



**Washington Paint Stewardship Program  
Request for Proposal  
Paint Transportation and Processing Services**

Release Date  
August 14, 2019

Due Date  
September 17, 2019

PaintCare Contacts

Fred Gabriel  
Director of Operations  
fgabriel@paint.org  
(202) 317-0592

Jeremy Jones  
West Coast Program Manager  
jjones@paint.org  
(415) 590-0259

PaintCare Washington LLC  
901 New York Ave NW Suite 300 West  
Washington, DC 20001  
(855) 724-6809

# CONTENTS

<b>SECTION 1. INTRODUCTION</b>	<b>4</b>
<b>SECTION 2. BACKGROUND</b>	<b>4</b>
<b>SECTION 3. DEFINITIONS</b>	<b>5</b>
<b>SECTION 4. SCOPE OF WORK</b>	<b>7</b>
4A. Overview	7
4B. Service Details for Retail and Transfer Station Drop-Off Sites	9
4C. Service Details for Large Volume Pick-Up (LVP) Sites	12
4D. Service Details for Household Hazardous Waste (HHW) Collection Events	14
4E. Service Details for PaintCare Drop-Off Events	16
<b>SECTION 5. BID INSTRUCTIONS</b>	<b>18</b>
5A. RFP Timeline	18
5B. RFP Questions	18
5C. Submission of Bid	18
5D. Deadline	18
5E. Completeness of Bid	18
5F. Service Specific Bid	18
5G. Terms and Conditions	18
5H. Program Contract Award	19
<b>SECTION 6. BID CONTENT</b>	<b>20</b>
6A. Cover Sheet	20
6B. Transportation	20
6C. Processing Facilities	21
6D. Bidder Qualification, Past Performance and Experience	21
6E. Pricing	22
6F. Audit Procedures and Financial Statements	22
<b>SECTION 7. EVALUATION CRITERIA</b>	<b>23</b>
7A. Overview	23
7B. Price	23
7C. Processing Outcomes	24
7D. Relevant Past Experience and Qualifications	24
7E. Use of In-State Processors	24

## **APPENDICES**

- A. PaintCare Products and Non-PaintCare Products
- B. Bidder and Transportation Provider Eligibility Criteria
- C. Processing Facilities and Processing Outcome Commitments
- D. Rate Sheets
- E. Template Contract
- F. Exceptions to Template Contract Language

## SECTION 1. INTRODUCTION

---

PaintCare invites Bids from qualified parties to provide collection support and transportation and processing services. Bidders may bid to service any or all of the four groups of sites/events identified in the scope of work within the RFP: (1) retail and transfer station sites, (2) large volume pick-up sites, (3) household hazardous waste sites and events, and (4) paint drop-off events.

The purpose of this RFP is to identify Bidder(s) whose response conforms to the RFP and whose Bid, in the judgment of PaintCare, presents the greatest value to achieve the goals of the Program.

Bids, including the required content in Section 6 (Bid Content) and Appendices B, C, D, and F, are due no later than 11:59 p.m. PDT, Tuesday, September 17, 2019. Bids must be sent by e-mail in either Microsoft Word or Adobe PDF format to Fred Gabriel at [fgabriel@paint.org](mailto:fgabriel@paint.org).

## SECTION 2. BACKGROUND

---

The Washington Architectural Paint Stewardship Act became law in July 2019. Eight other states and the District of Columbia have passed similar model, industry-supported paint stewardship legislation.

The American Coatings Association established PaintCare to implement state-mandated paint stewardship programs in the United States on behalf of paint manufacturers in each state that adopts a paint stewardship law.

Similar to the other paint stewardship programs, the broad purpose of the Washington paint stewardship legislation is for the paint manufacturing industry to develop and implement a program to reduce, reuse, collect, and recycle/process postconsumer paint.

To accomplish the paint collection and recycling goals of the Legislation, PaintCare will establish a network of paint Drop-Off Sites throughout the State by partnering with existing waste collection programs, paint retailers, solid waste transfer stations, and other convenient locations for the public. PaintCare will offer direct pick-ups for entities with at least 200 gallons of paint. PaintCare may also choose to sponsor one-day paint collection events to collect additional paint in select areas of the State.

All PaintCare programs are funded by a fee on each container of new architectural paint sold in the State after the State program begins. The fee is added to the wholesale price of paint by manufacturers and passed down through retailers to consumers. Manufacturers collect the fees and pay them to PaintCare to operate the Program.

For more information about PaintCare and its programs, visit [www.paintcare.org](http://www.paintcare.org).

## SECTION 3. DEFINITIONS

---

**“Architectural Paint”** means interior and exterior architectural coatings sold in containers of five gallons or less for commercial or homeowner use. It does not include aerosol spray paints or industrial, original equipment manufacturer, and specialty coatings.

**“Bid”** means a proposal submitted in response to this RFP.

**“Bidder”** means a person, company, organization, or governmental entity submitting a Bid under this RFP.

**“Collection Bins”** means containers provided by or approved for use by PaintCare or its contractors to hold PaintCare Products.

**“Direct Reuse”** refers to a processing method by which the collected latex or oil-based PaintCare Products are sold or given away in the United States in their original containers and labels without any alteration of the container contents.

**“Drop-Off Site”** means a location authorized by the Program to collect PaintCare Products.

**“Contract”** means the executed contract between a Contractor and PaintCare.

**“Contractor(s)”** means any Bidder(s) awarded a contract with PaintCare to provide services.

**“Large Volume Pick-Up or LVP Site”** means those particular generator sites designated by PaintCare as large-volume producers of PaintCare Products that require one-time or infrequent pickups by the Transportation Provider. As of the date of this RFP, PaintCare generally limits LVPs to generator sites that have at least 200 gallons of PaintCare Products measured by container size, rather than actual gallons of liquid in the container. Note that PaintCare’s LVP program does not accept oil-based PaintCare Products from Small Quantity Generators (SQGs) and Large Quantity Generators (LQGs) as defined under federal rules (40 C.F.R. § 262.14).

**“Legislation”** means Washington Substitute House Bill 1652 (“Architectural Paint Waste – Stewardship Program”), Chapter 344, Laws of 2019.

**“PaintCare Products”** means leftover, postconsumer Architectural Paint collected by the Program. Examples of PaintCare Products are included in Appendix A.

**“PaintCare Reporting Year”** means the period from July 1 of one year to June 30 of the following year.

**“Processing Facility”** means a physical location vetted and selected by the Contractor where PaintCare Products collected through the Program are taken for sorting, treatment, processing, Recycling, and/or end-of-life management.

**“Program”** means the Washington Paint Stewardship Program set forth in the Legislation and implemented by PaintCare.

**“Recycling”** means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal, energy recovery, or incineration. Recycling does not include collection, compacting, repack, and sorting for the purpose of transport.

“**RFP**” is an acronym for Request for Proposal.

“**Roll-Off**” means a metal container in sizes from 20 to 40 cubic yards that may be used for hauling larger amounts of PaintCare Products.

“**Rural Areas**” means how the term is defined by the U.S. Census Bureau, which the U.S. Census Bureau may update from time to time.

“**State**” means the State of Washington.

“**Template Contract**” means the contract appearing in Appendix E.

“**Transportation Provider**” means any entity that will transport PaintCare Products pursuant to the Contract.

“**Urban Areas**” means how the term is defined by the U.S. Census Bureau, which the U.S. Census Bureau may update from time to time.

“**VSQG**” means an entity that qualifies as a Very Small Quantity Generator under federal rules (40 C.F.R. § 262.14) and a Small Quantity Generator under analogous State law (WAC 173-303-040).

## SECTION 4. SCOPE OF WORK

---

### 4A. Overview

1. **Collection:** PaintCare Products will be received from the public at Drop-Off Sites and from LVP Sites located across Washington. Retail and transfer station sites will commingle containers of water-based (latex) and oil-based Program Products in the same Collection Bins; household hazardous waste events, paint collection events, and LVP Sites sort and will package water-based and oil-based Program Products separately.
2. **Transportation:** Transportation services include delivering to and setting up empty Collection Bins at the Drop-Off Sites and picking up the filled Collection Bins and transporting them to Processing Facilities. Transportation Providers may haul full or partial loads depending on how routes are structured and/or the number of Collection Bins at the Drop-Off Sites and LVP sites.
3. **Processing**
  - a. **PaintCare Products:** The intent of the program is to manage all PaintCare Products using available and economically feasible environmentally-sound management practices, including Direct Reuse, Recycling, incineration/energy recovery, and proper treatment or disposal.
  - b. **Non-PaintCare Products:** It is expected that a small amount of non-PaintCare Products (e.g., paint thinners) will be inadvertently received through the Program. Transportation Providers, as well as any Processing Facilities utilized, must be prepared and able to sort, classify, package, and properly manage non-PaintCare Products.
  - c. **Empty Paint Containers:** Empty containers must be recycled where possible.
4. **Tracking, Reporting, and Invoicing:** Transportation Providers are required to provide PaintCare with the following: Monthly reports will be provided within forty-five (45) days after each month during the term of the contract. Quarterly reports will be provided within forty-five (45) days after each calendar quarter during the term of the contract.
  - a. **Monthly Service Report** detailing activity, per Drop-Off Site and LVP Site, for all services during the month (regardless of the invoice date). This report will also serve to communicate the actual pounds of PaintCare Products collected at each Drop-Off Site and LVP Site during the month. The Monthly Service Report must include, at a minimum:
    - Invoice number
    - Invoice date
    - Purchase order number, issued by PaintCare (default value will be the PaintCare contract number)
    - Drop-Off Site or LVP Site information: site name, site address, and site code (e.g., RI1002, provided by PaintCare)

- Date of shipment
  - Pricing zone (if any)
  - Item description: description of each billable item. Note: If the item is Collection Bin(s) filled with paint, describe the count, type(s), size(s), gross weight(s) measured by a certified or calibrated scale, paint type (latex, oil-based, or mixed), and packaging method (loose pack or bulk)
  - Count of item(s)
  - Unit of measure for each item (e.g., lb., gal, each, hr., etc.)
  - Unit price per item
- b. **Monthly Non-Program Product Report** detailing activity, per Drop-Off Site or LVP Site, during the month including:
- Site information: site code and site name, provided by PaintCare, and site address
  - Date of shipment
  - Description of Non-Program Product (e.g., solvents, acids)
  - Number of containers (by size) and the total weight (in pounds) for each type of Non-Program Product that the Transportation Provider picks up from each site during the reporting month.
- c. **Monthly Aging Report**
- d. **Quarterly Processing Report** detailing activity, per Processing Facility, for all materials processed during the calendar quarter including:
- Processing Facility information, including name and address
  - Type of paint processed, processing method(s), and total gallons processed by each method
  - Type of paint containers managed (metal and plastic), management method(s), and total pounds managed by each method

#### 4B. Service Details for Retail and Transfer Station Drop-Off Sites

1. **Estimated Annual Activity:** The following data is estimated based upon the observations from other PaintCare programs and presented to provide the Bidder with some perspective on the anticipated number of stops to be executed and the possible amount of paint to be managed from the sites.

Sites	Boxes	Shipments (Stops)	Paint Collected (Gross Lbs)	Paint Type
140	4,200	2,200	3,045,000	Commingled – Latex and Oil-based paint in cans

2. **Collection:** Drop-Off Site personnel will be responsible for screening, collecting and properly packing the PaintCare Products into the Collection Bins.

3. **Collection Bins**

- a. **Disposable Collection Bins**

- Transportation Providers will supply these bins along with liners, pallets, labels, and markings.
- Drop-Off Sites have historically utilized fiberboard boxes of a couple different designs – collapsible cubic-yard boxes designed with a fiberboard sleeve inside a coated polypropylene sleeve and ‘low profile’ fiberboard boxes which are 40” L x 48” W x 30” H.

- b. **Reusable Collection Bins:** In an effort to minimize waste and to accommodate outdoor storage, the Program also utilizes waterproof reusable Collection Bins, as needed.

- Bins are 45” L x 48” W x 34” H, leak-proof, stackable by forklift, and contain a lid and integrated pallet.
- PaintCare will purchase these bins and ship to the Transportation Provider, as needed.
- Transportation Provider will be required to manage the inventory of reusable Collection Bins including those in service at Drop-Off Sites and those which are being stored (empty or full) at the Transportation Provider’s facility(ies).

- c. **Labeling:** Collection Bins must be labeled, in accordance with all applicable regulations, by the Transportation Provider.

#### 4. Accessibility

- a. **Drop-Off Site Accessibility:** Accessibility will vary at Drop-Off Sites and will affect the size and configuration of the truck that can service a location. Transportation Providers will need to have a variety of truck/trailer combinations, including trucks with a liftgate, to service all Drop-Off Site locations.
- b. **Collection Bin Accessibility:** Drop-Off Sites are required to ensure Collection Bins are accessible to the Transportation Provider on the day of shipment.

#### 5. Transportation

- a. **Call Center:** Transportation Providers are required to provide and staff a toll-free call center for retail and transfer station Drop-Off Sites to request a pick-up. The call center must be staffed Monday-Friday from 8 am to 5 pm PT and have a message service for off-hours and weekends.
- b. **Unloading/Loading:** Transportation Providers must unload/load all Collection Bins (empty and full) from their vehicle; the Drop-Off Sites will not be expected to assist with unloading/loading of Collection Bins. Transportation Providers must provide pallet jacks, drum dollies and other equipment as needed for the unloading/loading and movement of Collection Bins.
- c. **Service Schedule:** Maintaining positive working relationships with Drop-Off Sites is essential to Program success. Transportation Providers will understand the typical volume of paint collected, frequency of pick-up, and logistical limitations of each Drop-Off Site in order to better plan for efficient collection. Drop-Off Sites require pick-up within five (5) business days of a request. Any modification to this schedule must be approved by PaintCare.
- d. **Initial Delivery** of empty Collection Bins to new Drop-Off Sites must be accomplished within ten (10) business days of a request for a Drop-Off Site in an Urban Area and within fifteen (15) days of a request for a Drop-Off Site in a Rural Area .

#### 6. Bills of Lading (BOL):

Transportation Providers must provide completed BOLs to Drop-Off Sites at the time of pick-up. These documents must contain, at a minimum:

- Site name and address
- Pick-up date
- Unique BOL number
- Number, type, and size of Collection Bins
- Estimated gross weight of full Collection Bins
- Signature of site employee
- Signature of Transportation Provider's driver

- If requested by PaintCare, a comment stating that the materials identified on the BOL are from an approved PaintCare Drop-Off Site serving households and VSQGs (a.k.a. “SQGs” under Washington law).
- Additional language may be required to denote that the Drop-Off Site is not the legal generator of the materials.

## 7. Processing

- a. **PaintCare Products:** Because Drop-Off Sites commingle containers of latex and oil-based PaintCare Products in the same Collection Bin, the Transportation Provider may have to depack all bins, segregate the paint containers, and repack the containers into two separate bins prior to transporting the paint to the Processing Facilities.
- b. **Non-PaintCare Products:** A small amount of non-PaintCare Products (e.g., paint thinners) are inadvertently received through the Program. Transportation Providers, as well as any Processing Facilities they employ, must be prepared to sort, classify, package, and properly manage non-PaintCare Products, as necessary.

#### 4C. Service Details for Large Volume Pick-Up (LVP) Sites

1. **Activity:** PaintCare staff receives requests for pick-ups from sites with large volumes of paint via submittal of an online form, email, fax, or phone. After PaintCare staff determines that the customer is eligible to receive an LVP, the request is forwarded to the Transportation Provider. The Transportation Provider contacts the site to schedule the pick-up.

No meaningful estimation of activity from LVP Sites can be provided to the Bidder, due to the variability observed in the other PaintCare programs. The total number of LVP Sites serviced on an annual basis in PaintCare programs ranges from 1 to 554 and the number of boxes shipped per pick-up ranges from 1 to 36.

2. **Collection:** Transportation Provider will be responsible for screening, segregating, and properly packing all PaintCare Products into Collection Bins.
3. **Collection Bins**
  - a. **Disposable Collection Bins**
    - Transportation Provider will supply fiberboard Collection Bins if reusable Collection Bins are not used. Transportation Provider will also provide liners, pallets, labels, and markings.
  - b. **Reusable Collection Bins**
    - Transportation Providers should utilize reusable Collection Bins whenever feasible.
    - Bins are 45" L x 48" W x 34" H, leak-proof, stackable by forklift, and contain a lid and integrated pallet.
    - PaintCare will purchase these bins and ship to the Transportation Provider, as needed.
    - Transportation Provider will be required to manage the inventory of reusable Collection Bins.
  - c. **Labeling:** Collection Bins must be labeled, in accordance with all applicable regulations, by the Transportation Provider.
4. **Accessibility:** LVP Site personnel must make the PaintCare Products accessible to the Transportation Provider. Accessibility will vary at LVP Sites and will affect the size and configuration of the truck that can service a location.

## 5. Transportation

- a. **Unloading/Loading:** Transportation Providers are responsible to unload/load all Collection Bins (empty and full) from their vehicles; the LVP Sites may -- but are not expected to -- assist with unloading/loading of Collection Bins. Transportation Providers must provide pallet jacks, drum dollies, and other equipment as needed in the unloading/loading and movement of Collection Bins.
- b. **Service Schedule:** Within three (3) business days of receiving a request from PaintCare to arrange for a pickup from an LVP Site, the Transportation Provider will contact the LVP Site to arrange for a pick-up of Program Products. The Transportation Provider must make available to the LVP Site reasonable date/time options for scheduling a pickup to occur within ten (10) business days of when the Transportation Provider contacts the LVP Site. The Transportation Provider will schedule and complete the pickup of Program Products from the LVP Site within ten (10) business days of contacting the LVP Site, unless the LVP Site requests and the Transportation Provider agrees to different timing.

## 6. Shipping Documents

- a. **Bill of Lading (BOL):** If shipping latex PaintCare Products only, Transportation Providers must provide a completed BOLs to the LVP at the time of pick-up. These documents must contain, at a minimum:
  - LVP site name and address
  - Pick-up date
  - Unique BOL number
  - Number, type, and size of Collection Bins
  - Estimated gross weight of filled Collection Bins
  - Signature of LVP employee and Signature of Transportation Provider's driver
- b. **Uniform Hazardous Waste Manifest (Manifest):** If shipping oil-based PaintCare Products, to the extent required by applicable law, the Transportation Provider must provide a completed manifest to the LVP at the time of pick-up. The Transportation Provider will be provided with an identification number for the generator prior to the request for service if a manifest is required for the pickup. Latex PaintCare Products may also be described on the manifest.

## 7. Processing

- a. **PaintCare Products:** Because the Transportation Provider must segregate the latex and oil-based paint on-site, there is no need to depack, segregate, and repack the Collection Bins.
- b. **Non-PaintCare Products:** Because the Transportation Provider must screen each container prior to packing, PaintCare will not be financially responsible for any container labeled as a Non-PaintCare Products.

#### 4D. Service Details for Household Hazardous Waste (HHW) and Moderate Risk Waste (MRW) Drop-Off Facilities and Events

1. **Annual Activity:** PaintCare does not have any data to provide Bidders on the annual activity from any individual program or aggregated data for all programs.
2. **Collection:** The HHW/MRW staff or contracted operator will collect PaintCare Products at each HHW facility and event; PaintCare is not soliciting services for operating HHW or MRW facilities or events. Note: PaintCare requires that latex and oil-based PaintCare Products be packed separately at all HHW/MRW facilities and events.
3. **Collection Bins**
  - a. **Disposable Collection Bins**
    - The Transportation Provider will supply fiberboard Collection Bins, if reusable Collection Bins are not used. The Transportation Provider must also provide liners, pallets, labels, and markings.
  - b. **Reusable Collection Bins**
    - Transportation Providers should utilize reusable Collection Bins whenever feasible.
    - Bins are 45" L x 48" W x 34" H, leak-proof, stackable by forklift, and contain a lid and integrated pallet.
    - PaintCare will purchase these bins and ship to the Transportation Provider, as needed.
    - Transportation Provider will be required to manage the inventory of reusable Collection Bins.
  - c. **Labeling:** Collection Bins must be labeled in accordance with all applicable regulations by the Transportation Provider.
4. **Transportation**
  - **Unloading/Loading:** Transportation Providers are responsible to unload/load all Collection Bins (empty and full) from their vehicles; facility or event personnel may - but are not expected to -- assist with unloading/loading of Collection Bins. Transportation Provider must provide pallet jacks, drum dollies, and other equipment as needed in the unloading/loading and movement of Collection Bins unless otherwise agreed to with the facility or event personnel.
  - **Service Schedule:** Transportation Provider will coordinate delivery of empty Collection Bins and transportation of full Collection Bins of PaintCare Products from facilities and events directly with the facility or event operator.

## 5. Shipping Documents

- a. **Bill of Lading (BOL):** If shipping latex PaintCare Product only, Transportation Provider(s) may provide completed BOLs to the facility or event personnel at the time of pick-up. The BOLs must contain, at a minimum:
- Facility or event site name and address
  - Pick-up date
  - Unique BOL number
  - Number, type, and size of Collection Bins
  - Estimated gross weight of full Collection Bins
  - Signature of the shipper or offeror
  - Signature of the Transportation Provider's driver
- b. **Uniform Hazardous Waste Manifest (Manifest):** If shipping oil-based PaintCare Products, to the extent required by applicable law, the Transportation Provider must provide a completed manifest to facility or event personnel at the time of pick-up. Latex PaintCare Products may also be described on the manifest.

## 6. Processing

- a. **PaintCare Products:** Because the paint types will be segregated prior to packing, Collection Bins of paint can be shipped directly to the Processing Facility from the facility or event. They do not need to be repacked.
- b. **Non-PaintCare Products:** A small amount of non-PaintCare Products (e.g., paint thinners) are inadvertently received through the Program. Transportation Providers, as well as any Processing Facilities they employ, must be prepared to sort, classify, package, and properly manage non-PaintCare Products as necessary.

#### 4E. Service Details for PaintCare Drop-Off Events

1. **Annual Activity:** PaintCare may host drop-off events for PaintCare Products. The number of events to be held annually has not been determined. It will likely be more than 0 and fewer than 10. PaintCare will work with the Transportation Provider to determine the required personnel, supplies, and equipment necessary to service the anticipated number of participants at each drop-off event.
2. **Collection:** Transportation Provider will collect PaintCare Products from event participants. Transportation Provider will screen, segregate and pack latex and oil-based PaintCare Products separately. The Transportation Provider's operation of such events will be governed by a separate Drop-Off Site contract to be executed between the parties.
3. **Collection Bins**
  - a. **Disposable Collection Bins**
    - Transportation Provider will supply fiberboard Collection Bins, if reusable Collection Bins are not used. Transportation Provider will also provide liners, pallets, labels, and markings.
  - b. **Reusable Collection Bins**
    - Transportation Providers should utilize reusable Collection Bins whenever feasible.
    - Bins are 45" L x 48" W x 34" H, leak-proof, stackable by forklift, and contain a lid and integrated pallet.
    - PaintCare will purchase these bins and ship to the Transportation Provider as needed.
    - Transportation Provider will be required to manage the inventory of reusable Collection Bins.
  - c. **Labeling:** Collection Bins must be labeled in accordance with all applicable regulations by the Transportation Provider.
4. **Equipment and Supplies:** Transportation Provider must provide all equipment and supplies necessary to execute a one-day paint drop-off event. PaintCare will provide the Transportation Provider with the details (site location, hours of operation, estimated number of participants, etc.) for each event, so that the Transportation Provider can determine the appropriate type and count of equipment and supplies necessary to execute the event.

## 5. Transportation

- a. **Unloading/Loading:** Transportation Provider must unload/load all Collection Bins (empty and full) from their vehicle; PaintCare personnel will not be expected to assist with unloading/loading of Collection Bins. Transportation Provider must provide pallet jacks, drum dollies, and other equipment as needed in the unloading/loading and movement of Collection Bins.
- b. **Service Schedule:** PaintCare will schedule these events on an as-needed basis.

## 6. Shipping Documents

- a. **Bill of Lading (BOL):** If shipping latex PaintCare Products only, Transportation Provider(s) may provide completed BOLs at the time of pick-up. The BOLs must contain at a minimum:
  - Paint drop-off event site name and address
  - Pick-up date
  - Unique BOL number
  - Number, type, and size of Collection Bins
  - Estimated gross weight of full Collection Bins
  - Signature of shipper or offeror
  - Signature of the Transportation Provider's driver
- b. **Uniform Hazardous Waste Manifest (Manifest):** If shipping oil-based PaintCare Products, to the extent required by applicable law, Transportation Provider must use a completed manifest the time of pick-up. Transportation Provider will be required to obtain an EPA identification number and be the generator of record.

## 7. Processing

- a. **PaintCare Products:** Because the Transportation Provider will segregate the paint on-site and package latex PaintCare Products separately from oil-based PaintCare Products, Collection Bins of paint can be shipped directly to appropriate Processing Facilities at the completion of the event.
- b. **Non-PaintCare Products:** Because the Transportation Provider must screen each container prior to packing, PaintCare will not be financially responsible for any container labeled as a Non-PaintCare Products.

## SECTION 5. BID INSTRUCTIONS

---

### 5A. RFP Timeline

PaintCare reserves the right to modify the dates within the timeline at its discretion.

Event	Date
RFP Issued	August 14, 2019
Last Day to Submit Questions	August 26, 2019
Q&A Issued	September 2, 2019
Bid Due	September 17, 2019
Contractor Selection	December 20, 2019
Start Services	May 1, 2020

### 5B. RFP Questions

It is the responsibility of Bidders to request clarification of any RFP details by sending an email on or before the Last Day to Submit Questions to Fred Gabriel at [fgabriel@paint.org](mailto:fgabriel@paint.org).

### 5C. Submission of Bid

Bids must be sent by e-mail in either Microsoft Word or Adobe PDF format to Fred Gabriel at [fgabriel@paint.org](mailto:fgabriel@paint.org).

### 5D. Deadline

Bids must be received by 11:59 p.m. PDT on Tuesday, September 17, 2019. All submissions will have their responses acknowledged. If you do not receive an acknowledgment of your Bid submission within three (3) business days, please contact Fred Gabriel at [fgabriel@paint.org](mailto:fgabriel@paint.org).

### 5E. Completeness of Bid

Bidders must prepare a Bid that addresses all required elements detailed in this RFP. The Bid must be signed by a duly authorized representative empowered to bind the Bidder.

### 5F. Service Specific Bid

Bidders may provide pricing for the services related to any or all of the site types included in Section 4.

### 5G. Terms and Conditions

1. Bids must provide pricing and supporting information for both transportation and processing – Bids for only transportation or only processing will not be accepted. Bidders are permitted to limit their Bids to services relating to only certain geographic areas and/or particular site types.

2. PaintCare will not be responsible for any costs incurred by a Bidder in preparing a Bid.
3. PaintCare will not be obligated to disclose any information about the winning Bid or Bids.
4. The awarding of any Contract as a result of this RFP will be at the sole discretion of PaintCare. PaintCare is not be obligated or bound to accept any Bid or the lowest pricing quoted in any Bid. PaintCare reserves the right to award the Contract as a whole to one service provider or may contract with more than one service provider to supply the same service in the same or different geographic region. PaintCare reserves the right to contract with service providers who do not submit Bids.
5. PaintCare may opt not to do business (or limit its volume of business) with any Bidder that is perceived to be financially unstable or to otherwise pose a high financial risk, as determined by PaintCare in its sole discretion. PaintCare may require additional assurances from any Bidder that PaintCare perceives to lack financial stability or otherwise pose a high financial risk. The Dun & Bradstreet “Financial Stress” score is one indicator that PaintCare may consider in evaluating the financial health of a Bidder. For an explanation of Dun & Bradstreet’s “Financial Stress” score, see <https://dnb.com/ecomp/help/scores.htm>.
6. PaintCare may disqualify from consideration any Bidder that previously had a contract terminated by PaintCare for cause.

#### **5H. Program Contract Award**

Selected Bidders will be required to enter into a written Contract with PaintCare. PaintCare reserves the right to negotiate actual contract details after a Contractor(s) has been selected. Bidders should review the Template Contract attached as Appendix E and note all exceptions in Appendix F. After Bid submission, if awarded, requests for further contract changes or modifications not previously submitted in the Bid may not be considered. This RFP does not constitute an offer to enter into any business agreement or relationship, nor should any intent to enter into a contract, agreement, or relationship be construed.

## SECTION 6. BID CONTENT

---

Bidders are encouraged to thoroughly review the Template Contract in Appendix E before submitting a Bid.

### 6A. Cover Sheet

Include the following information on the cover sheet:

1. "Washington Paint Stewardship Program"
2. Identity of the submitting Bidder
3. Name, title, and signature of the person authorized to obligate the Bidder contractually
4. Name, title, telephone number and email address of the person authorized to negotiate agreements on behalf of the Bidder
5. Names, titles, telephone numbers and email addresses of persons to be contacted for clarification and additional information
6. Date

### 6B. Transportation

Provide the following information on the transportation component of the Program:

1. Name and USDOT number of every Transportation Provider identified in the Bid.
2. A list of all required permits held by each Transportation Provider, including the following information for each such permit. PaintCare may request copies of Transportation Provider permits as a precondition of awarding a Contract.
  - a. Permit name
  - b. Permit number (if applicable)
  - c. Issuing agency
  - d. Expiration date
3. A list of transportation resources to be utilized for picking up Collection Bins from the Drop-Off Sites and LVP Sites in this Program, including:
  - a. Facility name and address where drivers are based
  - b. Number of qualified drivers
  - c. Number and type of available trucks
  - d. Number and type of trailers

4. Identification of the 24-hour emergency response service utilized.
5. Describe how your call center and operations would manage and track pick-up requests.
6. Provide a flowchart and/or narrative of your proposed transportation system, including the name of the company providing transport each time the paint is transported, the name and location of each facility (10-day, TSDF, or Processing Facility) to where the paint is transported, and what will happen to the Collection Bins at each such facility, including weighing Collection Bins; sorting (if bidding on services to retail and transfer station Drop-Off Sites), storing, and processing PaintCare Products and non-PaintCare Products; and managing empty paint containers.

### **6C. Processing Facilities**

Appendix C – Processing Facilities and Commitment must be completed and submitted for the Bid to be complete. For each Processing Facility, provide the following information:

1. Facility name.
2. Facility address. If the Bidder is proposing to establish a new location, include the intended physical location to the best extent possible (e.g. city and state, region within a state, or state at a minimum).
3. Paint type to be processed
4. Processing method

### **6D. Bidder Qualification, Past Performance and Experience**

1. Provide details of the Bidder's relevant experience managing waste materials from each of the Drop-Off Site types included in the Bidder's proposal.
2. Provide details of the Bidder's relevant experience managing postconsumer paint. Include three current customer references with name, physical address, telephone, and email address.
3. Provide brief resumes of the key personnel that will be involved in the Program, including their background, expertise, years in the industry, and role in interactions with PaintCare.
4. Describe the ability to provide invoices and reports as described above and to generate additional reports, upon request, related to collection activities and costs.
5. Bidders must certify that it and its proposed Processing Facilities meet all pertinent requirements set forth in Appendix B ("Bidder and Transportation Provider Eligibility Criteria").

## 6E. Pricing

1. **Rate Sheet:** The rate sheets in Appendix D must be submitted for the Bid to be complete. Pricing should be inclusive of all services and materials required. If a Bidder will use third-party Processing Facilities, it is the responsibility of the Bidder to obtain necessary pricing and commitments from those entities. Pricing must be valid through May 1, 2022.
2. **Alternative Pricing Model:** Alternative pricing models may be considered. Please contact Fred Gabriel at fgabriel@paint.org to discuss your proposal for an alternative pricing model.

## 6F. Audit Procedures and Financial Statements

If your Bid is considered for Contracting, the following items must be provided prior to finalizing a Contract.

**Processing Facility Audit Procedures:** Describe your company's audit protocols or other criteria used to vet Processing Facilities (e.g., for financial stability, safety record, environmental compliance, etc.). Also provide verification based on your company's audit/vetting of each Processing Facility that each such facility meets the "Regulatory" and "Health & Safety" requirements set forth in Sections 2(a)-(b) of Attachment G to the Template Contract.

## SECTION 7. EVALUATION CRITERIA

---

### 7A. Overview

PaintCare intends to award a Contract to the responsible Bidder whose response, in PaintCare's judgment, allows it to achieve the objectives of its program. PaintCare may award a Contract to a Bidder that demonstrates higher desired results over the lowest priced response; award may not necessarily be made to the Bidder(s) with the lowest price.

PaintCare reserves the right to award to a single or multiple Contractor(s) and the right to reject all Bids.

PaintCare also reserves the right to award the Contract without discussions.

PaintCare reserves the right to waive informalities and minor irregularities in connection with the Bids received, to evaluate alternative proposals, and to award the Contract to the Bidder or Bidders whose Bids are deemed to be in the best interest of PaintCare, irrespective of individual or aggregate quantitative tallies.

Evaluation criteria include:

1. Price
2. Processing Outcomes
3. Relevant Past Experience and Qualifications
4. Use of In-State Processors

### 7B. Price

PaintCare will conduct an evaluation of the Bidder's Proposal to determine price reasonableness or price realism. Price realism will be a significant factor in the award decision. In evaluation of a Bidder's proposed price, PaintCare's concern is to determine what PaintCare should realistically pay for the service, the prospective Bidder's demonstrated understanding of the proposed Program objectives, and the Bidder's ability to organize and perform the proposed Contract. Evaluation criteria includes:

1. Is the Bidder's proposed pricing fair, reasonable, and competitive?
2. How does Bidder's proposed pricing rank against other Bidders?
3. Does Bidder's proposed pricing indicate a potential performance risk?

Bidders should bear in mind that any Bid that is unrealistically high or low in proposed pricing may be deemed reflective of a lack of understanding of the RFP and a failure to understand the complexity and risk or the requirements as set forth in this RFP.

PaintCare may negotiate with prospective Contractors to clarify or modify price, technical, or other sections of their Bid.

## **7C. Processing Outcomes**

PaintCare is committed to having PaintCare Products collected through the Program processed to achieve the highest, best use, as set forth in the Legislation, subject to availability and economic feasibility. Prioritized by highest, best use, these processing methods for latex PaintCare Products include: Direct Reuse, Recycling back into paint or into another product, incineration/energy recovery, and proper treatment and disposal. All other factors equal, including availability and economic feasibility, Bidders who commit to having a high proportion of PaintCare Products processed via preferred processing outcomes will be given preference over Bidders who only commit to a relatively lower proportion processing via such methods.

## **7D. Relevant Past Experience and Qualifications**

Past performance on project(s) similar in size, scope, and complexity to the requirements contained in the RFP. (While conducting the past performance assessment, PaintCare may use data obtained from other sources and information outside of what is provided in the Bid.) Evaluation criteria include:

1. Does Bidder's Proposal demonstrate that it has experience and the ability to successfully manage and perform each of the applicable components within the RFP?
2. Does Bidder have existing infrastructure and financial resources to support the Program?
3. Does Bidder have appropriate procedures and capabilities to appropriately audit and vet Processing Facilities?

Another important consideration is the degree to which the offeror's resources, including people, materials, equipment, and financing, provide sufficient capability and capacity to provide the services required under the Contract. Evaluation criteria in this regard include:

1. Has the Bidder demonstrated a thorough understanding of the purpose and scope of the Program?
2. Has the Bidder demonstrated an understanding of the deliverables that it is to provide?

## **7E. Use of In-State Processors**

In consideration of stated preference by some stakeholders, PaintCare encourages Bidders to utilize in-state Processing Facilities to the extent available and feasible, taking into account the need for such Processing Facilities to (i) responsibly manage PaintCare Products in a safe and environmentally sound manner, (ii) maintain competitive rates, and (iii) achieve desirable processing outcomes.