

**Request for Proposal
No. 1289**

**Remove, Treat & Dispose of West Valley T-1 Bldg. Mixed Wastes-
Certified Closure at Project End**

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I. Proposal Requirements

A. Proposal Content

A complete response to this Request for Proposals shall include two parts:

- Part I – Technical and Management
 1. Background/Objectives (1 page maximum);
 2. Services to be Provided (3 pages maximum);
 3. Management Plan that describes the approach for providing the required services, including a Project Organizational Chart and Schedule for the Work (8 pages maximum);
 4. Current Qualifications Statement that clearly presents the proposer’s education, training and experience relevant to the Scope of Work;
 5. Three (3) to five (5) examples of completed contracts within the last five (5) years similar to the proposed scope and level of effort, including contract name, and client reference contact information;
 6. Letters of commitment from all subcontractors or teaming partners (if applicable);
 7. List of equipment anticipated for this project; and
 8. Completed “Proposal Checklist” form (Exhibit A) to be attached to the front of all copies of Part I of the proposal.

- Part II – Cost and Disclosures
 1. Cost proposal including hourly rates and any other applicable costs or rates included on the attached “Contracts Pricing Proposal” form (Exhibit C, instructions included);
 2. “Disclosure of Prior Findings of Non-Responsibility” form (Exhibit B);
 3. Indictment/Conviction of Felony (if applicable);
 4. NYSERDA Contracts Awarded (if applicable); and
 5. Prior and/or Competing Proposals (if applicable).

II. Introduction

A. Background

The New York State-Licensed Disposal Area (SDA) occupies 15 acres of the Western New York Nuclear Service Center, located in West Valley, New York. From 1963 through 1975, the SDA operated as a commercial low-level radioactive waste disposal facility, receiving approximately 2.4 million cubic feet of waste from government facilities, commercial power reactors, nuclear fuel cycle facilities, as well as other institutions and industries. The SDA ceased

operations in 1975; and since 1983, the New York State Energy Research and Development Authority (NYSERDA) has safely managed the SDA.

The SDA consists of a series of trenches and disposal holes constructed in the native silty-clay soil and capped with compacted clay. Due to the impermeable nature of the geologic unit and the humid climate, several trenches filled up with water (from rainwater percolation and lateral movement of groundwater) in what is known as the “bathtub effect.”

In the early 1990s, NYSERDA began a series of infiltration controls performed as Interim Measures in accordance with the Resource Conservation and Recovery Act (RCRA) Administrative Order-On-Consent [i.e., 3008(h) Consent Order 92-0202]. In 1991, an interim measure which included the pumping of approximately 8,100 gallons of leachate from Trench 14 into a 9,200-gallon fiberglass-reinforced polyethylene tank (Tank T-1) was completed.

Tank T-1 is located in a building at the SDA, known as T-1 Building, that houses additional liquid and solid waste contaminated with radioactive or mixed (i.e., radioactive and hazardous) constituents from NYSERDA’s ongoing maintenance activities. The total volume of liquid waste stored in this building is approximately 8,100 gallons. The total volume of solid waste is approximately 500 cubic feet (and includes PVC piping, spent HEPA filters, filter housings, used Personal Protective Equipment, pump skid, pump, demister, glass fiber filter, charcoal filter, vent blower, motor and Tank T-1, (see Exhibit D for a photograph of the existing packaged waste).

NYSERDA’s regulators have recommended the disposal of the liquid and solid waste in accordance with all applicable regulations. Photographs and a building floor plan are provided in Exhibit D. Engineering Specifications for the tank are provided in Exhibit E.

B. Existing Characterization Data

In 1994, NYSERDA obtained the services of a local environmental engineering firm to characterize the leachate in the tank. The objective of this task was to characterize the leachate for the following parameters:

- RCRA F039 multisource leachate code constituents;
- New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) Form 2C parameters;
- Additional West Valley Demonstration Project SPDES permit parameters;
- Radionuclides that are listed in the Trench 14 disposal records; and
- Any additional consent order parameters.

Data from this study formed the baseline RCRA characterization of the leachate and the results were used to revise NYSERDA’s Part A Permit. As a result of

these analyses, the F039 multisource leachate code was replaced with the pertinent waste codes for this leachate. The leachate is characteristic for benzene (D018) and has 1,4 – dioxane, toluene and xylene as underlying hazardous constituents. In addition to the hazardous constituents present in the leachate, the radiological constituents include tritium (H-3), carbon-14, cesium-137, technetium-99 and strontium-90, and other trace radiological contaminants (e.g., Cs-134, Co-60, Pb-210, Pm-147, Ra-226, Na-22, Tl-204 and U-238).

Since 1991, the leachate in Tank T-1 has not been aerated. There is the potential for biological hazards to be present in the leachate, but sampling and analyses for these hazards, has not been performed.

The analytical results are presented in three tables (organics, inorganics and radionuclides) as Exhibit F. Waste volume and inventory information is provided in Exhibits G and H. Tritium is the most abundant radionuclide present in the leachate and has undergone at least one half-life decay since the sampling event of 1994. A decay-corrected value for tritium should be used for purposes of waste characterization and transportation.

The most recent radiological surveys of the tank and T-1 Building are presented in Exhibit I.

III. Program Requirements

A. Scope

NYSERDA is seeking proposals for performing the waste removal (including tank and ventilation system dismantlement), packaging, shipment, disposal and closure services for the radioactive and mixed wastes stored at the Tank T-1 Building. The waste will be removed, packaged, shipped and disposed in accordance with all applicable regulations, and the tank building will be closed in accordance with RCRA clean closure requirements.

NYSERDA has convened a Technical Evaluation Panel (TEP), with representation by NYSERDA, the U. S. Department of Energy and two outside waste management/regulatory experts, to assist in the selection of this contractor. This Scope of Work is being circulated to solicit bids from firms with waste management expertise interested in performing the tasks defined by this proposal. Work for this task is expected to begin July 1, 2009 and continue through December 31, 2009.

The success of this task will be, in part, dependent on securing the services of a highly-qualified, professional waste management company with experience in closing hazardous waste tanks and disposing of solid and liquid mixed waste.

B. Tasks

In an effort to close the Tank T-1 Building under RCRA, NYSERDA is now seeking a contractor to perform the following tasks under a turnkey contract:

➤ **Task No. 1 – Develop and submit pre-start deliverables**

1. Subtask 1-1 - Attend kickoff meeting with NYSERDA.
2. Subtask 1-2 - Develop a project work plan, health and safety plan (all contractor employees and subcontractors must be covered) and contamination control/radiation safety plan. All radiological work activities shall be performed in accordance with NYSERDA's Radiation Safety Program and Radioactive Materials License. All plans/permits are subject to approval by NYSERDA before field work can be initiated.
3. Subtask 1-3 – Develop a RCRA closure plan for the Tank T-1 Building. The draft closure plan must be submitted to NYSERDA for approval prior to the commencement of field work. Upon approval of the closure plan, NYSERDA will submit the final plan to NYSDEC and the New York State Department of Health (NYSDOH) for approval. Field work may be started prior to NYSDEC and NYSDOH formal approval of the closure plan.
4. Subtask 1-4 - Use existing data (or identify additional data needs) to properly profile all waste that will be shipped to an approved off-site facility. Treatment and disposal of leachate and associated mixed waste solids must comply with the Land Disposal Restriction Regulations in 40 Code of Federal Regulations (CFR) 268 and New York State's corresponding regulations 6 Official Compilation of Codes, Rules and Regulations of New York State (NYCRR) Part 364, as applicable.

➤ **Task No. 2 – Perform Field Work**

1. Subtask 2-1 – Perform all field work in accordance with Exhibits J and K *Safety, Training, and Handling of Chemicals and Waste* and *West Valley Site Management Program Safety and Health Program Plan*, respectively.
2. Subtask 2-2 – Transfer the leachate from the existing tank (Tank T-1) and other miscellaneous sample bottles into DOT-approved shipping containers. If necessary, collect samples of leachate for further characterization.
3. Subtask 2-3 – Broker and transport the liquid waste to an approved off-site facility. The contractor shall complete and sign as the shipper of record on the Nuclear Regulatory Commission (NRC) Radioactive Waste Manifest (Forms 540/541). NYSDEC and the Environmental Protection Agency (EPA) regulations (Form 8700-22, Uniform Hazardous Waste Manifest). The contractor shall list their current broker permit number, and for all mixed waste, the contractor shall complete EPA Form 8700-22 (and associated Land Disposal Restriction notifications) and provide them to NYSERDA for concurrence and signature.
4. Subtask 2-4 – Treat and dispose of liquids at an approved licensed and permitted facility authorized to accept mixed waste liquids.

5. Subtask 2-5 – Dismantle and cap the tank systems (e.g., fiberglass-reinforced polyethylene tank, pump skid, ventilation system, ancillary piping and valving) in accordance with the approved work plan. Package the miscellaneous solid waste and any dry active waste into suitable DOT-approved shipping containers. Decontaminate (to the extent practical) the Trench 14 piping that remains (the small section that penetrates the exterior wall into the building from Trench 14) and cap where pipe has been severed.
6. Subtask 2-6 - Package any miscellaneous free liquids (e.g., oil in the reservoirs of motors/pumps) into suitable DOT-approved shipping containers.
7. Subtask 2-7 – Any equipment containing oil is certified as non-Polychlorinated biphenyl contaminated.
8. Subtask 2-8 – Broker and transport the dismantled tank and other incidental solid waste to an approved treatment and disposal facility.
9. Subtask 2-9 – Dispose of the dismantled tank and incidental solid waste at an approved off-site facility that is authorized to accept low-level radioactive or mixed low-level radioactive solids.
10. Subtask 2-10 – Complete final radiological surveys (including tritium smears) of the Tank T-1 Building. Conduct a final inspection of the building to ensure that all RCRA waste has been removed. Verify that the facility can be released for unrestricted use and closed under 6 NYCRR Parts 373 and 380 and 12 NYCRR Part 38.

NOTE: All field work at the SDA is anticipated to occur between the hours of 8:00 a.m. – 5:00 p.m. Monday through Friday.

➤ **Task No. 3 – Tank Closure Certification**

1. Subtask 3-1 – Certify closure of the tank as required by RCRA. Issue a letter to NYSERDA, signed by the NYS Licensed Professional Engineer, certifying that the tank has been closed in accordance with the approved closure plan.

➤ **Task No. 4 – Prepare and Submit the Final Project Report to NYSERDA**

1. Subtask 4-1 – Submit a final report to NYSERDA that contains the following information:
 - a. Copies of all signed shipping papers including the land disposal restrictions notifications, uniform hazardous waste manifests, and low-level radioactive waste manifests;
 - b. Copies of all final radiation surveys;
 - c. Copies of characterization data including approved waste profile forms; and
 - d. All required documentation, including certifications required for clean closure as required by RCRA and identified in the closure plan.

2. Subtask 4-2 – Provide certificates of destruction/disposal for all waste shipped off-site. Certificates must be issued within 6 months of final waste shipments.

C. Division of Responsibilities

➤ NYSERDA shall provide the following:

1. Off-site Radioanalytical support for counting contamination wipe samples (both tritium smears and alpha/beta/gamma) with turnaround times from 48 hours to 72 hours;
2. Bioassay sample analysis;
3. Real-time tritium air monitoring;
4. Health Physicists and Radiation Control Technician Support
5. Emergency on-site field survey instruments;
6. Escorts, as needed, for accessing the site (entrance to the SDA is gained through the main gate of the West Valley Demonstration Project – a U. S. Department of Energy Site);
7. Access to printers, copiers, and fax machines at our Ashford Office Complex, located approximately five miles from the site;
8. All site-specific training for contract employees to allow unescorted access to the SDA, sanitary facilities and vending machines (including, General Employee Training, 24-Hour Radiation Worker Training and a self-study Site-Specific Training);
9. Access to utilities such as 110-volt electrical outlets and potable water;
10. A briefing and handout on *Safety, Training and Handling of Chemicals and Waste* (see Exhibit J); and
11. Additional Site-Specific Hazard Information.

➤ The Contractor shall provide the following:

1. 24-Hour Hazardous Waste Operations and Emergency Response trained personnel for all on-site field work;
2. U. S. Department of Transportation trained personnel (in accordance with requirements in 49 CFR Part 172, Subpart H) for completing required shipping manifests and performing other transportation functions;
3. Equipment needed to perform tasks outlined in the above Statement of Work;
4. Removal, treatment (as necessary) and disposal of all waste generated in the performance of this work;
5. Required Radioactive and Mixed Waste Broker Permits (as required by States receiving the waste or for transportation through States); and
6. Certificates of Insurance listing NYSERDA as the certificate holder.

➤ Suggested equipment includes, but is not limited to the following:

1. Mechanical cutting devices for dismantling the tank and other equipment as necessary;

2. Safety equipment such as Personal Protective Equipment specified in the approved Health and Safety Plan;
3. ANSI-certified ladders, scaffolding, etc., to access elevated areas of the tank;
4. Pumps and hoses for transferring liquid from the Tank and performing any final rinses;
5. Fork-lift and other large motorized equipment, as necessary;
6. DOT-approved waste containers (for both solids and liquids, including the potential for oil from motor/pump reservoirs);
7. DOT labels and markings, as applicable;
8. Spill Control and cleanup materials to handle incidental spills during liquid transfer or other radiological work activities; and
9. Transport vehicles for hauling waste containers and any bulk liquids.

D. Bidders Qualifications

- NYSERDA seeks proposals from firms with waste management expertise who have:
 1. Relevant education and experience in waste management (including, but not limited to regulatory compliance, waste profiling, transportation, treatment and disposal, and a proven safety record).
 2. Experience with similar waste management activities.
 3. The resources necessary to provide the full breadth of services required.

Relevant education and training would include degrees, training certificates, and other accredited education focused on, but not limited to, regulatory compliance, waste characterization, packaging, shipping/transportation, treatment and disposal.

Experience with similar waste management activities would include past waste management activities, including but not limited to activities involving mixed waste streams.

Resources necessary to provide the full breadth of services would include sufficient organizational resources to provide the services described in the Scope of Work.

IV. Proposal Evaluation

Proposals that meet the proposal requirements above will be reviewed by a TEP using the following evaluation criteria:

A. Technical and Management Criteria

- Organizational Experience and Key Personnel Qualifications
 1. Educational background and training of the primary project manager and other key personnel;
 2. Experience of the primary project manager and other key personnel; and

3. Breadth and quality of prior and current experience and past performance (NOTE: proposers should be aware that information may be requested from client references).

➤ Technical Approach and Capabilities

1. Soundness of the approach to provide the required services;
2. Ability to work with multiple regulatory requirements;
3. Quality of the resources and support systems of the organization; and
4. Ability to provide the necessary resources to conduct high quality work in a timely manner.

B. Cost Criteria

- The validity of the hourly rates proposed; and
- A comparison of all proposers' costs and fees.

After assessing the technical/management capability and cost proposals, the TEP will make a recommendation as to which proposal represents the best value to NYSERDA to perform this task.

V. **General Conditions**

A. **Proprietary Information** – Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers Law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that “are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise.” Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled as “Confidential” or “Proprietary” on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 (www.nyserda.org/nyserda.regulations.pdf).

B. **Omnibus Procurement Act of 1992** – It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority – and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division For Small Business
30 South Pearl Street
Albany, New York 12245

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, New York 12245

- C. **State Finance Law (Section 139-j and 139-k)** – NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements can be found at www.ogs.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html.

The attached Proposal Checklist calls for signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k.

- D. **Tax Law Section 5-a** – NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes.

The Department has created a form to allow a prospective contractor to readily make such certification, *See* ST-220-TD (at www.tax.state.ny.us/pdf/2006/fillin/st/st220td_0606_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such a certification with the Department. The Department has created a second form that must be completed by a perspective contractor prior to contacting and filed with NYSERDA. *See*, ST-220-CA (available at www.tax.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors (available at www.tax.state.ny.us/pdf/publications/sales/pub223_606.pdf).

- E. **Contract Award** - NYSERDA anticipates making one award under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be

submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement (Exhibit L) to contract successful proposals.

- F. **Limitation** – This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA’s best interest.
- G. **Disclosure Requirement** - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U. S. Government or the New York State Department of Labor.

VI. List of Exhibits

- Exhibit A – RFP No. 1289 Proposal Checklist
- Exhibit B – Disclosure of Prior Findings of Non-Responsibility Form
- Exhibit C - Contract Pricing Proposal Instructions and Form
- Exhibit D – Photographs and Floor Plan of Solid Waste, Tank T-1 and T-1 Building
- Exhibit E – Engineering Design Specifications for Tank T-1 and T-1 Building
- Exhibit F – Chemical and Radiological Data for the Leachate Based on the 1994 Sampling Effort
- Exhibit G – SDA Waste Volume and Inventory Information
- Exhibit H – SDA Waste Storage Summary
- Exhibit I – Current Routine Survey Data for Tank T-1 and the T-1 Building
- Exhibit J – Safety, Training, and Handling of Chemicals and Waste
- Exhibit K - WVSMP Safety and Health Program Plan (HAS503)
- Exhibit L - Frequently Asked Questions – RFP NO. 1289
- Exhibit M – NYSERDA Sample Agreement