

Operations, Maintenance
And Management Services
for the
Pinellas County
Waste-to-Energy Facility

November, 2004



*Request
for*

Qualifications

Contents

Section 1 Request for Qualifications Overview

1.1	Background	1-1
1.2	Controlling Document	1-2
1.3	Contents of Remaining Request for Qualifications Sections	1-2

Section 2 Project Description

2.1	Project Overview	2-1
2.2	Summary Statistics	2-1

Section 3 Request for Qualifications Procurement Process, Schedule, Terms and Conditions

3.1	Preliminary Procurement Process and Timetable.....	3-1
3.2	Statements of Qualifications Submission	3-1
3.3	Contact Person/ Additional Information	3-2
3.4	Interpretations and Addenda	3-3
3.5	Overview of Request for Proposal Process	3-3
3.5.1	Document Room.....	3-3
3.5.2	Inspections of the WTE Facility, Pre-Proposal Questions and Addenda.....	3-3
3.5.3	Request for Proposals	3-4
3.5.4	The Negotiation Period	3-4
3.5.5	Proposal Preparation and Submission Based on the Final RFP.....	3-5
3.5.6	Proposal Evaluation and Contractor Selection	3-5
3.6	Prohibited Contacts	3-5
3.7	Rights of the County	3-6
3.8	Cost Incurred by Respondents	3-7
3.9	Disclaimer of RFQ and Subsequent RFP Accuracy	3-7
3.10	Public Records Act – Openness of Statements of Qualifications and Proposals	3-7

Section 4 Minimum Qualifications Criteria and Evaluation Procedure

4.1	Minimum Qualifications Criteria	4-1
4.2	Evaluation of Statements of Qualifications.....	4-2

Section 5 Statement of Qualifications Submission Requirements

5.1	Submission of Statements of Qualifications.....	5-1
5.2	Organization of Statements of Qualifications.....	5-1

5.3	Contents of Statements of Qualifications	5-1
5.3.1	Letter of Transmittal	5-2
5.3.2	Section 1 - Executive Summary	5-2
5.3.3	Section 2 - Respondent Contact Person.....	5-2
5.3.4	Section 3 - Information About The Respondent.....	5-2
5.3.5	Section 4 - Respondent's Relevant Experience	5-3
5.3.6	Section 5 - Respondent Financial Capability	5-3
5.3.7	Section 6 - Representations and Certifications of Respondent	5-4

Section 6 Statement of Qualifications Forms

Qualifications Form 1 - Statement of Ownership

Qualifications Form 2 - Affidavit From Respondent

Qualifications Form 3 - Performance Bond Affidavit From Surety

Qualifications Form 4 - Letter of Credit Affidavit From Bank

Section 1

Request for Qualifications Overview

1.1 Background

By this request for qualifications ("RFQ"), Pinellas County, Florida ("County"), acting by and through the Pinellas County Board of County Commissioners ("BCC") is requesting statements of qualifications ("Statements Of Qualifications" or "SOQs") from interested companies ("Respondents") to enter into a long-term contract for the operation and maintenance of it's waste-to-energy facility ("WTE Facility").

Respondents who are deemed, in the sole judgment of the County, to be qualified ("Qualified Respondents") will be invited to respond to a request for proposals ("RFP") to be issued by the County to the Qualified Respondents. The Qualified Respondents who submit proposals ("Proposals") in response to the RFP ("Proposers") will be evaluated in accordance with the procedures and criteria set forth in the RFP.

The County intends to select and enter into a service agreement ("Service Agreement") with the Proposer whose Proposal is determined, in the sole judgment of the County, to be in the best interest of the County. To be eligible to enter into the Service Agreement with the County, such Proposer must continue to meet all of the Minimum Qualifications Criteria contained in Section 4.1 of this RFQ from the date the Statement Of Qualifications is submitted until the day the Service Agreement is signed by the County. All Respondents, including persons affiliated with, or in any way related to them, are prohibited from the date this RFQ is issued by the BCC until the Service Agreement is awarded by the BCC, from contacting the members of the BCC, the County's employees, consultants or attorneys for the County on any matter having to do in any respect with this RFQ and subsequent RFP, except as provided for in this RFQ and the subsequent RFP (see Section 3.6 of this RFQ).

The County owns the WTE Facility which is managed by Pinellas County Utilities - Department of Solid Waste Operations ("SWO"). Wheelabrator Pinellas, Inc ("WPI") currently operates and maintains the WTE Facility pursuant to a Consolidated Management Agreement ("CMA") between the County and WPI. The CMA terminates in May 2007 and was developed circa 1980. Since then, there have been many lessons learned. The County intends to revise and update the service agreement and to competitively procure the operation, maintenance and management services for the WTE Facility pursuant to the terms contained in the new service agreement..

The generated electrical power is used to run the WTE Facility, with the excess being sold to Progress Energy Florida ("PEF") pursuant to a Power Purchase Agreement ("PPA") between the County and PEF that provides for the payment of both an electrical energy component and an avoided capacity component. The PPA ends on December 31, 2024.

1.2 Controlling Document

If there is anything contained in this RFQ or the subsequent RFP that is inconsistent with, or conflicts with, the Service Agreement, the Service Agreement shall control.

1.3 Contents of Remaining Request for Qualifications Sections

The remainder of this RFQ is divided into the following sections:

Section 2 Project Description - Provides a general description of the WTE Facility to be operated and maintained. The scope of services will be defined in the subsequent Service Agreement.

Section 3 Request for Qualifications Procurement Process, Schedule, Terms And Conditions - Presents the RFQ and RFP process including the presently contemplated schedule.

Section 4 Minimum Qualifications Criteria And Evaluation Procedure - Presents the Minimum Qualifications Criteria and the procedures that the County will use to determine which Respondents are deemed to be Qualified Respondents.

Section 5 Statements Of Qualifications Submission Requirements - Presents the submission requirements and gives instructions for the preparation of the Statement Of Qualifications.

Section 6 Statement Of Qualifications Forms - Includes the forms that are required to be completed and submitted as part of the Statement Of Qualifications.

Section 2

Project Description

2.1 Project Overview

The WTE Facility has a nameplate capacity of 3,150 tons per day ("tpd") of municipal solid waste and the recovered energy generates 75 - megawatts ("MW") of electrical power. The WTE Facility is comprised of three 1,050 tpd waterwall, mass-burn combustors, and two GE turbine generators, one with a nominal rating of 50 MW and the other with a nominal rating of 25 MW. The first two combustors and the 50 MW turbine generator became operational in May 1983. The third combustor and the 25 MW turbine generator became operational in October 1986. Each combustor includes a proprietary combustion grate system designed by Martin GmbH and a Riley Stoker boiler.

Pursuant to a Retrofit Construction Agreement between the County and WPI, the installation and testing of a new air pollution control ("APC") system was completed in the year 2000 to meet the requirements of the USEPA's Clean Air Act and associated Florida rules. The new APC equipment includes a spray dryer absorber and fabric filter on each combustion train for hydrogen chloride, sulfur dioxide and particulate control. A common powdered activated carbon injection system for control of mercury, lead and volatile organic compounds, and a selective non-catalytic reduction system (using urea) for control of nitrogen oxides were also installed. Other improvements to the APC system included the installation of a continuous emissions monitoring system, reagent storage systems and ancillary support equipment. Each of the combustion trains exhausts its flue gasses through separate flues in a common concrete stack. The WTE Facility is in full compliance with all air permits.

In the year 2000, the County entered into a Capital Replacement Project (CRP) through a CRP construction contract with WPI. The CRP included replacement of the convection passes of all three boilers, rebuilding the cooling tower, replacement of boiler feedwater pumps, modifying the tipping floor and improving the traffic pattern, upgrading instrumentation and controls for the balance of plant and the combustion trains, replacement of large portions of the refuse crane system, and upgrading the boiler water treatment system. The CRP was completed in 2004.

2.2 Summary Statistics

Table 2-1 presents summary statistics for the WTE Facility.

Table 2-1

WTE Facility Summary of Historical Operating Data: Calendar Years 2000 - 2004¹

PARAMETER	2000	2001 ²	2002 ²	2003 ²	January 1 – August 31, 2004
PROCESSIBLE WASTE DELIVERIES					
Total Processible Waste Delivered (tons)	989,038	999,832	1,018,524	1,054,680	731,922
Processible Waste Accepted at WTE Facility (tons)	840,279	781,054	821,263	879,239	643,379
Processible Waste Diverted to Landfill (tons)	148,759	218,778	197,261	175,441	88,543
STEAM PRODUCTION					
Unit 1 Steam Generated (Klbs)	1,525,083	1,555,055	1,041,029	1,777,215	1,209,036
Unit 2 Steam Generated (Klbs)	1,523,140	1,135,688	1,784,467	1,743,370	1,107,885
Unit 3 Steam Generated (Klbs)	1,580,492	1,743,483	1,752,368	1,264,132	1,197,209
Total Steam Generated (Klbs)	4,628,715	4,434,226	4,577,864	4,784,717	3,514,130
Average Lbs Steam/Operating Hour/Unit	208,116	217,140	216,120	215,979	217,679
Steam Capacity Utilization (%) ³	92.5	96.5	96.1	96.0	96.7
ELECTRICAL PRODUCTION					
Gross Electricity Generated T/G No. 1 (MWH)	291,083	261,660	289,453	372,446	248,103
Lbs Steam/KWH T/G No. 1	10.47	10.28	9.76	9.45	9.34
Gross Electricity Generated T/G No. 2 (MWH)	138,474	152,830	151,116	110,202	118,306
Lbs Steam/KWH T/G No. 2	11.41	11.41	11.60	11.47	10.12
Total Gross Electricity Generated (MWH)	429,557	414,490	440,569	482,648	366,409
In-plant Electricity Usage (MWH)	69,010	65,521	70,147	72,870	50,110
In-plant Electricity Usage (% of Gross)	16.1	15.8	15.9	15.1	13.7
Net Electricity Sold (MWH)	360,547	348,969	370,422	409,778	316,299
Net KWH/Ton Processible Waste Accepted	429.1	446.8	451.0	466.1	491.6
RESIDUE GENERATION					
Ash Landfilled	241,383	245,647	248,182	268,405	181,069
Ferrous Metal Recovered (tons)	13,704	11,060	11,274	13,806	11,848
Non-Ferrous Metal Recovered (tons)	1,079	894	826	918	905
Total Residue (tons)	256,166	257,601	260,282	283,129	193,822
Total Residue/Processible Waste Accepted (%)	30.5	33.0	31.7	32.2	30.1
Ferrous Metal Recovered/Processible Waste Accepted (%)	1.6	1.4	1.4	1.6	1.8
Non-Ferrous Metal Recovered/Processible Waste Accepted (%)	0.13	0.11	0.10	0.10	0.14

¹ Data for Steam Production and Gross Electricity Generated as reported by WPI. All other data as reported by the County

² One unit was down for approximately 115 days each calendar year due to the CRP

³ Based on WPI's normal steam control set point of 225,000 lbs/hr/unit. Design MCR is 244,000 lbs/hr/unit

Section 3

Request for Qualifications Procurement Process, Schedule, Terms and Conditions

3.1 Preliminary Procurement Process and Timetable

The procurement process and timetable is shown below in Table 3-1. All of the activities and dates shown in Table 3-1 are subject to change.

Table 3-1
Procurement Process and Schedule

Activity⁴	Date⁴
1. County Issues and Advertises RFQ	_____, 2004
2. Last Day for Interested Firms to Submit Questions	January 18, 2005
3. County Receives Statements of Qualifications from Respondents	February 3, 2005
4. Evaluation Committee Submits Recommendation of Qualified Respondents to the BCC	March 22, 2005
5. BCC Selects Qualified Respondents	April 5, 2005
6. County Issues draft RFP to Qualified Respondents	Fall 2005
7. Technical and Agreement Negotiation Period	Fall 2005 – Spring 2006
8. Last Day Qualified Respondents Can Submit Written Questions to the County	Late Spring 2006
9. County Issues Final RFP	Summer 2006
10. Priced Proposals Due	Fall 2006
11. Evaluation Committee Recommendation of Contractor Selection to BCC	Late 2006
12. Contractor Selection by BCC	Late 2006

3.2 Statements of Qualifications Submission

The Statements Of Qualifications are due on or before 2 PM EST on February 3, 2005 addressed to the person named below at the following address:

⁴ All activities and dates shown are subject to change.

Mr. Joseph Lauro, Director
Purchasing
Pinellas County, Florida
400 S. Fort Harrison Avenue
Clearwater, Florida 33756

Respondent's shall submit one original that bears original signatures wherever signatures are required and that volume shall be clearly marked "Original" plus **TWENTY COPIES** of the original.

All Statement Of Qualifications shipping containers shall be clearly marked on the outside with the following:

“[Insert Name of Respondent] Statement Of Qualifications For The Operation, Maintenance And Management Of The WTE Facility For Pinellas County”

The delivery of the Statements Of Qualifications to the above address on the above date and prior to the specified time is solely the responsibility of the Respondent. The County shall not be responsible for delays caused by the U.S. Postal Service or any private delivery service. Statements Of Qualifications delivered after the specified time will not be accepted and will be returned unopened to the Respondent with the notation "These Statements Of Qualifications were received after the delivery time designated for the receipt and opening of Statements Of Qualifications".

3.3 Contact Person/Additional Information

The contact person for this RFQ is:

Mr. Joseph Lauro, Director
Purchasing
Pinellas County, Florida
400 S. Fort Harrison Avenue
Clearwater, Florida 33756
Phone: 727-464-3311, Fax: 727-464-3925, Email: jlauro@co.pinellas.fl.us

Requests for additional information or clarifications must be made in writing and received by Mr. Lauro no later than January 18, 2005, with a copy to:

Mr. Robert Hauser, Operations Manager
Solid Waste Operations
Pinellas County Utilities
3095 114th Avenue North
St. Petersburg, Florida 33716
Phone: 727-464-7500, Fax: 727-464-7713, Email: rhauser@co.pinellas.fl.us

The County will issue responses to inquiries and any other corrections or amendments it deems necessary via written addenda issued prior to the Statement Of Qualifications due date.

3.4 Interpretations and Addenda

No interpretation, explanation or clarification of this RFQ by any official, employee, consultant, attorney or other representative of the County will be considered authoritative or binding on the County unless contained in a written addendum to this RFQ. The County will not be bound by any information, explanation, clarification or any interpretation, oral or written, by whomever made it, that is not incorporated into a written addendum to this RFQ. All addenda will be distributed to each interested firm that has requested a copy of this RFQ. All such addenda shall become part of this RFQ and all interested parties shall be bound by such addenda.

3.5 Overview of Request for Proposal Process

It is presently contemplated that the RFP process will be as described in the following subsections, however, the County reserves the right to change or deviate from the following.

3.5.1 Document Room

A room at Solid Waste Operations, Pinellas County Utilities, 3095 114th Avenue North, St. Petersburg, Florida 33716 will be established to house the documents available for inspection by Qualified Respondents ("Document Room"). The Document Room will be available to Qualified Respondents after issuance of the draft RFP and prior to the due date of the Proposals.

3.5.2 Inspections of the WTE Facility, Pre-Proposal Questions and Addenda

Inspections of the WTE Facility by Qualified Respondents may be requested and granted after issuance of the draft RFP and prior to the due date of the Proposals.

The County assumes no liability for a Qualified Respondent being unable to have a site visit whenever it desires. The County may require Qualified Respondents to sign a waiver of liability agreement during these visits. An employee or agent of the County will escort each Qualified Respondent during these inspections. Answers to questions during inspections shall not be relied upon.

To obtain answers which can be relied upon, questions from Qualified Respondents shall be submitted in writing to the person named in the RFP. Responses to questions will be addressed through written addenda to the RFP or written clarifications to all Qualified Respondents. Requests for additional information will be responded to by providing the additional information in the Document Room and notifying all Qualified Respondents of the availability of such additional information. A list of

additional information provided to the Document Room will be maintained and made available to all Qualified Respondents.

Changes to the RFP will only be made in writing via the issuance of addenda.

3.5.3 Request For Proposals

A draft RFP will be developed and issued to the Qualified Respondents. It is presently contemplated that the draft RFP will contain:

- A description of the RFP process and schedule;
- A description of the County's rights;
- Proposal submission requirements;
- A description of the evaluation and selection process;
- Technical Requirements;
- A draft Service Agreement;
- The Proposal Forms required to be submitted in the Proposal; and
- A description of the technical data available for the Proposer's review and instructions for visiting the WTE Facility.

3.5.4 The Negotiation Period

Since the materials submitted by each Proposer during negotiations are subject to the public records act, the following process has been established to prevent release of the materials prior to the end of negotiations.

The County will hold separate negotiating meetings with each Proposer. At the first negotiation meeting, each Proposer will be required to bring with them a draft Technical Proposal and comments on the draft Service Agreement. At the end of the meeting, each Proposer shall retain all written materials that it brought to the meeting that the Proposer wants to remain confidential. The County will meet and negotiate with each Qualified Respondent during the time period set forth in the RFP (see Table 3-1 for approximate time period).

The negotiation period will be used to draft a single common Service Agreement to be priced by the Proposers and to make each Technical Proposal meet minimum technical criteria that are acceptable to the County.

The County may modify the Technical Requirements and Service Agreement based upon the negotiations or otherwise in its sole discretion, and issue an amended draft

RFP. The amended draft RFP may require additional Technical Proposal and Service Agreement comment meetings and associated submissions at each additional meeting with each Proposer to discuss those additional submissions. It is presently contemplated that three rounds of negotiating meetings will be held with each Proposer.

3.5.5 Proposal Preparation and Submission Based on the Final RFP

After the negotiation period, the County may modify the Technical Requirements and Service Agreement based upon the negotiations or otherwise in its sole discretion. The final RFP will then be issued (see Table 3-1 for approximate time period). The Proposers will finish Proposal preparation and pricing and submit the priced Proposals on the date set forth in the final RFP (see Table 3-1 for approximate time period). It is contemplated that each Proposer's Proposal must be based upon an unchanged final Service Agreement as set forth in the final RFP.

3.5.6 Proposal Evaluation and Contractor Selection

The evaluation and selection criteria contained in the RFP shall be the sole basis of evaluation used by the Evaluation Committee to evaluate the Proposals and to select the Proposer whose Proposal is deemed, in the Evaluation Committee's sole judgment, to be in the best interest of the County. The Evaluation Committee will recommend that Proposer to the BCC. The County intends to enter into a Service Agreement with the Proposer that is selected by the BCC. To be eligible to enter into the Service Agreement with the County, each Proposer must continue to meet all of the Minimum Qualifications Criteria contained in Section 4.1 of this RFQ from the date the Statement Of Qualifications is submitted until the day the Service Agreement is signed by the County.

3.6 Prohibited Contacts

All Respondents, including persons affiliated with, or in any way related to them, are prohibited from the date this RFQ is issued by the BCC until the Service Agreement is awarded by the BCC, from contacting the members of the BCC, the County's employees, consultants or attorneys for the County on any matter having to do in any respect with this RFQ and subsequent RFP, except as provided for in this RFQ and the subsequent RFP.

Failure of any Respondent to adhere to this prohibition may, at the sole discretion of the County, result in disqualification and rejection of any Statement of Qualification and/or Proposal in accordance with Pinellas County Code, Section 2-190. Lobbying:

"Lobbying of evaluation committee members, county government employees, or elected officials regarding RFP's, bids or contracts, by the proposer/bidder or any member of the proposer's/bidder's staff, an agent of the

proposer/bidder, or any people employed by any legal entity affiliated with an organization that is responding to the RFP, bid or contract is strictly prohibited upon advertisement and shall be prohibited until a written recommendation of award is made. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any RFP, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any RFP, bid or contract to be rejected. “

This Section 3.6 shall not be interpreted to preclude any normal communications between County employees, consultants or attorneys for the County and WPI regarding the operation and maintenance of the WTE Facility.

3.7 Rights of the County

This RFQ constitutes an invitation to submit Statements Of Qualifications to the County. This RFQ does not obligate the County to procure or contract for any of the scopes of services as generally described in this RFQ. The County, including its agents and designated representatives, reserves and holds at its sole discretion, various rights and options, including without limitation, the following:

- a) To waive any minor informalities in the Statements Of Qualifications.
- b) To prepare and issue modifications and/or addenda to the RFQ prior to the receipt of the Statements Of Qualifications that may expand, restrict, or cancel any portion or all work described in this RFQ.
- c) To receive questions from Respondents and to provide such answers as it deems appropriate.
- d) To reject any and all Statements Of Qualifications.
- e) To change the date for receipt of Statements Of Qualifications or any deadlines and dates specified in this RFQ.
- f) To change the procurement and/or selection process.
- g) To conduct investigations with respect to the information provided by each Respondent and to request additional information to support such Proposer's responses and submittals.
- h) To seek clarification of Statements Of Qualifications from such Respondents.
- i) To select as Qualified Respondents those Respondents that, in the sole judgment of the County, are in the County's best interest.

- j) To cancel this RFQ or the contemplated subsequent RFP with or without the substitution of another RFQ and/or RFP.
- k) To request recertification of any or all of the Minimum Qualifications Criteria contained in Section 4.1 of this RFQ from any or all Qualified Respondents at any time or times.
- l) To select and enter into negotiations with the Proposer or Proposers that in the sole judgment of the County submitted the most advantageous Proposal taking into consideration price and the evaluation criteria set forth in the RFP.
- m) To enter into a Service Agreement with the Proposer whose Proposal is determined, in the sole judgment of the County, to be in the best interest of the County.

3.8 Cost Incurred by Respondents

All expenses involved with the preparation and submission of Statements Of Qualifications to the County, or any work performed in connection therewith, shall be borne by the Respondents and shall not be reimbursed by the County.

3.9 Disclaimer of RFQ and Subsequent RFP Accuracy

The County assumes no responsibility for the completeness or the accuracy of the specified technical and background information presented in this RFQ or the subsequent RFP, or otherwise distributed or made available during this procurement process. Without limiting the generality of the foregoing, the County will not be bound by or responsible for any explanation or interpretation of the RFQ or subsequent RFP documents other than those given in writing. In no event shall a Respondent, a Qualified Respondent or a Proposer rely on any oral statement by the County, its staff, agents, advisors or consultants.

3.10 Public Records Act - Openness of Statements of Qualifications and Proposals

Respondents are hereby notified that information submitted as part of a response to this RFQ and subsequent RFP, including without limitation, written Statements of Qualifications, Proposals, other submissions, correspondence, and all records made thereof, shall be open and public ten days after submittal in compliance with Florida law, Chapter 119 Florida Statutes as amended, governing public records. As such, the County shall not in any way be liable or responsible for the disclosure of any submissions or portions thereof submitted in response to this RFQ or subsequent RFP.

Section 4

Minimum Qualifications Criteria and Evaluation Procedure

4.1 Minimum Qualifications Criteria

The following sets forth the minimum qualifications criteria ("Minimum Qualifications Criteria").

1. The Respondent, or affiliates of the Respondent, shall be presently operating and maintaining a minimum of three municipal solid waste energy recovery facilities, with a history of operation and maintenance of a minimum of five years for each facility by the Respondent, with each facility being located in the United States, and with each facility having a minimum of either:
 - (i) at least two mass burn stoker fired waterwall municipal waste combustor ("MWC") units; or
 - (ii) at least two mass burn rotary waterwall MWC units.
2. All MWC units referenced by a Respondent to meet Criteria 1 above shall:
 - (i) have a processing capacity of at least 250 tons per day at 4,500 Btu/lb; and
 - (ii) be equipped with dry scrubber and fabric filter baghouse air pollution control equipment.
3. Each of the three facilities referenced by a Respondent to meet Criteria 1 above shall have:
 - (i) a total facility steam generation rate of at least 150,000 pounds per hour; and
 - (ii) an electric power generation capacity of at least 15 MW.
4. The Respondent shall demonstrate and certify to each and every item contained in Qualifications Form 2. Properly executing and submitting Qualifications Form 2 contained in Section 6 of this RFQ will be the demonstration and certification of those items.

5. The Respondent shall demonstrate, to the satisfaction of the County, evidence of its ability to obtain:
- i) a performance bond equal to at least \$ 5 million from a State of Florida licensed Surety company to be kept in force during each year of the term of the Service Agreement; and
 - ii) two letters of credit equal to at least \$2.5 million each, from a bank or banks whose long-term debt is rated at least "A" to be kept in force during each year of the term of the Service Agreement. It is presently contemplated that the Service Agreement will require one irrevocable LOC for six months, one LOC irrevocable for one year, the six month LOC to be renewed for one year and then each to be renewed for one year prior to expiration, each to be irrevocable during its one year term.

To demonstrate the above ability to obtain the required performance bond and letters of credit, Respondent must submit in its Statement Of Qualifications, properly executed Qualifications Forms 3 and 4 contained in Section 6 of this RFQ.

4.2 Evaluation of Statements of Qualifications

After the Statements Of Qualifications have been opened, the Evaluation Committee, with the assistance of additional County staff and consultants, will evaluate the Statements Of Qualifications, on a pass/fail basis, based upon the Minimum Qualifications Criteria contained in Section 4.1 of this RFQ which includes the certifications and representations contained in the Qualifications Forms in Section 6 of this RFQ.

Any Respondent which does not meet or exceed each of the Minimum Qualifications Criteria stated in Section 4.1 of this RFQ will not be deemed a Qualified Respondent and will be eliminated from any further consideration.

The Evaluation Committee will recommend to the BCC which Respondents meet the Minimum Qualifications Criteria stated in this RFQ and therefore should be deemed to be Qualified Respondents to receive the RFP.

Section 5

Statement of Qualifications Submission Requirements

5.1 Submission of Statements of Qualifications

Statements Of Qualifications are due at the time, date place and in the manner as set forth in Section 3.2 of this RFQ.

5.2 Organization of Statements of Qualifications

The County requires that each Statement Of Qualifications shall conform to the format set forth in Table 5-1 below, including the page limitations listed for each section. Text shall be on 8½" by 11" paper and one printed side of one piece of paper is considered as one page to determine the number of pages. All full-page illustrations, figures and tables are to be included in the page count (even if they are not paginated). Each section shall be separately paginated, and no unused pages in one section can be used in another. The County, in its sole discretion, may reject any Statement Of Qualifications that does not conform to the outline or page limits listed herein.

Table 5-1
Statements of Qualifications Page Limitations

Section Title	Maximum Number of Pages ⁵
Letter of Transmittal	3
Table of Contents	As Needed
Section 1 - Executive Summary	3
Section 2 – Respondent Contact Person	1
Section 3 – Information About The Respondent	10
Section 4 – Respondent's Relevant Experience	10
Section 5 – Respondent's Financial Capability	3
Section 6 – Representations and Certifications	As Needed
Appendix A – Financial Documents	As Needed

5.3 Contents of Statements of Qualifications

Unless otherwise noted, the Statements Of Qualifications shall include the required information as set forth below.

⁵ Exclusive of the preprinted Qualification Forms contained in Section 6 of this RFQ.

5.3.1 Letter of Transmittal

The Letter of Transmittal shall be prepared on the letterhead of the Respondent and signed by a representative of such firm who is empowered to enter into contracts for at least \$50 million. The Letter of Transmittal is intended to introduce the Respondent and it should contain at least the following information:

- a) Designation of the signator to the Service Agreement with the County;
- b) A statement that the Respondent is prepared to meet the County's procurement schedule;
- c) A statement that the Respondent meets the Minimum Qualifications Criteria set forth in Section 4.1 of this RFQ.

5.3.2 Section 1 - Executive Summary

The purpose of the Executive Summary is to provide an overview of the Respondent's qualifications to perform the operation and maintenance services for the WTE Facility. At a minimum, the Executive Summary should contain the following information:

- a) Name, corporate headquarters address of the Respondent.
- b) Description of the Respondent's legal structure.
- c) Examples of major current waste-to-energy facilities under the Respondent's management.
- d) The general and specific capabilities and experience of the Respondent that will benefit the County.

5.3.3 Section 2 - Respondent Contact Person

The purpose of designating a contact person is so that the County has a single point of contact for each Respondent, and does not have to be concerned with lines of communication within the Respondent's organization. Therefore, this section shall designate the contact person (supplying name, address, telephone number, FAX number and e-mail address) to which the County will send all communication and from whom the County will receive all communications from such Respondent.

5.3.4 Section 3 - Information About The Respondent

This section shall include at least the following:

- a) Detailed information regarding the legal structure and organization of the Respondent, including all of the legal and contractual relationships among the Respondent, affiliates and parents. This section should include a copy of all organizational documents of the Respondent and an organizational chart or

diagram. This section shall clearly state which entity would execute the Service Agreement with the County, and if that entity is not a Florida corporation, then this section shall also include proof of registration as a foreign corporation with the Florida Secretary of State.

- b) A short business history of the Respondent.
- c) A description of how the various aspects of the WTE Facility operation and maintenance services will be performed and from which office(s) such services would be performed.
- d) Detailed information on the Respondent, including parent companies, affiliates and subsidiaries which would assist in performing the WTE Facility operation and maintenance services.

5.3.5 Section 4 - Respondent's Relevant Experience

The intent of this section is to provide information that clearly demonstrates that the Respondent, its parent and affiliates clearly meets Criteria 1, 2 and 3 set forth in Section 4.1 of this RFQ.

Therefore, in this section, the Respondent shall clearly and completely describe how it meets Criteria 1, 2 and 3 set forth in Section 4.1 of this RFQ. For each facility included in this section for this purpose, the following shall be supplied:

- a) the owners name, location and a reference (name, title, address, telephone number and e-mail address) shall be supplied;
- b) the size and number of MWCs included in the facility (at a minimum, the maximum continuous rating ("MCR") throughput in terms of tons per day at the reference waste, the higher heating value of the reference waste, and the type of MWC (stoker fired waterwall or rotary waterwall) shall be stated);
- c) the type of air pollution control equipment for each MWC shall be described;
- d) the total steam generation (in pounds per hour) at MCR and the electric generation capacity of the steam turbine-generator shall be stated;
- e) the parties to the operation and maintenance agreement, the date that it commenced, and the date that it terminates.

5.3.6 Section 5 - Respondent's Financial Capability

In order to demonstrate the Respondent's ability to meet the minimum financial requirements stated in Criterion 5 in Section 4.1 of this RFQ, the Respondent shall include in this section Qualifications Form Nos. 3 and 4 contained in Section 6 of this RFQ. The forms shall be filled in, signed and notarized as appropriate. Qualifications

Form 4 can be submitted from one bank in the amount of \$ 5 million, or from two banks, each in the amount of \$ 2.5 million.

Additionally, the Respondent shall discuss its financial strengths and provide a copy of the latest 10K, 10Q and annual Report in Appendix A to the Statement of Qualifications.

5.3.7 Section 6 - Representations and Certifications of Respondent

To demonstrate that the Respondent meets Criterion 4 in Section 4.1 of this RFQ, the Statement Of Qualifications Forms Nos. 1 and 2 contained in Section 6 of this RFQ shall be filled in, signed and included in this section of the Statement of Qualifications.

Section 6

Statement of Qualifications Forms

The preprinted content of this Form may not be modified by the Respondent.

QUALIFICATIONS FORM 1

Statement of Ownership

The Respondent shall set forth the names and addresses of all stockholders in the corporation who own ten percent or more of its stock of any class, or all partners in the partnership who own ten percent or greater interest therein; if none, the Respondent must state "none." If one or more such stockholder or partner is itself a corporation or partnership, the stockholders owning ten percent or more of that corporation's stock, or the individual partners owning ten percent or greater interest in that partnership shall also be listed; if none, the Proposer must state "none." This disclosure shall be continued until names and addresses of every individual stockholder, and individual partner exceeding the ten- percent ownership criteria of each corporation or partnership listed has been identified. Multiple copies of this form may be provided as required.

NAME

ADDRESS

Signature of Respondent

Date

Name of Respondent (Print or Type)

Title

The preprinted content of this Form may not be modified by the Respondent.

(Notary Public)

State of _____

County of _____

On this _____ day of _____, 2005, before me appeared _____, personally known to me to be the person described in and who executed this _____ and acknowledged that (she/he) signed the same freely and voluntarily for the uses and purposes therein described.

In witness thereof, I have unto set my hand and affixed my official seal the day and year last written above.

Notary Public in and for the State of _____

(seal)

(Name Printed)

The preprinted content of this Form may not be modified by the Respondent.

QUALIFICATIONS FORM 2

Affidavit From Respondent

STATE OF FLORIDA
PINELLAS COUNTY

BEFORE ME, the undersigned authority, personally came and appeared _____, who after being by me duly sworn, deposed and said that he/she is a fully authorized representative of _____ (hereinafter referred to as "Respondent") the party who has prepared the Statement Of Qualifications for the management, operation and maintenance of the resource recovery facility for Pinellas County, which Statement Of Qualifications will be received by Pinellas County on February 3, 2005 and said affiant further stated:

- 1) That Respondent employed no person, corporation, firm, association, or other organization, ("person") either directly or indirectly, to secure the public contract under which such person received payment, other than persons regularly employed by the Respondent whose services in connection with the project or in securing the public contract were in the regular course of their duties for Respondent.
- 2) I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the Respondent.
- 3) That if the Respondent is awarded the contract, that no part of the price to be received by the Respondent was or will be paid to any person, corporation, firm, association, or other organization for soliciting the contract, other than the payment of their normal compensation to persons regularly employed by the Respondent whose services in connection with the project were in the regular course of their duties for Respondent.
- 4) Said Statement Of Qualifications is genuine and the Respondent has not colluded, conspired, or agreed directly or indirectly with any other Respondent to offer a sham or collusive Statement of Qualifications. I understand that collusive bidding and all similar activity is a violation of County, state, and federal law, and can result in fines, prison sentences and civil damages. I agree to abide by all conditions of this procurement and our Statement Of Qualifications, and certify that I am authorized to sign for this Respondent.
- 5) Said Respondent has not in any manner directly or indirectly agreed with any other persons to fix the proposal price of affiant or any other Respondent, or to fix any overhead profit or cost element of said proposal price, or that of any other Respondent, or to induce any other person to refrain from proposing.
- 6) Said Statement Of Qualifications is not intended to secure an unfair advantage of benefit from Pinellas County or in favor of any person interested in the proposed contract.
- 7) All statements contained in said Statement Of Qualifications are true, correct and complete.

The preprinted content of this Form may not be modified by the Respondent.

- 8) Said Respondent hereby certifies that no officer of the companies comprising the Respondent, or any affiliates of the companies comprising the Respondent, has been convicted of fraud by the federal government or by any government entity in Florida or any other state within the last ten years.
- 9) Neither affiant nor any member of his company has divulged information regarding said Statement Of Qualifications or any data relative thereto to any other person, firm, or corporation.
- 10) Said Respondent hereby certifies that neither the Respondent nor its parent is in Chapter 11 Bankruptcy nor is the Respondent or its parent in Chapter 7 Bankruptcy.
- 11) Said Respondent hereby certifies that neither the Respondent nor its parent nor its affiliates is involved in a lawsuit with Pinellas County.
- 12) Said Respondent hereby certifies that Respondent, its parent and all affiliates are, in all respects, in compliance with the Florida Public Entities Crime Act found at Florida Statutes s.287.133.
- 13) Said Respondent hereby certifies the truth and accuracy of the above statements under the pains and penalties of perjury.
- 14) I acknowledge receipt of addenda:

<u>Number</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Signature of Respondent)

(Printed Name And Title)

SWORN TO AND SUBSCRIBED

BEFORE ME THIS _____ DAY OF _____, 2005

(SEAL)

NOTARY PUBLIC IN AND FOR THE STATE OF _____

The preprinted content of this Form may not be modified by the Respondent.

QUALIFICATIONS FORM 3
Performance Bond Affidavit From Surety

STATE FLORIDA
PINELLAS COUNTY

BEFORE ME, the undersigned authority, personally came and appeared _____,
who after being by me duly sworn, deposed and said that he is fully authorized representative
of _____ (hereinafter referred to as "Surety")
and said affiant stated:

- 1) That affiant is familiar with _____ (hereinafter referred to as
"Respondent") the party who prepared the Statement Of Qualifications for the
management, operation and maintenance of the resource recovery facility for Pinellas
County, which Statement Of Qualifications will be received by Pinellas County on February
3, 2005.
- 2) That if Respondent is awarded the contract by Pinellas County, Surety will issue a
performance bond in the amount of five million dollars (\$ 5,000,000) for the benefit of
Pinellas County in case the Respondent should default on any of the obligations contained
in the contract, subject to the Surety's review of the terms and conditions of the contract and
bond forms and assuming that no material adverse changes have occurred to the
Respondent's financial condition between the date of this Qualifications Form 3 and the
date that the performance bond is to be issued."
- 3) That Surety has a rating of at least "A" (or the equivalent) from an appropriate recognized
rating agency and Surety is licensed as a Surety Company in the State of Florida.
- 4) I certify that I am authorized to sign for Surety
- 5) Said Surety hereby certifies the truth and accuracy of the above statements under the pains
and penalties of perjury.

(Signature of Surety)

(Printed Name And Title)

SWORN TO AND SUBSCRIBED

BEFORE ME THIS _____ DAY OF _____, 2005
(SEAL)

NOTARY PUBLIC IN AND FOR THE STATE OF _____

The preprinted content of this Form may not be modified by the Respondent.

QUALIFICATIONS FORM 4
Letter Of Credit Affidavit From Bank

STATE OF FLORIDA

PINELLAS COUNTY

BEFORE ME, the undersigned authority, personally came and appeared _____, who after being by me duly sworn, deposed and said that he is fully authorized representative of _____ (hereinafter referred to as "Bank") and said affiant stated:

- 1) That affiant is familiar with _____ (hereinafter referred to as "Respondent") the party who has prepared the Statement Of Qualifications for the management, operation and maintenance of the resource recovery facility for Pinellas County, which Statement Of Qualifications will be received by Pinellas County on February 3, 2005.
- 2) That if Respondent is awarded the contract by Pinellas County, Bank will issue (Bank shall check either a) or b) below and shall check either six months or one year in b) below):
 - a) ___ two letters of credit (LOC), each in the amount of two and one half million dollars (\$ 2,500,000) one irrevocable LOC for six months, one irrevocable LOC for one year, the six month LOC to be renewed for one year and then each to be renewed for one year prior to expiration, each to be irrevocable during its one year term., or
 - b) ___ a letter of credit in the amount two and one half million dollars (\$ 2,500,000) to be irrevocable for either ___six months or ___one year, and to be renewed for one year prior to expiration, and to be irrevocable during its one year term with the full knowledge that Respondent will be obtaining another \$ 2.5 million letter of credit from another bank for this same project,for the benefit of Pinellas County in case the Respondent should default on any of the obligations contained in the contract assuming that no material adverse changes have occurred to the Respondent's financial condition between the date of this Qualifications Form 4 and the date that the Letter Of Credit is to be issued That the Bank has a credit rating on its long-term debt of at least "A" (or the equivalent) from an appropriate recognized rating agency and that the Letter Of Credit to be issued by the Bank, and claims made pursuant to such Letter of Credit will be governed by the provisions of the Uniforms Customs and Practices for Documentary Credits (1993 Version), International Chamber of Commerce Publication No. 500 ("UCP"). As to matters not governed by the UCP, such Letter of Credit shall be governed and construed in accordance with the laws of the State of Florida.
- 3) I certify that I am authorized to sign for the Bank
- 4) Said Bank hereby certifies the truth and accuracy of the above statements under the pains and penalties of perjury.

(Signature of Bank)

(Printed Name And Title)

SWORN TO AND SUBSCRIBED

BEFORE ME THIS ____ DAY OF _____, 2005

(SEAL)

NOTARY PUBLIC IN AND FOR THE STATE OF _____