

ADDENDUM I: REQUEST FOR BIDS FOR THE LEASE OF THE
NJSEA TRANSFER STATION/MATERIAL RECOVERY FACILITY

The following sections of the Request for Bids have been modified:

1. INTRODUCTION- Fifth paragraph, remove “no later than 11:00 A.M. on June 15, 2021” and replace it with “no later than 2:00 P.M. on June 17, 2021.”
2. GENERAL CONDITIONS, LESSEE’S RESPONSIBILITIES, Section 6.1- add the following sentences to the end of this paragraph: “The Lessee shall submit a complete facility permit to the NJDEP within 90 days of lease execution. The lessee must respond to all NJDEP requests in a timely fashion.”

In addition to these changes to the Request for Bids we received the following questions from one of the bidders. For ease of understanding, the question is noted with the NJSEA response.

NJDEP SWF Permitting

- a. Confirm that the successful bidder is required to apply for, secure, and pay for any and all expenses (i.e. applications fees, funding and completion of an environmental impact study, etc.) in connection with securing a new SWTSF/MRF Permit (“Permit”), and that NJSEA will not be providing any assistance, financial or technical, in connection with such application. *The selected bidder is responsible for all costs and submissions required to secure the permit. The NJSEA will provide any historical documents related to the original facility in its possession. The NJSEA will also sign all required sections of the NJDEP permit as the facility owner.*
- b. Is the NJSEA aware of any environmental justice or other environmental quality issues that may be raised by any of the nearby residents or governing bodies which may adversely impact the efforts of any bidder to secure a new Permit? What impact is expected on the NJDEP permitting process as a result of the recent environmental justice/health impact litigation with the Town of Kearny and local community groups? Is there any pending litigation addressing this? *The NJSEA is not aware of any issues that would adversely impact the efforts of any bidder to secure a new permit. The NJSEA was previously involved in litigation with the Town of Kearny regarding the Keegan landfill, not this facility.*
- c. How will the cost of disposal for the town of North Arlington waste be incorporated into the facility costs and host commitments during the time within which a new Permit is being secured if the successful bidder is not the holder of the existing Permit? *See Section 1.1 of the bid documents.*
- d. What is the estimated annual volume and cost of disposal related to the North Arlington disposal commitment? *The estimated tonnage for 2019 and 2020 is*

noted in Section 6 of the Lease Contract. The cost of disposal is based on the tipping fee at the facility.

- e. Does the successful bidder or the Authority have any financial obligation respecting the disposal of North Arlington waste during the time period within which a new Permit is being secured if the successful bidder is not the holder of the existing permit? *See answer to “c” above.*
- f. Has a time limit been agreed upon between NJSEA and North Arlington limiting the amount of time the Town of North Arlington has to absorb 100% of its solid waste disposal costs? *No*
- g. Does the RFP or the Lease Contract stipulate the time within which a successful bidder/applicant must:
 - i. File an administratively complete Permit application under the Lease? If so, what is the relevant time period and what is the relief under the Lease (if any) for Lessee failing to timely file the complete application? *Section 6.1 under LESSEE’S RESPONSIBILITIES shall have the following sentences added to the end of the paragraph. “The Lessee shall submit a complete facility permit to the NJDEP within 90 days of Lease execution. The Lessee must respond to all NJDEP requests in a timely fashion.”*
 - ii. Secure the new Permit? If so, what is the relevant time period and what remedies are available to the NJSEA in the event that the Permit is not timely secured? *See above*
- h. What happens if the successful bidder cannot obtain a Permit or the Permit is denied? Does the NJSEA retain a Lease termination right? Does the successful bidder have any rights under the Lease or must it continue to make payments for the full term? *It is imperative that all bidders assess the likelihood of obtaining a permit. The successful bidder will be responsible for the lease payment during the permit process which is the incentive to move the process forward. Additionally, the financial investment in the building repairs need to be made during the permit process since once the permit is issued the lessee will be responsible to pay for North Arlington’s waste disposal costs. The NJSEA reserves the right to terminate the Lease, in accordance with Section 9.0: SUSPENSION OF WORK AND TERMINATION, in the event the Lessee fails to apply for and actively pursue an NJDEP Solid Waste Facility Permit for operation of the facility, or fails to obtain the NJDEP Solid Waste Facility Permit in a timely manner.*
- i. Will NJSEA consider a different purpose other than transfer station and materials recovery facility, including but not limited to, processing of contaminated soils and similar materials, requiring a different form of solid waste permit? *No*

2. **Mandatory Facility/Site Repairs**

- a. By when must the site repairs required pursuant to the terms of the RFP be commenced and by when must they be completed? *See “h” above*
- b. Confirm that repair/replacement of (i) the roof and (ii) the wet and dry fire suppression systems must be commenced immediately upon execution of the Lease Contract, as was noted during the Pre-Bid Conference. *See “h” above*
- c. What is the estimate, in light of prevailing wage requirements within the bid specifications, of the cost to repair the roof, tipping floor, offices and dry and wet fire suppression systems and to replace/reactivate the scales and scale house? Has the Authority prepared (or had prepared for it) any estimate(s) for the repairs (either in the aggregate or the individual work components)? If so, please provide the Authority’s estimates and/or figures. *No estimates exist.*
- d. Will 24/7 “fire watch” staffing be required during the period of time between award and completion of the required repairs to the sprinkler system? *Yes*

3. **Experience Qualifications**

- a. Please confirm that any determination of the “Experience Qualifications” required by the RFP will be made based upon the operations history/experience of the bidder entity, and that such requirement(s) cannot be satisfied by the prior employment history or experience of any individual (or individuals) employed by, associated with, or providing services to such bidder entity? *The experience qualifications apply to the entity submitting the bid. Sub-contractor experience is not acceptable but the experience requirement can be satisfied by any party in a Joint Venture bidder.*
- b. Please confirm the statement of the Authority’s representative during the Pre-Bid Conference that a minimum of 3-years’ experience operating an SWTSF/MRF is required and that it can only be satisfied by the operations history/experience of the bidder entity. *See answer above in “a.”*

4. **Permit Parameters**

- a. Must the new Permit being sought mirror the tonnage throughput (2750 tpd; 12,000 tpw) and acceptable waste of the existing Permit? *Yes, those are the maximum tonnages allowed by the current permit.*

This Addendum modifies applicable sections of the RFP. It is the responsibility of the Interested Party to ensure that all changes are incorporated into the original RFP.