



## REQUEST FOR PROPOSALS LANDFILL GAS UTILIZATION PROJECT-KNOTT LANDFILL DESCHUTES COUNTY DEPARTMENT OF SOLID WASTE

---

Deschutes County Department of Solid Waste is soliciting proposals to develop, construct and implement a project for the beneficial use of landfill gas (LFG) generated at Knott Landfill, located in Deschutes County, Oregon.

LFG conversion projects generating electricity, producing renewable natural gas or similar beneficial uses will be considered. Deschutes County will only consider technologies and developers with a proven and successful record of development and operation of LFG utilization projects in the United States.

Inquiries are to be referred to Chad Centola, Interim Director of Solid Waste at:

Phone: (541) 322-7172

Email: [chadc@deschutes.org](mailto:chadc@deschutes.org)

Note that no oral interpretations of this RFP will be made to any Proposer. Any oral discussion, explanation or instruction is not binding. Any information generated through Proposer inquiry will be shared with all Planholders. All questions must be submitted in writing and directed to Chad Centola, Interim Director of Solid Waste at [chadc@deschutes.org](mailto:chadc@deschutes.org).

**IMPORTANT: Prospective proposers MUST register using the Contact Information Form provided on the County's Bids and RFPs website ([www.deschutes.org/rfps](http://www.deschutes.org/rfps)). Any follow-up information (responses to questions, addenda, etc.) will only be distributed to registered planholders. Failure to register will result in proposer disqualification.**

Proposals must be received by 4:00 p.m. Wednesday, January 19, 2022 and are to be submitted using one of the following formats:

Format 1: Direct submittal of one printed copy and one digital pdf copy addressed to Chad Centola, Interim Director of Solid Waste at Deschutes County Department of Solid Waste, 61050 S.E. 27<sup>th</sup> Street, Bend, Oregon 97702

Format 2: Email submittal of a digital pdf copy addressed to [chadc@deschutes.org](mailto:chadc@deschutes.org). Note: Deschutes County assumes no responsibility for email submittals that are late due to internet outages or other technology problems.

## **A. COUNTY RESERVATIONS & REQUIREMENTS**

Deschutes County reserves the right to reject any response to this Request for Proposals not in compliance with all prescribed procedures and requirements and to accept any submittal and negotiate a final contract that is in the best interest of the County. Deschutes County reserves the right to waive irregularities or discrepancies in submittals if the County determines that the waiver is in the public's best interest. Deschutes County reserves the right to reject any and all submittals or to cancel this Request for Proposals if it is in the public's best interest to do so, as determined by Deschutes County.

Proposers are solely responsible for the cost of preparing their responses to this Request for Proposals. Deschutes County is not liable to any Proposer for any loss or expense caused by or resulting from the cancellation or rejection of a solicitation, bid, quotation, proposal or award. This is not a contract offer and with this solicitation, the Proposer assumes any liability for the costs incurred in the preparation and transmittal of proposals in response to the solicitation.

This solicitation is governed by the Deschutes County Contracting Code, which is codified at DCC Chapter 2.37. Except as otherwise provided in Chapter 2.37, the Model Rules of Public Contract Procedure, OAR 137, divisions 46, 47, 48 and 49 have been adopted by reference.

Be advised that proposals and all documents submitted in response to this RFP are subject to public disclosure as required by applicable state and/or federal laws. If a Proposer intends to submit any information with their proposal which Proposer believes is confidential, proprietary or otherwise protected from public disclosure (trade secret, etc.), in addition to identifying same in proposal transmittal letter, Proposer must separately bind and clearly identify all such material. The cover page of the separate binding must be red, and the header or footer for each page must provide as follows: "Not Subject to Public Disclosure." Where authorized by law, and at its sole discretion, Deschutes County will endeavor to resist disclosure of properly identified portions of the proposals

Errors and omissions in this Request for Proposals shall be called to the attention of the Department of Solid Waste prior to the submittal due date so that appropriate addenda or clarifications may be issued, if warranted. Failure to do so on the part of the successful Proposer (hereinafter referred to as the Developer) does not relieve him/her of responsibility for a correct and completely finished project scope. Only a written interpretation or correction by addendum shall be binding.

## **B. AGREEMENT**

The Developer shall be required to enter into a formal agreement for the subject services and to provide insurance certificates and other information required by the County. Any potential agreement resulting out of a negotiation phase following this RFP process will include specific contract terms pertaining to site use, financing, operations, regulatory compliance, compensation, ownership, security, insurance, indemnification, warranties, performance guarantees and conditions which reflect the unique nature of a LFG utilization project to be implemented by the Developer. Respondents should outline any specific terms and conditions they would like the County to consider in the Proposal. Deschutes County reserves the right to include terms and conditions specific to a LFG utilization process in any potential agreement.

### **C. CONDITIONS OF WORK**

Proposers are required, prior to submission of proposal, to carefully examine the requirements of this Request for Proposals, the conditions for the contemplated work and the level of effort required to implement the project.

Each Proposer must inform themselves of the conditions relating to the execution of the work, and make themselves thoroughly familiar with all contract documents. Failure to do so will not relieve the Proposer of his obligations to enter into a contract and implement the project in strict accordance with the contract documents.

Each Proposer must inform themselves on all laws and statutes, both Federal and State, relative to the implementation of the project, the execution of the work, the compliance with state and federal law, the employment of labor, worker health and safety, protection of public health, access to the work and similar requirements.

### **D. PROPOSAL QUALIFICATIONS**

Deschutes County will only consider proposals that satisfy the following requirements:

- LFG conversion technologies proposed must have a proven record of operation with a minimum of three successful and current operations of commercial scale facilities in the United States.
- Proposer and development team have a proven record of successful implementation and ongoing operation of a minimum of three commercial scale LFG conversion facilities in the United States.

### **E. FACILITY BACKGROUND**

Knott Landfill is a 135-acre municipal solid waste (MSW) landfill owned and operated by Deschutes County. The facility is located at the intersection of SE 27th Street and Rickard Road, approximately 3 miles south of Highway 20 in Bend, Oregon. The facility has been in continuous operation since 1972 and accepts MSW, construction/demolition debris, commercial waste, and industrial waste.

In 2020, the facility received approximately 195,000 tons of solid waste and is currently averaging about 575 tons of waste/day. It is anticipated that the landfill will reach capacity in 2029 and undergo formal closure at that time.

Knott Landfill is permitted by the Oregon Department of Environmental Quality (DEQ) under Solid Waste Disposal Permit Number 6 and Title V Operating Permit Number 09-0040-TV-1. Copies of these permits can be viewed on the County's Bids/RFP website at <https://www.deschutes.org/rfps>.

The facility has an active LFG collection and control system (GCCS) consisting of 48 vertical extraction wells and 15 sideslope horizontal collection lines. The facility manages leachate through an on-site recirculation system which also provides for additional LFG extraction capacity when leachate pumps are not operating.

All LFG collected via the facility GCCS is combusted in a Parnell Biogas shrouded candlestick flare, rated at 2,000 standard cubic feet/minute (SCFM). Currently, the flare is operating at approximately 900-1,000 SCFM. Methane content of the LFG is approximately 48-50% by volume. A facility map, including the current layout of the GCCS can be viewed on the County's Bids/RFP website at <https://www.deschutes.org/rfps>.

Deschutes County has designed, constructed and operated the GCCS and flare as a measure to control off site subsurface LFG migration and nuisance odors. Operation of the GCCS for migration control, nuisance abatement, regulatory compliance and environmental protection will continue to be a primary operating objective of the GCCS if a successful LFG conversion project is implemented.

Utility infrastructure immediately adjacent to Knott Landfill that may be available for wheeling of electricity or transportation of renewable natural gas include a substation owned and operated by Central Electric Cooperative, the local electrical power utility and two natural gas transmission pipelines owned and operated by Trans Canada GTN Systems.

Deschutes County has current land use authority for LFG management facilities on a ½ acre area where the LFG flare is currently located. If additional acreage is needed, the County will grant a property lease of up to 3 acres of County-owned land adjacent to Knott Landfill as appropriate for the Developer's LFG utilization facility. The Developer will be required to obtain appropriate land use and site plan approval through Deschutes County's Community Development Department for any additional acreage required or alternate location, as well as improvements contemplated, including any and all additional permits and approvals required for facility construction and operation.

It is important to note that there are private residences adjacent to Knott Landfill and the County is sensitive to any impacts that may affect nearby residents.

#### **F. LANDFILL GAS DATA**

NOTE: LFG quantities and properties presented in this Request for Proposals are estimates. No express or implied warranty is made as to the accuracy or suitability of the data provided or it being representative of future conditions.

The following information on LFG at Knott Landfill is available on the County's Bids/RFP website at <https://www.deschutes.org/rfps>:

- LFG flare monitoring data for calendar year 2020 and 2021 to date.
- LFG generation modelling study conducted in 2018 (*Knott Landfill LFG Projection*, ENERGYneeringSolutions, Inc., March 2018).
- Preliminary evaluation to characterize the quality of the facility's LFG for potential use for energy conversion conducted in 2018 (*Preliminary Landfill Gas Characterization*, PBS Engineering and Environmental, Inc., December, 2018).

- 2018 Title V Tier II non-methanogenic organic compound (NMOC) emission rate calculations for Title V permit and New Source Performance Standards requirements (*Title V Tier II Non-methanogenic Organic Compounds Emission Calculations*, PBS Engineering and Environmental, Inc., November, 2018).

Additional information specific to Knott Landfill may be available upon request and will be made available to all planholders registered for the project via the County's Bids/RFP website. All planholders registered for the project will be notified when additional materials are made available during the solicitation phase of this project.

#### **G. SCOPE OF SERVICES**

For the purposes of this solicitation, the Scope of Services includes, but is not limited to the following general tasks and responsibilities to be undertaken by the Developer at no cost to Deschutes County:

- Financing of the LFG conversion project
- LFG conversion facility planning, design, permitting for project development and implementation (land use, construction, operation, etc.)
- LFG conversion facility construction, operation, maintenance, regulatory compliance, decommissioning at the end of service life
- LFG and/or conversion product marketing, sale and distribution
- GCCS operation, maintenance, expansion, and regulatory compliance. Proposers are advised that the State of Oregon has recently established new rules regulating the emission of methane gas from landfills (ORS Division 239) and expansion of the Knott Landfill GCCS will be required to meet these rules. Additionally, improvements to the existing GCCS may be necessary to meet the Division 239 rules.
- Regulatory and permit compliance for LFG emissions, migration control and nuisance odor control.

#### **H. COMPENSATION TO DESCHUTES COUNTY**

While Deschutes County's primary objective of this solicitation is to see a beneficial use for LFG generated at Knott Landfill, compensation to the County from revenue realized through the LFG conversion project will be a factor in considering proposals received. Compensation from the sale of LFG conversion products, the value realized from environmental attributes (renewable energy credits, carbon/greenhouse gas offset credits, renewable identification number, CALCFS credit, OR clean fuels program, etc.), and other incentives afforded from the conversion of LFG shall be considered in compensation proposals.

Assuming some level of compensation to Deschutes County in exchange for granting the Developer the right to operate the GCCS and receive and utilize LFG from Knott Landfill for beneficial use, the

Developer shall agree to compensate the County based on the quantity of LFG delivered to the Developer's facility, revenue generated from the sale of LFG conversion products or other mutually agreed upon metrics and revenue sharing arrangement.

## **I. PROPOSAL CONTENTS**

The proposal shall, at a minimum, address each of the following items and be organized in accordance with this section.

### **1. Executive Summary**

The Executive Summary shall provide an overall synopsis of the proposal including brief descriptions of the Proposer's experience and qualifications, financial strength, approach to GCCS operation and improvements and operation and the facility that the proposer is offering to implement.

### **2. Parent Company Confirmation**

Deschutes County is seeking a guaranteed long-term LFG utilization project. A Developer who is wholly or partially owned by another corporation or other entity must submit a parent company confirmation to certify that any potential agreement with the Developer resulting from this RFP process will be co-signed by the Developer's parent company. A Developer who does not fall into this category must note that in their Proposal.

### **3. Proposer Experience and Qualifications**

a. A description of a minimum of three currently operating LFG conversion facilities where the Proposer served or currently serves as the project developer, owner and/or operator of the LFG conversion facility including:

- A discussion of the current level of involvement the Proposer has in the operation and management of each facility.
- Contact information for the landfill owners providing LFG to the Proposer's facilities
- A description of the LFG conversion facilities and processes, capacity, longevity of operation, conversion product metering and marketing, etc.
- A description of compensation arrangements with the partner landfill facilities
- A description of the arrangements with the partner landfill facilities for procurement of LFG, including identifying responsibilities for the operation and maintenance of the GCCS system, expansion responsibilities, cost-sharing arrangements, regulatory and permit compliance, etc.
- A discussion of any regulatory or permit compliance issues including notices of non-compliance, violation, enforcement action, etc. issued to the owner or operator of the LFG conversion facilities or the host landfills.

- List of firms that the Proposer teamed with for the implementation of the reference LFG conversion facilities (permitting, design, construction, operation and maintenance)
- b. A discussion of any LFG utilization facilities developed, owned and/or operated by the Developer that have been shut down within the last five years. The information should include dates of operation, reason for shut down, capacity, conversion technology, location, conversion product purchaser and landfill contact information.
  - c. A discussion of the Proposer's implementation team for this project including, but not limited to business, financial and technology partners. If determined at proposal submittal time, technology and infrastructure providers, design and permitting consultants, LFG conversion facility operator, etc.
4. Project Approach
- a. A discussion of the Proposer's LFG conversion facility technology contemplated in response to this RFP, including a description of the conversion process and technology, infrastructure requirements and space needs.
  - b. A discussion of the Proposer's LFG conversion facility impact mitigation strategies (lighting, noise, emissions, traffic, etc). It is important to note that there are private residences adjacent to Knott Landfill and Deschutes County is sensitive to any impacts that may affect nearby residences. It is recommended that proposers review Chapter 8.08 of the Deschutes County Code as part of proposal preparation. Compliance beyond those requirements specified in Chapter 8.08 may be necessary for successful project implementation.
  - c. A discussion of the Proposer's approach to the planning, design, permitting, construction and operation of the LFG conversion facility.
  - d. A discussion of modifications/improvements that the Proposer foresees to the existing GCCS infrastructure and/or operation that should be considered for initial development and operation of the Proposer's LFG conversion facility and compliance with the recently promulgated ORS Division 239 rules.
  - e. A discussion of the Proposer's approach to GCCS operation, regulatory monitoring and compliance.
  - f. A description of the Proposer's approach to LFG conversion product marketing and securing of end use purchasers.
  - g. A proposed schedule for project implementation including milestone completion dates.
  - h. A discussion of project lifespan and affecting factors.

5. Project Pro-Forma and Financial Information

- a. A detailed presentation of total estimated capital costs, project financing, debt service, fees, insurance, operations and maintenance costs for the proposed LFG conversion facility and GCCS operation, expansion and maintenance.
- b. A detailed discussion of LFG conversion product marketing, revenue projections and assumptions.
- c. A detailed discussion on County revenue sharing structure, projections, method of determination, and assumptions.
- d. A certified copy of the Proposer's two most recent audited year-end financial statements showing income, expenses and outstanding debt.
- e. A list of any pending or recently completed litigation and parties in which the Proposer is the defendant and provide the amount of damages being contested.
- f. A list of any litigation in which the Proposer is a litigant and the amount of financial recovery being sought.

6. Proposal Security

A proposal bond or certified check in the amount of \$30,000 shall accompany each proposal. Bonds or checks shall be made payable, without condition, to Deschutes County. Deschutes County reserves the right to retain proposal securities of all reasonable proposals until 120 days after proposals are due. Proposal security for proposals deemed unacceptable shall be returned immediately to the Proposer at the time the determination is made. If a Proposer withdraws his proposal, fails to negotiate in good faith with Deschutes County, or if after the County and the Proposer agree on terms of a contract, the Proposer fails to sign a contract and provide any necessary bonds within 30 days after the contract has been presented to the Proposer, the entire amount of proposal security shall be forfeited to Deschutes County.

7. Model Agreement

If available, a model agreement for possible use as a basis for the development of an agreement between Deschutes County and the Proposer.

**J. PROPOSAL SUBMITTAL SCHEDULE**

Proposals must be received by 4:00 p.m. Wednesday January 19, 2022 and are to be submitted using one of the following formats:

Format 1: Direct submittal of one printed copy and one digital pdf copy addressed to Chad Centola, Interim Director of Solid Waste at Deschutes County Department of Solid Waste, 61050 S.E. 27<sup>th</sup> Street, Bend, Oregon 97702



Format 2: Email submittal of a digital pdf copy addressed to [chadc@deschutes.org](mailto:chadc@deschutes.org). Note: Deschutes County assumes no responsibility for email submittals that are late due to internet outages or other technology problems.

#### **K. SELECTION PROCESS**

Submittals will be reviewed and evaluated by a multi-disciplinary committee of Deschutes County staff and a retained consulting firm. At the County's option, Proposers may be asked to provide a presentation to the evaluation committee. Proposers are not permitted to lobby County staff or selection committee members prior to the final selection.

Providing the committee arrives at a successful selection, the committee will enter contract negotiations with the successful Proposer. In the event the County is unable to come to an agreement on contract terms with the selected Proposer, at the County's option, the County may elect to enter into negotiations with an alternate Proposer.

Criteria that will be considered in the proposal evaluation process and weighted scoring includes the following:

- Experience, qualifications and performance of the Proposer and team in the successful development, implementation and operation of LFG utilization projects similar to the technology advanced in the proposal (30 points).
- Demonstration of successful and active projects of a similar nature, preferably with public sector landfills (30 points).
- Experience with GCCS operation, maintenance, construction and regulatory compliance as part of the operation of LFG conversion facilities (25 points)
- Proposer's pro-forma and financial documentation (25 points).
- Proposer's overall approach to the project (25 points)
- Compensation proposal to Deschutes County (25 points).
- References for Proposer's LFG conversion facility projects (20 points).
- Quality, clarity and organization of the proposal (20 points)