



# City of Niagara Falls, New York

745 Main Street, Niagara Falls, NY 14301

November 3, 2023

## **RFP# 2023-25 Refuse and Recycling Collection, Processing, and Disposal Services Addendum 1 (6 Pages)**

To Whom it may concern:

On October 13, 2023, the City of Niagara Falls distributed an announcement letter regarding the release of documents for RFP# 2023-25, Refuse and Recycling Collection, Processing, and Disposal Services.

Section 1 of the above referenced solicitation allowed for the submission of written clarification questions by October 26, 2023. The City received a total of twenty (20) questions. This addendum is a complete list of those questions, listed in the order they were received, and followed by the City's response to each. In cases where the same/similar question is asked multiple times, vendors may be referred to earlier questions/answers to avoid duplication.

The City of Niagara Falls hereby issues this Addendum 1 to the above referenced Request for Proposals.

Sincerely,

Leeann K. Huey  
Purchasing Agent  
City of Niagara Falls, New York  
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- 1. Q. Does the City envision a scenario where Company X would be responsible for residential collection of waste and a separate bidder, or Company Y, would be responsible for disposal under the base bid?**

*A. (Base Bid A) - The City expects to award the base bid from curbside pickup to disposal site to one vendor. It is understood that waste collection and disposal are to be linked as one service. Bid Alternates 1, 2, 5, and 6 may be awarded separately.*



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2. **Q. Does the City envision a scenario where Company X would be responsible for residential collection of recycling and a separate bidder, or Company Y would be responsible for processing under the base bid?**

*A. (Base Bid B) - The City expects to award the base bid from curbside pickup to processing site to one vendor. It is understood that recycling collection and processing are to be linked as one service. However, Bid Alternate 3 and/or Bid Alternate 4 may be substituted for recycling collection and processing, should the City deem doing so is in its best interest.*

3. **Q. How would the City like to see pricing for landscape waste collection (Bid Alternate 6)? Should this be a per ton or per unit rate?**

*A. The City expects to award Bid Alternate 6 by flat rate. The City will consider alternate proposals for Landscape Waste (Leaf and Yard Waste) Management.*

4. **Q. Are the vendors required to bid on all options on the RFP?**

*A. No, vendors are not required to bid on each item listed in Appendix A.*

5. **Q. Will the City consider splitting trash disposal and collection and recycling collection and disposal? (*Our concern is building a collection price if the disposal is awarded to another vendor.*)**

*A. See responses to Question 1 and Question 2.*

6. **Q. Modern proposes the following:**

**Change of Law: Any change in law which materially impacts the costs and/or obligations set forth under the agreement will, upon election of either Party, cause re-negotiation of the terms of the Agreement and if such re-negotiation is unsuccessful, the Agreement will be subject to termination upon election of either Party upon the effective date of any such change of law.**

*A. Terms and conditions of this RFP and any related agreement remain unchanged.*



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- 7. Q. Financial Statements. Modern is a privately owned and operated company and generally does not disclose its financial statements to third parties. Would the City of Niagara Falls be willing to (a) waive this requirement or (b) agree to a mechanism whereby such financial statements would be sealed and maintained as strictly confidential?**

*A. The City is willing to accept Option (b) and will agree to a mechanism whereby such financial statements would be sealed and maintained as strictly confidential.*

- 8. Q. Modern Disposal will include an addendum to the Force Majeure clause covering such natural disasters as floods, snowstorms, and ice storms that could affect normal operations of collection and disposal.**

*A. Force Majeure is addressed in Section 8.9, pages 22 -23 of the RFP. Concerns may be addressed by Vendor as an exception in its proposal.*

- 9. Q. If vendors damage city-issued totes are 65-gallon or 95-gallon totes to be replaced. What is the actual cost billed to the vendor for 65-gallon or 95-gallon tote?**

*A. The City recently received a delivery of 65-gallon (blue) totes. Until the current inventory of 65-gallon (blue) refuse totes is exhausted, irreparably damaged 65-gallon totes will be replaced with same. Replacement cost of a 65-gallon or 95-gallon tote will be billed at the cost to the City of the current on-hand inventory.*

*On-hand inventory replacement cost is **currently** \$51.00 for a 65-gallon (blue) refuse tote and \$58.00 for a 95-gallon (green) recycling tote. This cost will remain fixed until the current on-hand inventory is depleted. If the City finds it necessary to re-order totes due to depletion of on-hand inventory, tote replacement costs charged to the Vendor will reflect the per unit cost to the City at time of that re-order.*

- 10. Q. How does the city plan to address the yard waste issue? It is assumed that the city if not suggesting the commingling of yard waste with residential trash? Is the city considering handling yard waste internally?**

*A. The City seeks input from vendors to provide a plan which allows residents the opportunity for maximum composting of their yard waste (grass clippings, leaf collection,*





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*etc.). The City will decide how yard waste is to be managed based upon Vendor proposed programs, what is in its best interest. If a Vendor program proposes to accept yard waste placed ONLY in kraft paper bags, and the City deems this program to be in the best interests of residents, it will educate the public on the program requirements.*

*The City is not suggesting the commingling/combining of yard waste with residential trash.*

*The City has no plans to handle the entirety of yard waste collection internally.*

**11. Q. Are the front load containers required in this RFP to be supplied by the vendor?**

*A. Yes.*

**12. Q. It is our understanding that servicing the trash cans on Main Street is required as part of this RFP?**

*A. Servicing of all trash cans located on Main Street and Pine Avenue shall be the vendor's responsibility.*

**13. Q. How does the city recommend the vendor handle overloaded totes, is there a definition of an overloaded tote?**

*A. Please reference Section 9.8.1, items (g.) and (h.) on Page 34 of this RFP. There is no definition, per se, of what constitutes an "overloaded" tote listed in this RFP. Vendor proposals should identify what, in Vendor's opinion, constitutes an overloaded tote and how any such overloaded tote would be addressed by Vendor.*

*Vendors should provide the maximum weight for which their equipment is rated. The ANSI rating for a 64-gallon roll out cart is 224 pounds. If Vendor can prove that the cart exceeds the weight of the equipment, they use to tip the carts and/or prove that the weight in the cart exceeds 224 pounds and results in damage, then the vendor shall leave an "oops" tag on the cart indicating that it could not be collected due to excessive weight.*



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**14. Q. Why is CPI capped at 3.0 % per year rather than 3.5 % as per the last RFP? A. It is the City's desire to cap annual increases at 3%.**

**15. Q. The RFP indicates the city has the sole responsibility for the distribution and maintenance of all totes and the vendor is not involved. Can that be confirmed?**

*A. The City will be responsible for distribution and maintenance of all totes. It is the responsibility of the property owner and hauler to notify the City of any damage to carts that prohibit proper use.*

**16. Q. What time frame does the city anticipate in introducing the proposed technological improvements in the RFP? Can a plan be included in the RFP for a technology roll-out during the term of the contract?**

*A. The City is requesting that the Vendor propose a plan to introduce and implement technological improvements. This plan should include a timeline for full implementation.*

*If Vendor has no desire to include or implement any technological improvements as part of its proposal, then Vendor should state as much in its proposal response.*

**17. Q. Confirming that the City would like contractors to provide a per unit rate for Bid Alternate 6 (Landscape Waste).**

*A. See response to Question 4.*

**18. Q. Would all households be required to participate in a leaf and yard waste program if the City decided to pursue that option?**

*A. If Vendor is proposing a leaf and yard waste program that encourages or requires residential participation, City will review same and make a decision based on what is in the City's best interest.*



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**19. Q. Confirming that the per ton rate for residual material is to be determined by the contractor based on the cost of disposal for Bid Alternate 4 (Recycling Collection Alternate).**

*A. The per ton residual rate, described on Page 29 - 30, shall remain \$0. It is the expectation of the City that 21.52% of the recycling stream does not have a positive or negative value and is therefore accounted for in the Processing Fee. Vendor shall submit its own Processing Rate.*

**20. Q. Would the City be open to an alternative market-based proposal for recycling?**

*A. Yes, Bid Alternate 4 is such a proposal.*

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All other terms, conditions and specifications of the above referenced Request for Proposals remain the same. Please sign where indicated below and attach this addendum to your submission.

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Company)

\_\_\_\_\_  
(Date)