



May 29, 2023

To: All Prospective Contractors

RE: "SB 54 Source Reduction Baseline" DRR24011

**Addendum No. 2
To the Request For Proposal, Secondary**

CalRecycle is issuing Addendum No. 2 to provide the following information to all interested parties.

1. Attached is a list of all businesses who have expressed an interest in the contract to date (Attachment 1).
2. The RFP has been revised (revision date of 5/29/24) with corrections where text additions are displayed in bold and underlined and text deletions are displayed with strikethrough text (i.e., strike). The revised RFP will replace the previous RFP in its entirety.
3. The Process Schedule has been revised as shown in the attached revised RFP. The Process Schedule is noted below:

| | |
|----------------------------------|--|
| Advertisement Date | April 25, 2024 |
| Proposer Conference at 10:00 am | May 9, 2024 |
| Written Questions Due by 5:00 pm | May 16, 2024 |
| Submittals Due by 2:00 pm | May 28 June 4 , 2024 |
| Post Notice of Intent to Award | June 13 19 , 2024 |

4. Attachment C, Cost Proposal Sheet, has been revised and replaced in its entirety. Proposers are advised to use the revised Attachment C contained in the revised RFP (revision date of 5/29/24).
5. CalRecycle has corrected the contract start date to read July in the Draft Standard Agreement (Attachment E) on page 49 of the RFP.
6. Proposers are advised to review the revised Pay-Per-Deliverable Structure Table and Exhibit B – Budget Detail and Payment Provisions contained in the revised RFP (revision date of 5/29/24).
7. The following questions were received during the Questions and Answers period.

Q1: From reading the guidance provided in D. and E, and specifically E. 1. “For the purposes of this study’s data collection, when providing an estimate of the weight of plastic components, only the plastic portion of the covered material should be included in the weight estimate. A piece of covered material could be comprised of a nonplastic and plastic component. In this case, only the weight of the plastic component should be included in the estimated weight.”, Can you confirm that our understanding of the guidance on estimating the weight and number of plastic and components is correct?

Aseptic carton

Supplied to the market: 1,000,000 units

Composition of the Aseptic carton by weight:

Paperboard: 100 grams

Polyethylene coating: 10 grams

Aluminum foil: 2 grams

CMC Reporting Category: PF3P Aseptic Cartons

Number of plastic components = 1,000,000

Weight of plastic = 10 g X 1,000,000 units = 10,000 kg or 10 tonne

For the CMC category “Glass Bottles and Jars w/ plastic component” which is “plastic”, the reporting of the number of plastic components and the weight of plastic components for the following scenario would look as follows?

Glass bottle without plastic component

Glass bottle with a plastic label and a tamper-proof ring that remains on the bottle after the cap is opened. Cap is made from HDPE and reported separately.

Supplied to the market: 1,000,000 units

Composition of the glass bottle and non-separable components by weight:

Glass Bottle: 250 grams

Plastic label (non-separable): 2 grams

Tamper-Proof Ring: 4 grams

CMC Reporting Category: G1P Glass Bottles and Jars w/plastic component

Number of plastic components = 2,000,000 (1,000,000 plastic labels + 1,000,000 plastic tamper-proof rings) or 1,000,000 (1,000,000 glass bottles with plastic components)?

Weight of plastic label = 2 grams X 1,000,000 units = 2,000 kg or 2 tonne

Weight of plastic tamper-proof ring = 4 grams X 1,000,000 units = 4,000 kg or 4 tonne

Total weight of plastic = 6,000 kg or 6 tonne

A1: For the description provided of the composition of the aseptic carton, the weight and number of plastic components provided in the example are correct.

For the description provided of the composition of the glass bottle with a plastic component, the weight provided in the example is correct. Each plastic component should be counted separately, in the example provided, the plastic tamper-proof ring and the plastic label would be counted separately and the number of plastic components would be 2,000,000. The heading “Glass bottle without plastic component” should be “Glass bottle *with* plastic component.”

Q2: How would the definition of “Component” in the draft regulations impact the guidance in Appendix X1 which is based on the definition of Plastic Component in PRC § 42041(u)? Would it be different, or would the guidance be the same? If different, how would this guidance change?

A2: Draft regulations are still in development and should not be considered at this time for the purpose of following the guidance in Appendix X1. Any regulations regarding the definition of “Component” that are ultimately adopted will be consistent with the definition of “Plastic Component” in PRC § 42041(u). Therefore, only the statutory definition of “Plastic Component” in PRC § 42041(u) should be considered at this time.

Q3: In Appendix X1 under points 9.F.3.a)b),d), there is reference to the entity “with a physical location in CA. However, in the draft regulations, a new definition of “in the state” with respect to persons that may be the producer, includes a broader interpretation to include entities that are under the jurisdiction of the CA courts. Since there are many entities that would meet this criterion that are outside of the state of CA and may not have a physical location in California, this guidance in the RFP does not seem to be aligned with the draft regulations. How will the definition of “in the state” change the determination of the obligated party? Would it be in conflict with the definition provided in this RFQ?

A3: Draft regulations are still in development and should not be considered at this time for the purpose of following the guidance in Appendix X1.

Please review the updated Appendix X1 that has been included in this addendum and provides updates under the “Producers of Covered Material” section. Updates to Appendix X1 may also be provided to the awarded Contractor as part of Task 1.

Q4: The guidance in Appendix X1 9.F.3.a), references only the manufacturer who is a brand owner as per the producer definition in PRC 42041 (w)(1) and is silent on the producer that is the brand owner of the brand when there is no “manufacturer who is the brand owner” that is located in the state (i.e. meets the definition of PRC 42041 (w)(2)). Is this intentional?

A4: Please review the updated Appendix X1 that has been included in this addendum and provides updates under the “Producers of Covered Material” section. Updates to Appendix X1 may also be provided to the awarded Contractor as part of Task 1.

Q5: In Appendix X1 9.F.3.b), is there an expectation that the consultant will identify all distributors (with a physical location in CA) and determine which of these distributors are distributing products that use covered material from brand owners without a physical location in CA. Again, does this refer to distributors that meet the definition of “in the state” as per the draft regulation, or would they need to have an actual physical location in the state?

A5: While there is not an expectation that the consultant will identify *all* distributors, it is expected that the consultant collects adequate information to extrapolate the collected foundational data to be representative of plastic covered material in California for the calendar year 2023.

For the purpose of this requirement, the consultant is expected to identify distributors of products that use covered material and for which there is not already a brand owner or licensee in the state. Draft regulations are still in development and should not be considered at this time for the purpose of following the guidance in Appendix X1. For additional insight to your question regarding the “in the state” language, please review the updated Appendix X1

that has been included in the addendum and provides updates under the “Producers of Covered Material” section. Updates to the Appendix X1 may also be provided to the awarded Contractor as part of Task 1.

Q6: There is no definition of “distributor” in the Act or in the draft regulations. Is it possible to provide a definition of distributor for the purposes of this work?

A6: For the purposes of this study, sellers and distributors should be considered jointly. Sellers and distributors collectively encompass wholesale and retail sellers, those who provide products to sellers, and entities that give products to consumers for free.

Please review the updated Appendix X1 that has been included in this addendum and provides updates under the “Producers of Covered Material” section. Updates to Appendix X1 may also be provided to the awarded Contractor as part of Task 1.

Q7: In Appendix X1 9.F.3.c), is there a requirement that these entities should have a physical location in CA? Since these entities are not considered “producers” under the Act, please provide the rationale for having the consultant identify these entities as producers.

A7: Please review the updated Appendix X1 that has been included in this addendum and provides updates under the “Producers of Covered Material” section. Updates to Appendix X1 may also be provided to the awarded Contractor as part of Task 1.

Q8: In Appendix 1 9.F.3.e) are you only looking to identify on-line marketplaces that “added packaging to the original product or re-packaged” even though these entities may be obligated as brand owners or distributors?

A8: Please review the updated Appendix X1 that has been included in this addendum and provides updates under the “Producers of Covered Material” section. Updates to Appendix X1 may also be provided to the awarded Contractor as part of Task 1.

Q9: Can you please clarify whether SMBE / DVBE participation is required or optional? If SMBE / DVBE is required, can a consideration be made to change it to optional given the focused and strategic nature of the requested services?

A9: The SB/DVBE participation requirement are being waived for this solicitation. The SB Preference and the DVBE Incentive are available to those proposers achieving SB/DVBE participation goals.

Q10: What is the expected duration required for CalRecycle review prior to publication?

A10: The final report must be completed by November 19, 2024. CalRecycle will review all deliverables prior to publishing the findings of this contract by January 1, 2025 pursuant to PRC § 42057(b).

Page 56 of the RFP, Draft Standard Agreement, has been updated. Please see the updated Contract/Task Time Frame table below which includes deadlines for each task:

| Task | Task Description | Start Date | End Date |
|------|---|--|--|
| 1 | Initial meeting(s) with CalRecycle | Date of Contract execution | Within seven (7) calendar days of the contract execution date |
| 2 | Monthly and Additional Meetings Throughout the Contract | Ongoing | End of Contract |
| 3 | Acquisition of Foundational Data | Upon completion of Task 1 | <u>By September 9, 2024 or</u> W <u>within</u> forty-four (44) calendar days after approval completion of Task 1 |
| 4 | Data Audit and Gap Analysis | Upon submission of amended foundational data from Task 3 | <u>By October 23, 2024 or</u> W <u>within</u> forty-four (44) calendar days after <u>approval</u> completion of Task 3 |
| 5 | Final Report | Upon completion of Task 4 | <u>By November 19, 2024</u> or W <u>within</u> twenty <u>seventy</u> -four (27 <u>4</u>) calendar days after <u>approval</u> completion of Task 4 |

Q11: Do you expect the PRO to provide foundational data for the analysis? If so, please indicate what can be expected and by when. Examples might include digital files on the total weight and number of components by covered material categories.

A11: For Task 3 - Acquisition of Foundational Data, foundational data may include, among other sources, information disclosed by producers or the PRO. Exactly what can be expected and by when is dependent on the Contractor's execution of the study.

Q12: Are there any interim milestones that we should account for in scoping the proposal (e.g. other key dates CalRecycle already has in mind during the contract period)?

A12: The Contract/Task Timeframe table in the Draft Standard Agreement, Exhibit A, contains a list of deadlines during the contract period.

Q13: With the Federal holiday of Memorial Day coming up before the deadline to submit, can the CalRecycle team consider extending the deadline by one week to June 4?

A13: See Item 3. CalRecycle has extended the deadline for submitting proposals to June 4, 2024 at 2:00 p.m.

Q14: Is field work or potential travel expected as part of data collection?

A14: While CalRecycle does not anticipate that field work or potential travel is required, the Contractor may propose, as part of their methodology, to conduct field work or travel to meet the objectives of the contract.

Q15: The proposal is due May 28, the day after the Memorial Day holiday. To ensure on-time delivery we will need to ship May 23. Is it possible to provide a deadline extension to June 4, 2024, by 5:00pm?

A15: See Item 3 and A13.

Q16: Page 8. (f.) of the RFP states, "Statement attesting to the fact of the percentage of post-consumer recycled content fiber paper used in the compilation of the Proposal package." What is CalRecycle's required minimum percentage of post-consumer recycled content fiber?

A16: Read Document Printing on page 7 of the RFP. All documents must be submitted double-sided on paper with a minimum of 100% post-consumer recycled content fiber.

Q17: Page 9 and 10 (c.) discuss Confidential Business Information (CBI) issues/agreements. Does CalRecycle have a sample/preferred CBI agreement that it would recommend firms use for this project?

A17: CalRecycle does not have a sample or preferred agreement for agreements issued between a Contractor and a third party.

Q18: On Page 12 the RFP discusses CalRecycle, "requires a minimum of 25% of the project services to be contract to a California OSDS Certified SB that performs a commercially useful function." Will CalRecycle accept a minimum of 25% of the project services to be contracted to a California based 501(c)4 nonprofit organization?

A18: In order to be eligible for the SB Preference, the firm must be a California certified Small Business by Department of General Services (DGS).

Q19: On page 12 the RFP states, "Each listed certified small business must perform a "commercially useful function" in the performance of the contract as defined in Government Code Section 14837(d)(4)." Is subject matter expert oversight/function included in CalRecycle's definition of "commercially useful function?"

A19: A subject matter expert oversight/function is not included in commercially useful function. A SB/DVBE certified firm performs Commercially Useful Function (CUF) when doing all of the following:

1. Executes a distinct element of the contract scope of work including supplying of goods/services.
2. Performs, manages, or supervises the work including supplying of goods/services.
3. Performs work that is normal for the firm's business services and functions.

4. Is responsible, with respect to products, inventories, materials and supplies required for the subcontract, negotiating price, determining quality and quantity, ordering, installing (if applicable), and paying for the material.
5. Does not subcontract a portion of the work greater than expected by industry practices.

Please visit [Commercially Useful Function for Certified Firms \(ca.gov\)](http://www.CalRecycle.ca.gov) for more information.

All other terms, conditions, and requirements of this RFP(S) remain the same.

For questions related to this solicitation, please contact me by e-mail at contracts@calrecycle.ca.gov

Sincerely,

Felix Valencia

{Original signed by}

Felix Valencia

Administrative Services Branch

Attachments:

Interested Parties

Interested Parties Listing for RFP(S) DRR24011

CalRecycle has not confirmed the certification status of firms who have identified themselves as CA Certified Small Business (SB) or Disabled Veterans Business Enterprise (DVBE).

| Contact Name | E-Mail | Company | Description of Services | Address | SB | DVBE | Interested as Prime | Interested as Sub |
|------------------|--------------------------------------|---|--|--|-----|------|---------------------|-------------------|
| Edward Boisson | ed@boissonconsulting.com | Boisson Consulting | Market & Industry Research | 48 CUSHING AVE. SAN RAFAEL, CA 94903 | Yes | No | No | Yes |
| Eric Franzen | proposals@cascadiaconsulting.com | Cascadia Consulting Group | Environmental, health, and community sectors | 344 20 th St, Oakland, CA 94612 | Yes | No | Yes | Yes |
| Chris van Rossem | chris.vanrossem@circularaction.org | Circular Action Alliance | Producer Responsibility Organization | NA | No | No | No | No |
| John Culbertson | info@mswconsultants.com | MidAtlantic Solid Waste Consultants (MSW Consultants) | Waste Management | 11875 High Tech Ave Ste 150, Orlando, FL 32817 | No | No | No | No |
| David Stitzhal | stitzhal@fullcircleenvironmental.com | Signalfire Group | Market Research, Assessment and | 333 Bryant St Ste 190, San Francisco | No | No | No | Yes |

| Contact Name | E-Mail | Company | Description of Services | Address | SB | DVBE | Interested as Prime | Interested as Sub |
|------------------|--------------------------------|---|---|--|-----|------|---------------------|-------------------|
| | | | Landscape Analysis | , CA 94107 | | | | |
| Onvia Management | deltekplusonvia@gmail.com | Source Management | NA | NA | No | No | No | No |
| Michael Centers | mccenters@titusservices.net | Titus MRF Services | Consulting, Design Services and Controls | 1430 Willow Pass Rd, Concord, CA 94520 | No | No | Yes | Yes |
| Katelin Hanson | katelin.hanson@wsp.com | WSP | Built Environment | NA | No | No | Yes | Yes |
| Marty Walters | marty.walters@recoveryrisk.com | Recovery Risk | Scientific, engineering, and governance tools to respond to environmental and climate risks | PO Box 411 Quincy, California 95971 | Yes | No | No | Yes |
| Pamela Schopf | pamela.schopf@aptim.com | Aptim Environmental & Infrastructure, LLC | Environmental solutions | 1200 Brickyard Lane, Suite 202 Baton Rouge, LA 70802 | No | No | Yes | No |

| Contact Name | E-Mail | Company | Description of Services | Address | SB | DVBE | Interested as Prime | Interested as Sub |
|---------------------|---------------------|----------------|--|---|-----------|-------------|----------------------------|--------------------------|
| Shira Lane | shira@atrium916.com | Atrium 916 | Sustainability, Engineering solutions | 1020 Front St Sacramento, CA 95814 | No | No | No | Yes |