



UNSOLICITED PROPOSAL POLICY

GENERAL POLICY

The Cedar Rapids Linn County Solid Waste Agency (Agency) encourages the submission of new and innovative ideas in response to Agency needs or any Agency-initiated solicitation or program. When the new and innovative ideas do not fall under topic areas publicized under those programs or techniques, the ideas may be submitted as unsolicited proposals.

SPECIFIC PROVISIONS

The purpose of this procedure is to specify the means by which organizations can submit proposals and how the Agency will respond to them.

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1.0 SCOPE

This procedure, and the accompanying *Guide to Submitting Unsolicited Proposals*, clarifies how organizations can submit unsolicited proposals.

2.0 DEFINITIONS

- 2.1 Unsolicited Proposal – An unsolicited proposal is an offer initiated and submitted to the Agency, without solicitation from the Agency, with the objective of obtaining a contract with the Agency. In order for an unsolicited proposal to be considered valid and subject to consideration by the Agency it must:
 - be innovative and unique as determined by Agency staff
 - be independently originated and developed by the proposer
 - be prepared without Agency supervision, endorsement, direction, or direct Agency involvement
 - include sufficient detail to permit a determination that Agency support is worthwhile and will advance the mission of the Agency

- not be a proposal for an item, project, or material that Agency is required to acquire through competitive means. If found to be so at any time during the submission process, the Agency maintains the right to cease discussions at its sole discretion
 - not address a previously published Agency solicitation for proposals
- 2.2 Comprehensive Plan – A formal plan which serves as a blueprint for achieving the state of Iowa's 50 percent waste diversion goal (Source: Iowa Department of Natural Resources website).
- 2.3 28E – Refers to Chapter 28E of the Code of Iowa which sets out the requirements when two or more public entities enter into a joint or cooperative undertaking. The Agency is a 28E organization.

3.0 RESPONSIBILITIES

- 3.1 Agency Staff – Staff is responsible for making application requirements easily accessible to external groups and for receiving, processing, and following up in a timely manner with each proposal. Agency staff will make an initial determination of whether the proposal is complete (i.e., meets the criteria outlined in Section 4.0) and communicate with proposers. Staff members are responsible for researching proposals when necessary, for bringing proposals to the Operations Committee and Board of Directors and for working with proposers. Staff may, at its sole discretion, use outside consultants to assist in determining financial and operational viability of a proposal.
- 3.2 Agency Legal Counsel – Agency legal counsel will review the proposal to determine if there are legal issues that must be addressed before the review process can proceed to the Operations Committee.
- 3.3 Operations Committee – This Committee is responsible for reviewing the staff and/or outside consultant recommendations regarding unsolicited proposals. The Committee is also responsible for determining if a proposal will be forwarded to the full Board of Directors for consideration.
- 3.4 Agency Board of Directors – The Board is responsible for adhering to previously established board policies and resolutions with regard to Agency bidding procedures. The Board is also responsible for making final determinations regarding proposals recommended by staff.

4.0 CRITERIA

- 4.1 Only proposals that are submitted in full will be considered for review.
- 4.2 All unsolicited proposals will be subject to the following terms:
- 4.2.1 The Proposer and Agency recognize that all information and supplemental materials provided as part of the proposal to the Agency will, under current Iowa law, constitute public records, but that nonetheless, some information provided may be confidential under state or federal law or both if certain conditions are met.
 - 4.2.2 The Agency agrees to not release any information with respect to the proposal which the Proposer has clearly designated as information containing trade secrets or has been clearly designated by the Agency as otherwise protected or exempt from public disclosure by state or federal law, including but not limited to: the Freedom of Information Act and Iowa Code Chapter 22, as such may be amended from time to time.
 - 4.2.3 If an unsolicited proposal includes proprietary or trade secret information that the Proposer does not want disclosed to the public for any purpose or used by the Agency except for evaluation purposes, the title page must be marked with the following legend:

Use and Disclosure of Data

This proposal includes Trade Secret information and data that is exempt from public disclosure under state and/or federal law and shall not be disclosed outside Agency and shall not be duplicated, used, or disclosed – in whole or in part – for any purpose other than to evaluate this proposal unless disclosure is required by law. However, if a contract is awarded to this offeror as a result of – or in connection with – the submission of these data, the Agency shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit Agency’s right to use information contained in these data if they are obtained from another source without restriction. The data subject to this restriction are contained in pages *[insert page numbers or other identification of pages]*

- 4.2.4 In the event any action at law, in equity or administrative is brought against the Agency regarding disclosure of any document the Proposer has designated as a trade secret or as otherwise proprietary and protected from public disclosure, the Proposer shall assume, upon request of the Agency, the defense of said action and reimburse the Agency any and all cost, including attorney fees and penalties to the extent allowed by law.

- 4.2.5 The proposer shall mark each sheet of data it wishes to restrict with the following legend: “Use or disclosure of data contained on this sheet contains trade secret information and is subject to the restriction on the title page of this proposal.”
- 4.2.6 The Agency reserves the right to implement the plan unilaterally.
- 4.2.7 The Agency reserves the right to issue a request for proposal if applicable per Iowa public bidding laws.

4.3 Review of Unsolicited Proposals

4.3.1 Agency Staff Review

4.3.1.1 Prior to initiating an evaluation, Agency staff shall determine if the proposal:

- Is a valid unsolicited proposal as defined in 2.1;
- Is suitable for submission in response to an existing Agency requirement;
- Is related and consistent with the Agency’s mission statement and strategic/comprehensive plans;
- Contains sufficient technical information and cost-related or price-related information for evaluation;
- Has overall waste diversion/recycling and cost-effective merit for the Agency and its member communities;
- Can result in positive improvements;
- Demonstrates sufficient financial capability to capitalize and operate proposed venture;
- Provides evidence of track record and requisite experience in operation and management of this or similar projects;
- Lists current and past clients, suppliers, and related professional associations;
- Has been approved by a representative authorized to obligate the proposer contractually; and
- Complies with the marking requirements of Section 4.2

4.3.1.2 Within 30 days of receipt, Agency staff shall acknowledge receipt of proposal as well as list the next steps in the process, including evaluation of the proposal.

4.3.1.3 If a proposal fails to meet the requirements listed in 4.0, Agency staff shall provide an explanation in writing to the proposer. The proposer may submit a revised proposal.

4.3.1.4 Evaluation

4.3.1.4.1 When performing an evaluation of an unsolicited proposal, Agency staff shall consider the following factors as well as any additional factors deemed appropriate at the sole discretion of the Agency staff and its outside consultants for the specific proposal:

- Unique, innovative and meritorious methods, approaches or concepts demonstrated by the proposal;
- Potential contribution of the effort to the Agency’s mission;
- Overall waste diversion/recycling and cost-effective merits for Agency and its member communities;
- Potential impact on Agency’s budget;
- Potential required investments of labor, equipment or facilities by the Agency;
- The proposer’s capabilities, including:
 - 1) financial capability of the proposer to capitalize and operate proposed venture
 - 2) related experience, including descriptions of previous projects completed or currently in operation, facilities with addresses and names of relevant contact information, techniques, or unique combinations of these that are integral factors to achieving the proposal objectives
 - 3) express written authorization from the proposer for the Agency and/or its outside consultants to contact supplied references and verify all of the above with relevant documentation and records, professional and personal reference checks, credit bureau checks, criminal background checks, and
- The reasonableness of the proposed cost.

4.3.2 Agency Operations Committee Review

4.3.2.1 The Operations Committee will consider recommendations from Agency staff and/or outside consultants and determine if more information is needed and/or if the proposal has enough merit to place it on the agenda for presentation by the Proposer to the Board at a regularly-scheduled meeting.

4.3.3 Board of Directors Review

4.3.3.1 A proposal will be presented by the proposer to the Agency Board of Directors at a regularly-scheduled board meeting following review and recommendation by Agency staff and the Operations Committee.

4.4 Required Contents of Proposals

4.4.1 Basic Information

- 4.4.1.1 Name and address and type of organization (i.e., business, for-profit, non-profit, educational, etc.)
- 4.4.1.2 Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes
- 4.4.1.3 Identity of proprietary data (pursuant to Section 4.2.3) that will be used for evaluation purposes only
- 4.4.1.4 Names of other agencies or parties receiving the proposal or funding the proposed effort
- 4.4.1.5 Date of submission
- 4.4.1.6 Signature of person(s) authorized to represent and contractually obligate the proposer

4.4.2 Technical Information

- 4.4.2.1 Concise description (approximately 200 words) of proposed effort
- 4.4.2.2 Objectives of effort/activity, method of approach and extent of effort to be employed, the nature and extent of anticipated results, and how work will help support accomplishment of Agency mission
- 4.4.2.3 Names and biographical information on proposer's key personnel who would be involved, including alternates, and their related experience
- 4.4.2.4 Type of support needed from Agency (e.g., facilities, equipment, materials, or personnel resources)
- 4.4.2.5 Beneficial impact to Agency in the following areas:
 - Agency budget
 - Diversion/recycling
 - Comprehensive/Strategic plans
 - Effect on Agency member communities
 - Impact on Agency in case of project failure

4.4.3 Supporting Information

- 4.4.3.1 Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation
- 4.4.3.2 Period of time for which the proposal is valid
- 4.4.3.3 Type of contract preferred
- 4.4.3.4 Express written authorization from proposer for Agency and/or its outside consultants and/or experts to conduct appropriate personal background checks inclusive of criminal, credit bureaus, etc. at Agency sole discretion
- 4.4.3.5 Full disclosure of balance sheet capacity/credit worthiness and ability to finance the proposed project, including sources of funding and their

respective balance sheets or at least a letter of credit or similar to verify pre-funding sources of capital

4.4.3.6 Project financials and pro-forma for years 1 – 5 of proposed project

4.4.3.7 Contact information and authorization to verify financial wherewithal

[Note: Any of the above listed items in Section 4 determined to be incomplete or unacceptable to Agency staff, Operations Committee or Board of Directors may be rejected at the sole discretion and authority of Agency and a written record with related supporting documentation will be provided to the proposer upon request.]

5.0 REVIEW OF PROCEDURE

This procedure will be reviewed annually by Agency staff. If modifications are needed – other than correcting typos – Board of Directors approval will be sought.

6.0 RELATED DOCUMENTS

Guide to Submitting Unsolicited Proposals

Review form

Form letter –Receipt of rejected (incomplete) proposal

Form letter—Receipt of completed proposal

ENFORCEMENT

The Executive Director will ensure that the Unsolicited Proposal Policy procedure is followed for each submission.