with Program Products will be picked up by transporters contracted to the Program and taken to Processing Centers. Transporters may haul full or partial loads depending on how they structure their routes and the proximity of designated Processing Centers to Collection Sites.
4. **Consolidation Centers:** Transporters may choose to use permitted 10-day transfer locations to consolidate shipments from remote areas before transporting to a Processing Center.
5. **Processing Center:** Weighing, sorting, bulking, data collection and temporary storage of Program Products shall occur at Processing Centers. Program Products will be sorted and managed by type (latex vs. alkyd) and other criteria.

F. Quantity and Technical Information

1. **Quantity Data:** The following are estimates based on available information and experience from paint stewardship programs in other jurisdictions:
 - 1.1. **Estimated Quantity of New Paint Sold:** It is estimated that 59.3 million gallons of Architectural Paint were sold in California 2010, of which an estimated 90% was latex paint and 10% alkyd paint.
 - 1.2. **Historic Collection Volumes:** The California Department of Resources Recycling and Recovery's Form 303 Report (www.calrecycle.ca.gov/HomeHazWaste/Reporting)

aggregates HHW data from local government programs, but does not isolate Architectural Paint as a component of the report. During fiscal year 2009-2010, California HHW Programs reported collecting 57,837,941 pounds of alkyd (oil-base) and latex paint. Using a conversion of 10 pounds per gallon, this equates to 5,783,794 gallons of paint. However, Form 303 data is reported in gross weight (paint and outer container), includes a portion of material not covered under the PaintCare Program (e.g. some paint-related materials) and includes paint reused or recycled on-site after collection.

- 1.3. **Projected Collection Volumes:** The Program does not guarantee any minimum or maximum volume of Program Product, but estimates first year California collection volumes at 3-4 million gallons. Extrapolating this figure translates to 65,000 - 90,000 cubic yard totes requiring transportation.

The Program expects volumes to increase slightly over time. Based on experience in other paint stewardship programs, we anticipate future recovery volumes of at least 7% of annual sales, however this is subject to many variables.

- 1.4. **Weight:** The weight of Collection Containers filled with Program Products can vary substantially depending on contents. However, Oregon PaintCare Program totes averaged 750 pounds each (see Section G). Most Program Products will be collected in cubic yard totes. However, some locations may consolidate into bulk 55 gallon drums weighing 550 – 600 pounds gross weight.

2. **Environmental Regulatory Information:**

- 2.1. **Important Note and Disclaimer:** The information in this section is intended as a general overview, however, Proposers should not rely on this information and are strongly urged to consult qualified professionals to determine the applicability of hazardous waste management regulations to the work described in this RFI.
- 2.2. **PaintCare Exemptions:** The management (transportation, storage, consolidation or disposal) of latex and alkyd paint managed under the Program has been granted a number of important exemptions and revisions to existing law under California AB-408:

http://leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_408&sess=CUR&house=B&author=wieckowski

It is the responsibility of the Proposer to fully understand these exemptions as it relates to PaintCare, DOT, RCRA and transportation of hazardous materials.

Summarizing a few points of AB408:

- Program Products collected under the PaintCare program will not be subject to RCRA and will not carry EPA codes for flammability.

- Transporter moving Program Material under the PaintCare program are not required to have an EPA ID number for hazardous material transportation, however drivers must have a DOT haz-mat license endorsement. Trucks carrying more than 1,000 lbs. of Program Product must be placarded for flammability.

- Most Collection Containers filled with Program Products contain both latex and alkyd paint. These commingled Collection Containers must be labeled by the transporter and will have the following markings:
 - Hazardous material marker; labeled as Paint: UN1263 on one-side of the Collection Container. PaintCare will be listed as the generator from all collection locations.
 - DOT Class 3 Flammable Liquid diamond label within 6” of the Hazardous material marker noted above.
 - DOT SP-11624 (2” letters) on two sides of the collection container.
 - Each tote will have a permanent identification tag with a unique and sequential number. These numbers must be listed on the Bill of Lading for each pick-up.

- The following photo shows a full collection container (tote) with Program Products. It is properly labeled with DOT-SP11624 exemption, sequential and unique tote number, hazardous material marker and red flammable diamond.



2.3 **DOT SP-11624:** Non-DOT specification Collection Containers used in the Program must meet the specifications of DOT-SP11624. Local government HHW Programs currently use a variety of collection containers including DOT drums, totes, triwall cardboard boxes on pallets, cages and roll-offs. All program transporters must be party to DOT SP-11624.

http://phmbc510.phmsa.dot.gov/staticfiles/PHMSA/SPA_App/OfferDocuments/SP11624_2009050343.pdf

G. Collection Containers

The Oregon PaintCare Program uses the Buckhorn Industries “Big-Box” series totes (see photo) for storing and transporting Program Products. These totes are durable and will stack three high on most trucks, but are not nestable. In ideal situations, a transporter can haul 36 totes on a full 48’ trailer. When planning routes, transporters will typically swap the same number of empty totes for full totes. We envision the California Program using several different types of Collection Containers to accommodate the Program needs. Any container used in the CA

program must have a lid. This link is provided for illustration purposes and should not be interpreted as a preference to a particular manufacturer.



www.buckhorninc.com/products/fixed-wall-bulk-containers.asp

Totes are provided by the PaintCare Program. Program Transporters will be required to transport and drop-off Collection Containers from Collection Sites to Processing Centers, and pick up and transport empty Collection Containers from Processing Centers (or other designated locations) to Collection Sites. Processing Centers will have a supply of empty Collection Containers available on site. Full and empty (back-up) Collection Containers at Oregon Program retail Collection Site shown below.



Transporters must provide all labor, tools, machinery, materials, transportation, equipment, labels, bills of lading and services necessary for, and reasonably incidental to, the completion of the specified work. Trucks will need to carry pallet jacks and drum dollies. Under most pick-up situations, the transporter will need a lift-gate trailer.

H. Transportation Logistics

1. **Call Centers:** Contracted collection locations will include community HHW collection sites, paint retailers, hardware stores, re-use centers, mobile HHW collection events, or paint only community collection events. Program transporters will be required to staff a toll-free call center for Collection Sites within their service area. The call center must be staffed Monday – Friday from 8 a.m. to 5 p.m. PST. The call center must have a message service for off-hours and weekends. An emergency response number must be staffed 24/7.
2. **Service Days:** Maintaining positive working relationships with Collection Sites is essential to the Program success. As the Program develops, Program transporters will understand Program Product volumes, frequency of pick-up and logistical limitations of each Collection Site. Urban sites will require pick-up in 3 business days. Rural area pick-up will be dependent on factors that balance cost, milk-run logistics and ensuring the site is compliant with regulatory limits for storage volume and time. Collection locations must never have paint stored outside of an approved program collection container.
3. **Direct Pick-up:** The majority of the State will be serviced using milk-run transportation routes. Occasionally, we will have single location large volume pick-ups requiring the transporter to integrate the pick-up into an existing route or provide a dedicated run. A minimum volume for a direct pick-up will be 250 gallons; there is no maximum.
4. **Temporary Events:** Temporary HHW or paint-only events are typically held in a flat, open, paved and visible community parking lot easily accessible to the public and transporters. Program transporters will be required to provide empty Collection Containers before the event and pick up full Collection Containers at the conclusion of the event. Events may be held on a weekday, weekend or during a multiple-day stretch.
5. **Bills of Lading (BOL):** Program transporters will provide completed BOLs to Collection Sites at time of pick-up with the following information:

- Collection Site name and address
- PaintCare Collection Site locator number
- Pick-up date
- Unique BOL number
- Unique Collection Container numbers
- Number, type and size of Collection Containers. For example:
 - (5) 55 gallon drums
 - (3) plastic yard totes
 - (1) cardboard yard tote
- Estimated gross weight
- Signature of Collection Site employee and transport driver

6. **Loading:** PaintCare will have hundreds of Collection Sites throughout the State. Each will have its own logistical challenges including container storage and accessibility limitations. Transporters should not expect help from Collection Site employees to load Collection Containers onto their transport trucks. All trucks must carry a pallet jack and drum dolly.

7. **Accessibility:** Local traffic patterns and Collection Site accessibility will affect the size of the truck that can service a location. Transporters should equip all trucks with lift-gates and have a variety of truck/trailer combinations. To the extent possible, the Program will choose Collection Sites with manageable site access.

8. **Milk-Run Routes:** The Program will have Collection Sites throughout the State including remote communities. Transporters should expect transportation routes to be over-night or multi-day trips.

9. **Processing Centers:** The current California processing infrastructure is located in the Sacramento and Los Angeles areas. PaintCare has issued a concurrent RFP for paint management services to determine who will process program products. Transporters will deliver Program containers to these designated points.

10. **Off-loading and Tote Re-load:** Processing Centers will have forklifts and sufficient storage space for incoming filled, and outgoing empty Collection Containers. Processors will assist

transporters with loading and unloading. Transporter may be required to pallet jack totes to back of truck during off-load.

11. **Invoicing:** If this RFI results in contracts, all invoices must be accompanied by supporting backup documentation including BOL and required monthly reports.

II. RFI CONTENT AND SUBMITTAL INSTRUCTIONS

A. General Submission Instructions

1. All Proposals submitted as a response to this RFI must be sent by e-mail to modonnell@paint.org in either Microsoft Word or Adobe PDF format. If a proposal is more than 5MB, please break up into several e-mails to ensure delivery.
2. All Proposals must be received by 5:00 p.m. PST on the RFI closing date.

B. Required Proposal Content

The Proposal must include the following information:

1. A cover sheet with the following:
 - ✓ Identify the submitting Proposer;
 - ✓ Identify the name, title, and phone number of the person authorized to represent the Proposer;
2. Transmittal Letter – Limit to one (1) page.
 - ✓ A brief synopsis of the Proposer’s qualifications and how the proposal meets the goals of the California Architectural Paint Recovery Program.
3. Proposer Experience and Personnel
 - 3.1 Provide list of existing California transportation resources by location including:
 - 3.1.1.1 Address of each location

- 3.1.1.2 Operating Hours
- 3.1.1.3 Number of Staff
- 3.1.1.4 Number and type of trucks
- 3.1.1.5 Number and type of trailers
- 3.1.1.6 Number of miles your company drove in CA in the past 12 months.

3.2 A description of the Proposer's experience managing large milk-runs. Include three (3) references with a service description, volume and type of material transported, stops per year, company name, contact, mailing address, phone number and e-mail address.

3.3 Include brief resumes of key personnel that would be involved in the Program. Include their background, title, expertise, and years in the transportation industry.

4. Project Execution

4.1 If you would expand operations to meet the demands of the California Program, describe how you would finance the expansion, time required and number of additional personnel required.

4.2 Provide a flowchart of your proposed transportation system. Where would you domicile trucks and personnel? How would you coordinate the process from initial phone call to drop-off at Processing Center?

4.3 Identify which California geographic regions, counties, or cities you can service.

4.4 Describe your call center, how you track phone calls, pick-up requests and how you measure your on-time performance.

4.5 Describe your tracking system to document driver productivity and how it measures on-time performance. Is the tracking system available on-line to the PaintCare Program?

- 4.6 Will you have dedicated drivers and trucks to the program?
- 4.7 How many miles did your company drive in California in the past 12 months?
- 4.8 Transporters will be required to pick-up numerous types of Collection Containers that may include small hand-held bins, 55-gallon drums, cardboard totes on pallets, plastic totes with integrated pallets and roll-offs of different dimensions. Describe the types of Collection Containers that you can and cannot transport and any limitations that would apply to urban or rural areas.
- 4.9 Proposals shall include a description of Proposer's approach in providing the requirements specified in this RFI by stating an understanding of the work to be done and the deliverables required. Identify pertinent issues, potential problems, solutions and a positive commitment to meet the time schedule for required services.

5. Other Information

- 5.1 Provide evidence of Environmental Liability Insurance and Commercial General Liability Insurance applicable to the Proposer's execution of the scope of work of this RFI. Proposers shall submit documentation that policies of insurance are issued by companies licensed or authorized to provide insurance in the State of California and meet or exceed an 'A' rating of A.M. Best Company or its equivalent for companies not rated by Best. If the RFI process results in contracts, Proposers may be required to acquire additional insurance or obtain increased policy limits if, in the sole discretion of PaintCare, such additional insurance coverage is deemed prudent.
- 5.2 Provide evidence of Workers Compensation Insurance.
- 5.3 Provide a copy of your driver training and drug testing policy.
- 5.4 Provide a copy of your most recent Motor Carrier Safety Rating. If the rating is not Satisfactory, explain what steps you have taken to improve your safety management controls.

III. EVALUATION

1. PaintCare may negotiate with prospective contractors to clarify technical or other sections of their proposal.
2. As a result of this RFI, PaintCare may enter into cost negotiations with Proposers or create a short list for an RFP. The goal is to award a contract to the Proposers(s) with the best value, all evaluation factors considered. PaintCare will consider all options and combinations of service providers. Award may not necessarily be made to the Proposer with the lowest price.
3. PaintCare reserves the right to award no contracts, or to a single or multiple contractors. The evaluation of Proposals shall be within the sole judgment and discretion of PaintCare.

IV. CONTRACTING, TERMS AND CONDITIONS

Standard PaintCare contract terms and conditions are available upon request.