

# STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

## Request for Applications (RFA)

### HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION SOLID WASTE PROGRAM

#### Waste Tire Innovative Market Development Grant Program

**RFA # HAZ17-2709**

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## **I. BACKGROUND AND OVERVIEW**

### **1. Background**

The purpose of this Colorado Department of Public Health and Environment Request for Applications (RFA) is to solicit responses for the development and expansion of waste tire markets in Colorado. The development of sustainable waste tire markets in Colorado will assist in the reduction of the storage and illegal dumping of waste tires.

On June 6, 2014, Governor John Hickenlooper signed House Bill 14-1352 (“Strategies For Waste Tires”). This legislation is a comprehensive approach to the management of waste tires in Colorado. Waste tires present environmental and public health problems if not properly managed.

The Department, under the Market Development Fund (30-20-1406, C.R.S.), is offering grant funds to assist in the development and expansion of waste tire markets in Colorado. Projects should be innovative with the potential of expanding tire-derived product markets in Colorado and regionally.

### **2. Definition of Terms**

- |                         |  |
|-------------------------|--|
| 1. CDPHE                | The Colorado Department of Public Health and Environment   |
| 2. CDPHE PM             | The Colorado Department of Public Health and Environment Project Manager   |
| 3. HMWMD                | Hazardous Materials and Waste Management Division  |
| 4. Tire-Derived Product | A product derived from a process that uses whole tires as a feedstock, including shredding, crumbing, and chipping; adheres to established engineering or other appropriate specifications or to established product end user specifications or customer conditions of acceptance, has a demonstrated benefit associated with the end use; can be used as a substitute for or in conjunction with a commercial product or raw material; and has either been sold and removed from the facility of a processor or has been used on site by the processor. |
| 5. Waste Tire End User  | A person who uses a tire-derived product for a commercial or industrial purpose; uses a whole waste tire to generate energy or fuel; or consumes tire-derived product or uses tire-derived product in its final application or in making new materials with a demonstrated sale to a third-party customer.   |
| 6. Beneficial Use       | The use of solid waste (e.g. waste tires) as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.  |

### **3. Eligibility**

This RFA is open to for profit companies, nonprofit organizations, government and Institutions of Higher Education that are located in and/or have operations in Colorado.

The applicant must submit a complete application to be considered for funding. Incomplete applications may not be reviewed.

The applicant cannot be in litigation or under any current compliance action with the Department or any other federal, state, or local governmental agency at the time of submitting an application or during the grant contract. Those who are out of compliance during the application process are ineligible to participate in the program. Successful applicants must remain in regulatory compliance while under contract during the entire contract period.

If applicable, the applicant must be registered with the HMWMD as a Waste Tire End User and/or any other registration requirements or must be able to register with the HMWMD prior to contracting under this program.

If awarded funding, you may be asked to participate in an upcoming Waste Tire Market Development Conference to discuss non-proprietary aspects of your project with a group of waste tire industry stakeholders.

### **4. Types of Grant Projects**

A. Grant funding will be available for the following initiatives:

1. To assist in the testing and/or research and development of new and existing waste tire recycling technologies, applications and products;
2. To assist in the incorporation of tire-derived materials, including ground rubber, tire-derived aggregate, and tire-derived fuel into one or more tire-derived products, or applications; and
3. To have testing conducted by an independent lab, (laboratory or testing facility associated with) Institutes of Higher Education, or other accredited facility on newly developed tire-derived products.

B. The types of tire-derived products or whole waste tire uses eligible for this grant program are:

1. Molded products (e.g. mats, pavers, sign bases, erosion control products, etc.);
2. Ground rubber;
3. Tire-derived aggregate (civil engineering);
4. Tire-derived fuel (use of shredded waste tires or whole waste tires);
5. Feedstock for replacement of virgin materials in new or existing products or compounds;
6. Rubber modified asphalt or concrete; and
7. Products generated by waste tire pyrolysis (e.g. generation of carbon char, oil, steel, etc.).

C. The types of tire-derived products or whole waste tire uses not eligible under this grant program are:

1. Alternative daily cover at landfills;
2. Projects for the disposal of waste tires or tire-derived products;
3. Tire bales used for windbreaks, fencing, livestock corrals, civil engineering, inventory reduction, or building construction;
4. Any use of whole waste tires other than for tire-derived fuel; and
5. Any tire-derived product that is not considered a “beneficial use” in the state.

CDPHE will consider other types of projects not listed on this RFA. Applicants should contact CDPHE PM to discuss prior to submittal.

## II. PROJECT BUDGET, TIMELINE AND LIFE OF PROJECT

### 1. Project Budget

#### A. Project funding for this grant program:

1. Applicants may request up to \$50,000 for a grant award for their proposed projects.
2. Once available funds for the current fiscal year are awarded, no further grant funds will be awarded for the current state fiscal year.
3. A minimum 20% cash match of the total awarded amount is required. CDPHE will not exceed \$50,000 for any grant award. Any costs above \$50,000 must be covered by the applicant.
4. Applicants cannot have more than one grant project during the state fiscal year.
5. Applicants cannot concurrently have more than one application submitted for review at any time.
6. These are cost reimbursement grants. Awardees must pay all costs upfront and provide proof of payment to CDPHE prior to reimbursement.
7. Reimbursements of funds will only occur after the project is completed and all required proof of payment is submitted and approved by CDPHE, unless interim payment benchmarks and conditions have been established in the project statement of work and accepted by the Department.
8. CDPHE may discontinue or suspend this application process at any time without notice.
9. CDPHE reserves the right to negotiate a reduced requested award amount if application is selected for funding.
10. Awards may be delayed until the next fiscal year at program's discretion.

### 2. Award Period

- A. Projects can start at any time during the state fiscal year. The state fiscal year starts July 1<sup>st</sup> and ends June 30<sup>th</sup>.
- B. Projects should end by no later than December 15, 2017.
- C. This application will remain open until all funding is appropriated for the current state fiscal year. Funding available will be available on CDPHE website (<https://www.colorado.gov/pacific/cdphe/wt-market-development-fund>).
- D. Applications will be due based on a two month grant cycle. Applications will be reviewed within 20 calendar days from the previous due date. Applications will continue to be accepted until funds are not available. Go to our website at <https://www.colorado.gov/pacific/cdphe/wt-market-development-fund> to see grant cycle schedule and available funding.

Questions about this RFA can be directed to Brian Gaboriau, CDPHE PM, at [brian.gaboriau@state.co.us](mailto:brian.gaboriau@state.co.us) (Subject Line: Market Development Grant Program Questions). All questions and answers will be posted on HMWMD website (<https://www.colorado.gov/pacific/cdphe/wt-market-development-fund>).

## III. HOW TO APPLY

Responses must be submitted as specified in this announcement. **NOTE: Applications that fail to follow ALL of the requirements may not be considered.** All applications must include the following Sections:

### 1. Request for Applications Cover Sheet & Signature Page

A completed and signed Cover Sheet & Signature Page Form (**Attachment #1**) must be

submitted with the response as Page 1 of the application.

**2. Pre-Award Risk Assessment Questionnaire**

**IMPORTANT:** Local public health agencies, State of Colorado agencies and Institutes of Higher Education are not required to complete the Questionnaire. **This Questionnaire must be completed and submitted by all other applicants.**

The Questionnaire will be used to assign a risk rating. Those applications requiring the Questionnaire will not be reviewed if the completed Questionnaire is not included. The final application score will be impacted by risk determinations made by CDPHE based on information contained in the Questionnaire.

The Questionnaire (**Attachment #2**) shall be included in the Appendix section of the application.

**3. Executive Summary**

- A. Name and description of your entity;
- B. Brief summary of the project;
- C. How the project will increase the market for waste tires; and
- D. Benchmarks established to determine if the project is successful.

**4. Summary of Experience/Qualifications**

- A. For profit or nonprofit applicants, provide an overview of the company, including:
  - 1. Current ownership;
  - 2. Business address;
  - 3. Number of years your company has been in the waste tire industry;
  - 4. List of any company name changes in the last five (5) years;
  - 5. Any affiliate, parent, or subsidiary relationships;
  - 6. A description of the company's current business and any tire-derived product(s) currently manufactured;
  - 7. Identify key personnel to be assigned to the project. Summarize their experience and provide current resumes in Appendix; and
  - 8. Provide compliance history with federal, state, and local environmental laws, rules, and regulations over the past three years.
- B. For Institution of Higher Education and government applicants, provide an overview of the following:
  - 1. Address;
  - 2. Example of past projects that included the testing of waste tires or tire-derived products. Describe the outcomes of the past projects, both positive and negative;
  - 3. Overview of how past waste tire projects were shared with other institutions of higher education, government or the business community; and
  - 4. Identify key personnel to be assigned to the project. Summarize their experience and provide current resumes in Appendix.

## 5. Project Description

- A. The project description must address each section clearly and concisely, and include all of the required information for the section. Please provide as much detail as possible.
1. Provide project goals. Clearly indicate how waste tire use will increase as a result of the project. Provide a forecast, in passenger tire equivalent (22.5 lb/tire) or tons, of the amount of additional waste tires that will be used if project is successful. Include a detailed discussion of the methods and technology to be used to implement the project and/or the research and development that will be conducted.
  2. Applicant shall include a complete description of the entire operations related to implementation of the project. The discussion should include all aspect of the operations and not be limited to only the portion of the operations to be funded by the grant. For example, describe the entire market development operation, including all aspects of raw material procurement/collection, processing, and marketing.
  3. If the proposed project is an expansion or an addition to the applicant's current operations/activities, include a description of the current operations/activities and how the proposed project will fit into the current operations/activities.
  4. Provide a forecast of the number of waste tire industry jobs (full-time employees) that would be added if the project is successful. Indicate how this forecast was calculated.
  5. Describe the process to be used for measuring and reviewing the progress and success of the project. Include the specific types of data collection or project measurement methods that will be used to determine and track project accomplishments.
  6. Applicant shall provide a detailed narrative response that demonstrates the benefit of the proposed project to increasing market demand for waste tires. This narrative should include a discussion of existing similar products and how use of waste tires will help reduce the need or use of virgin materials or, at a minimum, help to create sustainable markets for waste tires.
  7. Provide a rationale in support of the proposed project's economic benefit.
  8. Identify and discuss if there are any federal, state, and/or industry standards by which your project and/or products will be measured.
  9. If applicable, discuss the potential for this project to be replicated in other areas or serve as a model to others. Identify target groups that could implement your project results. Include an estimate of the quantity of materials that could be utilized by these target groups and a detailed discussion of the rationale behind the estimate.
  10. If applicable, describe and document the willingness and commitment of entities within the target groups and others to implement a full or pilot scale project, based upon the anticipated outcome of the proposed project.
  11. If applicable, describe how you will promote full or pilot-scale implementation of this project among the target groups or others. Because research and development results must be widely available to others, activities and tasks demonstrating effective technology transfer activities will influence the evolution of the project.
  12. If purchasing tire-derived product or whole waste tires, provide name of registered Colorado Waste Tire Processor, retailer, or registered Waste Tire Generator supplying the material, the number of waste tires in passenger tire equivalents (22.5 lbs/tire) or number of tons to be used for the project, the Colorado Waste Tire Processor, retailer, or Waste Tire Generator address, HMWMD registration number, and contact person. If purchasing tire-derived product outside of Colorado, please provide explanation why unable to purchase in Colorado along with company name, address, and contact person. (Note: any tons purchased that will be reimbursed under this grant program cannot be claimed through a rebate under the End Users Fund (6 1007-2, section 10.12.2 (E)).

**6. Market Overview (for-profit companies ONLY)**

B. Provide a market overview that includes all of the following information:

1. Identify the market segment that will use the tire-derived product or waste tires;
2. If applicable, describe how you will promote and sell the tire-derived product; and
3. List of known competitors selling the same or similar product to market segment.

**7. Work Plan Overview / Work Plan Template**

In this section, provide an overview that describes how the applicant will carry out the proposed project. Define the work to be completed including a description of all elements of the project. Briefly discuss how the project will be managed to ensure deliverables are being completed on time and within the proposed budget.

Using the Work Plan Template (**Attachment #3**), identify and list the goal(s) and objective(s) of the project. Goals are typically broad statements; they define a target for achievement. Objectives are statements that are focused and detailed. When the objective is accomplished, it achieves the goal or makes progress toward the achievement of the goal.

Identify and list the primary activity. If specific tasks need to be completed to successfully complete the primary activity, list these in the sub-activities section. If sub-activities are not needed, leave the sub-activities category blank. Ensure that the primary activity and sub-activities will meet the objective of the project. Projects may have multiple activities and corresponding sub-activities. Copy and paste additional rows in the template as needed.

Enter each expected deliverable related to the objective along with completion date(s). Deliverables are typically tangible items and demonstrate progress or completion of the activities. Deliverables may also include information on what is being measured to ensure the result is achieved. Examples of deliverables may be reports, tracking logs, testing results or outcomes, or some other element of a project. (Note: a final report will be required prior to a final reimbursement invoice being paid. A final report template will be provided if project is selected for funding).

The Work Plan Template (**Attachment #3**) should be included in the Appendix section of the application.

**8. Budget Narrative / Budget Template**

This section describes how costs were determined and how they relate to the project. The budget narrative should explain all expenditures for completion of the project. Indicate any other funding sources that will be used for this project and describe any plans to attract additional funding. If applicable, include a description of the financing approach that will be used (loans, other grants, etc.). Explain the contingency plan if additional funding is not secured. Indicate the method of selection used for the subcontractors and/or materials to be used for the project.

A Budget Template (**Attachment #4**) is provided. There will be no reimbursement of pre-award costs. Copies of quotes for services to be completed or materials to be purchased, along with the budget table (**Attachment #4**), must be included in the Appendix. The Department reserves the right to deny requests for any item listed in the budget that is deemed to be unnecessary for the implementation of the project. Proposed budgets shall reflect the funding period needed to complete your project. For Institutes of Higher Education applicants only, you may have personnel wages and fringe benefits covered for personnel hired, employees, or graduate assistants currently in your organization conducting work for this proposed project. Use the Wage and Rate Sheet

(Attachment #5) and list personnel wages and fringe benefits or provide your own prepared worksheet.

#### 9. Appendix (Additional Documents)

Along with your application, the following documentation is required:

- a. Attachment #1: Vendor Information Form / Confirmation of Offer
- b. Attachment #2: Pre-Awards Risk Assessment Questionnaire
- c. Attachment #3: Work Plan Template
- d. Attachment #4: Budget Template
- e. Attachment #5: Wage and Rate Sheet
- f. Current organizational chart.
- g. Key personnel current resumes.
- h. Previous test results documents on proposed testing products (if applicable).
- i. Quotes for services being requested and/or materials to be purchased or rented for your project proposal.

The following documentation is optional:

- a. Letters of support from potential business partners / governmental agencies (limit 4).
- b. News articles relevant to your project.

#### IV. APPLICATION FORMATTING INSTRUCTIONS

CDPHE prefers that applications be submitted using the following page formatting requirements:

- a. Application Font: Times New Roman
- b. Application Font Size: 11 point
- c. Application Spacing: Double spaced, 1" margins on all sides
- d. Application Printing: Double sided printing preferred, but not required
- e. Page Numbering: Number all pages at the bottom right corner of the page
- f. Page Limit: No more than 20 pages. Cover Sheet & Signature Page, Table of Contents, and Appendix do not count towards 20 page limit.
- g. Headings: The original headings for each and all sections of the response must be included. Each section should be separated by tab providers:
  - i. Executive Summary
  - ii. Summary of Experience/Qualifications
  - iii. Project Description
  - iv. Market Overview (for profit applicants only)
  - v. Work Plan Overview
  - vi. Budget Narrative
  - vii. Appendix
- h. Appendix Labeling Requirements: Each attachment should be labeled with the original label for the document, e.g., Work Plan Template, Budget Template, etc.

#### V. SUBMISSION INSTRUCTIONS:

This Request for Applications (RFA) is issued by the Colorado Department of Public Health and Environment (CDPHE), also referred to as the "State", for the benefit of the Hazardous Materials and Waste Management Division. The CDPHE contact listed in these instructions is the sole point of contact concerning this RFA.

During the solicitation process for this RFA, all official communication with applicants will be via notices on the CDPHE Program Web Site at <https://www.colorado.gov/pacific/cdphe/wastetires>. Notices may include any modifications to administrative or performance requirements, answers to inquiries received, clarifications to requirements, and the announcement of the apparent winning applicant(s). Applicants are responsible for monitoring for publication of modifications to this solicitation. **It is incumbent upon applicants to carefully and regularly monitor for any such notices.** Applicants are not to contact any other state office or individual regarding this RFA or this project. Applicants are not to rely on any other statements that alter any specification or other term or condition of the solicitation. Applications must be received on or before the due date and time as indicated in the Schedule of Activities. **Late applications will not be accepted. It is the responsibility of the applicant to ensure that its application is received by the CDPHE Waste Tire Program at the location listed in these instructions on or before the due date and time.**

One completed copy of the Request for Application Cover Sheet & Signature Page MUST be signed in ink, preferably blue ink, by a person who is legally authorized to bind the applicant to the application. The signed Request for Application Cover Sheet & Signature Page and Overall Subrecipient-Recipient Risk Assessment Questionnaire shall be included with the application copy that is marked "ORIGINAL". Submissions that are determined to be at a variance with this requirement may be deemed non-responsive and may not be accepted.

Binding: Binder clips ONLY. Applications may NOT be stapled, in three ring binders, or otherwise bound

Paper Type: The Department encourages that applications be submitted on recycled paper. While the appearance of applications and professional presentation is important, the use of non-recyclable or non-recycled glossy paper is discouraged.

Applicants are to segregate the portion of the application responding to the pricing and funding application so the technical application can be evaluated without consideration of the price or funding model.

All materials submitted shall become the property of the CDPHE, and will not be returned unless the RFA solicitation is cancelled prior to the submittal due date, in which case applications will be returned unopened or opened only for identification purposes.

All materials submitted will become public record and open to inspection after the Award notice is issued. Any materials requested to be treated as Confidential and/or Proprietary information are to be packaged separately and clearly identified. Such request must include justification for the request. The request will be reviewed and either approved or denied in writing by the CDPHE Purchasing Director. If denied, the proposer will have the opportunity to withdraw its entire application, or to remove the restrictions. (Ref §24-72-201 et.seq, C.R.S., as amended, Public [open] Records) **Neither cost nor pricing information or a total application will be considered Confidential and/or Proprietary.**

## 1. Applications

Applications may be received electronically or by mail. Faxed applications will not be accepted. Email or mail your application and all attachments to the following individual:

Brian Gaboriau  
Waste Tire Project Manager  
4300 Cherry Creek Drive South  
Denver, CO 80246  
303-692-2097  
[brian.gaboriau@state.co.us](mailto:brian.gaboriau@state.co.us)

Applications received will receive email confirming the delivery.

**VI. APPLICATION TECHNICAL ASSISTANCE**

**1. Inquiries**

Applicants may make written inquiries via email to obtain clarification of requirements concerning this RFA. No inquiries will be accepted after the date and time indicated in the Schedule of Activities listed under Section 0 of this document. Send all inquiries to:

Brian Gaboriau  
Waste Tire Project Manager  
[brian.gaboriau@state.co.us](mailto:brian.gaboriau@state.co.us)

Clearly identify your inquiries with:

- A. HAZ17-2709
- B. Waste Tire Innovative Market Development Grant Program
- C. The section number and paragraph number the inquiry applies to.

Responses to applicant inquiries will be published as a modification on the CDPHE Program Website. Applicants are not to rely on any other statements that alter any specification or other term or condition of the RFA.

**VII. SCHEDULE OF ACTIVITIES:**

Solicitation Activity Timeline		Time	Date
1.	RFA Published		Continuous
3.	Deadline for applicants to submit written Inquiries. Submit all inquiries by email to <a href="mailto:brian.gaboriau@state.co.us">brian.gaboriau@state.co.us</a> or by mail.	2:00 MT	1 <sup>h</sup> Calendar Day of Month of the application month due date
4.	Answers to written inquiries published on CDPHE Program Website		
5.	Application submission deadline	2:00 MT	Last Business Day of every other Month
7.	Evaluation Period - Estimated	N/A	20th Calendar Day following application due date
8.	Notification of Award - Estimated	N/A	30th Calendar Day following application due date
9.	Estimated Contract Effective Date - Estimated	N/A	The Following Month

**VIII. SELECTION AND EVALUATION:**

The evaluation criteria have been developed to identify those proposals that most completely demonstrate the applicant’s ability to successfully implement a waste tire market development project. All eligible applications will be independently evaluated based on how well they address the evaluation criteria for the proposed project.

The program carefully designed scoring and selection process to ensure fair selection of the best qualified applicants. The selection process is described below. The criteria for scoring are in direct correlation to the required application components. **Applications that fail to follow ALL of the requirements may not be considered**. Also see the administrative information concerning evaluation in section X.34.-Selection and Evaluation. The State may use all information available regarding past performance as defined in C.R.S. §24-102-205 et.seq

**1. Evaluation:**

The evaluation factors, in decreasing order of importance are:

A. Project Description:

1. Is this project new and innovative, or is it an existing product that needs further analysis?
2. How sound are the methods proposed to complete the project and achieve the results needed? Does the project demonstrate transferable technology and the potential to produce a broad benefit? Does the project demonstrate long-term sustainability?
3. If successful, will the results increase the usage of waste tires into tire-derived products in the state? Will it diversify end use markets?
4. Will this project, if successful, create jobs new jobs in the waste tire industry?

B. Market Overview (for-profit companies only):

1. Is the project economically and environmentally feasible and market-oriented?
2. Does the proposal demonstrate viable markets for the proposed product? For example, a signed contract or Letter of Intent from an end user of the product and/or a market analysis with supporting documentation?
3. Applicants who demonstrate they have the financial capability and financial viability to make the project a success and implement market development based on project results.

C. Summary of Experience/Qualifications:

1. Does the applicant's experience, qualifications and experience of key personnel assigned to this project likely to foster successful, on-time performance of the project?

D. Work Plan Overview / Work Plan Template:

1. Does the organization describe the project, methods and implementation plan, including time-framed and measurable goals, objectives, and outcomes?
2. Does the implementation plan match the deliverables in the application?

E. Budget Narrative / Budget Table:

1. Is a detailed budget narrative included?
2. Is the overall budget, as well as the individual items, reasonable considering the scope of work activities?
3. Did the applicant provide documented quotes for services or testing needed?

**Application Review Process/Scoring**

Applications for funding will be evaluated by a review committee consisting of Department staff and Tetra Tech, Inc., the consulting firm currently under contract with the Department to assist with waste tire market development in Colorado. Applications will be reviewed within twenty (20) business days of the previous month's end. The Department reserves the right to ask for additional information or clarification of an applicant's application.

Applicants must score at least 75% percent, to be considered for funding. If eligible, unsuccessful applicants may reapply in future grant cycles subject to legislative appropriation of funds.

### Review Criteria

The following is the point breakdown for the criteria of which your application will be scored:

- A. Project description:
  - 1. New/innovative Project: (20 points)
  - 2. Technical merit (15 points)
  - 3. Potential increase of waste tire usage: (15 points)
  - 4. Potential job creation: (5 points)
- B. Market Overview (for-profit companies only) (20 points)
- C. Summary of Experience / Qualifications (15 points)
- D. Work Plan Overview / Work Plan Template (5 points)
- E. Budget Narrative / Budget Template (5 points)

### Use of Risk Rating in Evaluation

Prior to final evaluation for for-profit and nonprofit applicants, the risk rating determined from the submitted Risk Assessment Questionnaire or FRMS rating shall be applied in the form of a deduction from the final evaluation total score according to the following table. Award considerations will then be based on the adjusted total score.

<b>Risk Determination</b>	<b>Percent of Possible Total Deducted from Evaluation Score</b>
Low	0% reduction
Medium	10% reduction
High	20% reduction

### Notification and Decision

Applicants will be notified via email if approved or denied for funding. If eligible, unsuccessful applicants may reapply in future grant cycles subject to legislative appropriation of funds.

#### 1. Post-Award Process:

##### **Contract Negotiation Process**

All Waste Tire Market Development Projects are subject to negotiation of Scope of Work, Deliverables, Budget, and Schedule.

##### **Insurance Requirements**

Successful applicants shall comply with the State's insurance requirements to protect the grantee and the state from any damages or loss. The State will request that you submit proof of insurance, usually when you submit signed copies of the contract, at a later date.

Do not submit your proof of insurance with the application.

## IX. TEMPLATES AND RESOURCES

### 1. Templates and Forms

- Attachment 1:** Request for Applications Cover Sheet and Signature Page  
Complete all sections of the Application Information Form and Signature page and submit as the cover page of the grant application.
- Attachment 2:** Application Pre-Award Risk Assessment Questionnaire
- Attachment 3:** SOW Work Plan Table Template(s)
- Attachment 4:** Budget and Budget Justification
- Attachment 5:** Wage and Rate Sheet
- Attachment 6:** General Provisions and Special Provisions-Contract

### 2. Program Resources/Websites

The CDPHE Program Web Site at <https://www.colorado.gov/pacific/cdphe/wastetires>

## X. Administrative Information:

By submission of an application, the applicant agrees as follows:

### 1. Acceptance of RFA Terms

An application submitted in response to this RFA shall constitute a binding offer. The autographic signature of the applicant or of a designee legally authorized to execute contractual obligations shall indicate acknowledgment of this condition. A submission in response to this RFA acknowledges acceptance by the applicant of all terms and conditions, including compensation, as set forth herein.

### 2. Colorado Contract General Provisions and Special Provisions

The State of Colorado will incorporate standard General Provisions and Special Provisions into any contract resulting from this RFA. Minor elements of the General Provisions may be negotiable. The terms of the Special Provisions are non-negotiable.

A sample of the most recent version of the General Provisions and Special Provisions can be found in **Attachment 6: General and Special Provisions-Contract**. Provisions that actually appear in the final contract will reflect the approved State version at the time of contract execution.

### 3. Modification or Withdrawal of Applications

Applications may be modified or withdrawn by the applicant prior to the established submission due date and time.

### 4. Addendum or Supplement to Request for Applications

In the event that it becomes necessary to revise any part of this RFA, a modification will be posted at CDPHE Program Website. It shall be the responsibility of the applicants to regularly monitor the web site for any such postings. Failure to retrieve such modifications, and include their provisions in your application, may result in your application being disqualified.

Should the applicant find any part of the solicitation to be discrepant, incomplete, or otherwise questionable in any respect, the applicant shall be responsible to call such matters to the attention of the CDPHE Program Manager immediately. Failure to do so shall be at the applicant's risk. Amendments to this solicitation will be official only if published on the CDPHE Program Website. Applicants should not rely on verbal statements that alter this solicitation.

### 5. Oral Presentations/Site Visits

Applicants may be asked to make oral presentations or to make their facilities available for a site inspection by the evaluation committee. Such presentations and/or site visits will be at the applicant's expense.

CDPHE does not anticipate using oral presentations or making site visits as part of the evaluation, but reserves the right to do so.

**6. Rejection of Applications**

The State of Colorado reserves the right to reject any or all applications received in response to this RFA, to waive informalities and minor irregularities in applications received, and to accept any portion of an application or all items proposed if deemed in the best interest of the State of Colorado to do so.

**7. Confidential/Proprietary Information**

Any restrictions of the use or inspection of material contained within the application shall be clearly stated in the application itself. Written requests for confidentiality shall be submitted by the applicant with the application. The applicant must state specifically what elements of the application are to be considered confidential/proprietary and must state the statutory basis for the request under the Public (open) Records Act. (§24-72-201 et seq., C.R.S.) Confidential or proprietary information must be readily identified, marked and separated from the rest of the application. Co-mingling of confidential and/or proprietary and other information is NOT acceptable. Neither an application in its entirety, nor application price information will be considered confidential and proprietary. Any information that will be included in any contract resulting from the RFA cannot be considered confidential.

The CDPHE will make a written determination as to the apparent validity of any written request for confidentiality. In the event the CDPHE does not concur with the applicant's request for confidentiality, the written determination will be sent to the applicant. Ref §24-72-201 et seq., C.R.S., as amended, Public (open) Records Act.

Applicant(s) acknowledge that they may come into contact with confidential information contained in the records or files of the State in connection with any resulting contract or in connection with the performance of its obligations under any resulting contract. The awarded applicant(s) shall keep such records and information confidential and shall comply with all laws and regulations concerning the confidentiality of such records to the same extent as such laws and regulations apply to the State.

The awarded applicant(s) shall notify its employees that they are subject to the confidentiality requirements as set forth above, and shall provide each employee with a written explanation of the confidentiality requirement before the employee is permitted access to confidential data. Awarded applicant(s) shall provide and maintain a secure environment that ensures confidentiality. The confidentiality of all information will be respected and no confidential information shall be distributed or sold to any third party nor used by awarded applicant(s) or its assignees and/or subcontractors in any way except as authorized by this contract. Confidential information shall not be retained in any files or otherwise by awarded applicant(s). Disclosure of such information may be cause for legal action against the awarded applicant(s). Defense of any such action shall be the sole responsibility of the awarded applicant(s). Unless directed otherwise, awarded applicant(s) is required to keep all State information in a secure, confidential manner.

**8. Response Material Ownership**

The State of Colorado has the right to retain the original application and other RFA response materials for our files. As such, the State of Colorado may retain or dispose of all copies as is lawfully deemed appropriate. The State of Colorado has the right to use any or all information/material presented in reply to the RFA, subject to limitations outlined in the Proprietary/Confidential Information clause. Applicant expressly agrees that the State may use the materials for all lawful State purposes, including the right to reproduce copies of the material submitted for purposes of evaluation, and to make the information available to the public in accordance with the provisions of the Public Records Act.

**9. Application Prices**

Applicant testifies that submitted prices were arrived at independently and there was no collusion involved.

Estimated application prices are not acceptable. Application prices should be best and final offer, unless otherwise stated in the RFA. The application price will be considered in determining the

apparent successful applicant. Applications shall be firm for a period of not less than one-hundred-twenty (120) calendar days.

Payments will be on a cost-reimbursement method as outlined in the resulting contract and budget. It is anticipated that payments will be made on a monthly basis after receipt and approval of awarded vendor's invoice. Receipts for travel shall be required, if allowed. No payment shall be made until after the contract has been negotiated and properly executed (signed by State Controller or designee).

**10. RFA Cancellation**

The State reserves the right to cancel this Request for Application in its entirety or individual phases at any time, without penalty.

**11. Conflict of Interest/Organizational Conflict of Interest**

By submission of a RFA response, the applicant agrees that at the time of contracting the proposer has no interest, direct or indirect, that would conflict in any manner or degree with the performance of the required services and obligations. The applicant shall guarantee that in the performance of the contract they shall not employ any person having any such known interest. Applicants are required to disclose all current or pending projects with the State of Colorado, and/or political subdivisions. Applicants must include all potential conflicts related to this solicitation and any other services related to this project at the time of response submission and during contract performance. Applicants must explain any State employment affiliation.

Any business entity or person is prohibited from being awarded a contract if the business entity or person has an "Organizational Conflict of Interest" with regard to this solicitation and the resulting contract(s).

No person or business entity who was engaged by the State to prepare the original RFA shall be eligible to participate (directly or indirectly) in the submission of an application for this solicitation

**IF:**

**Such person or entity had prior access to source selection information related to this procurement process; and** that prior access included, but was not limited to: requirements, statements of work, or evaluation criteria.

The State considers such engagement or access to be an Organizational Conflict of Interest, which would cause such business entity or person to have an unfair competitive advantage.

If the State determines that an Organizational Conflict of Interest exists, the State, at its discretion, may cancel the contract award. In the event the successful applicant was aware of an Organizational Conflict of Interest prior to the award of the contract and did not disclose the conflict to the procuring agency, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed by subcontractors in connection with the performance of the contract, with the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the State's rights.

**12. Present/Former Employee Standards of Conduct – Disclosures**

Pursuant to sections 24-18-101 and 201, et. seq., C.R.S., and section 24-50-507, C.R.S., former and present public employees and officials may not "be interested" in some State Agency contracts and are prohibited from engaging in certain activities in relation to State contracts. The State reserves the right to void or terminate contracts entered into in contravention of those provisions, or contracts in which a current State employee performs any contract administration function involving the use of State time or resources or that is otherwise contrary to State law. Notwithstanding the disclosure provisions in section 24-18-201, C.R.S., the State reserves the right to disqualify any application, or void or terminate any contract involving the participation or use of a present or former employee within the meaning of that section where such disqualification or termination is deemed to be in the

best interest of the State. At the time of the submission of any application, the contractor shall disclose to the Procuring Agency the identity, organization, and nature of participation of any present or former employee (who terminated State employment within six months prior to the date of receipt of applications) participating in development of the application. Further, the contractor shall disclose during contract performance the identity, organization, and nature of participation of any present or former employee (who terminated State employment within six months prior to the date of any resulting contract or purchase order).

**13. Alternative Bids or Offers/Affiliated Vendors**

Unless otherwise permitted by the Procuring Agency, alternative applications by any vendor are not permitted. Unless otherwise permitted by the Procuring Agency, applications by affiliated vendors are not permitted except in accordance with this paragraph. An affiliated vendor is one who is controlled or owned by another vendor responding to this solicitation, or owned or controlled by a third person or other entity that controls or owns two vendors responding to this solicitation. "Affiliation" includes one person's having a substantial role in the preparation of offers by two vendors responding to this solicitation. A submission of an application in connection with any solicitation represents a certification that the applicant is not affiliated with any known vendor also submitting an application in response to the solicitation, except to the extent the nature of such affiliation is described with particularity. The State reserves the right to disqualify any application by, or void any resulting purchase order or contract with, any vendor responding to a solicitation in violation of this provision or the following certificate of independent price determination.

**14. Certification of Independent Price Determination**

By submission of this application, each applicant certifies, and in the case of a joint application, each party thereto certifies as to its own organization, that in connection with this procurement:

- A. The prices in this application have been arrived at independently, without consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other applicant or with any competitor;
- B. Unless otherwise required by law, the prices which have been submitted in this application have not been knowingly disclosed by the applicant and will not knowingly be disclosed by the applicant prior to opening, directly or indirectly to any other applicant or to any competitor; and
- C. No attempt has been made or will be made by the applicant to induce any other person or firm to submit or not submit an application for the purpose of restricting competition.

Each person signing the Request for Application Cover Sheet & Signature Page of this application certifies that:

- D. The signing individual is the person in the applicant's organization responsible within that organization for the decision as to the prices being offered herein and that he has not participated, and will not participate, in any action contrary to K.(1)(a) through K.(1)(c) above; or
- E. He is not the person in the applicant's organization responsible within that organization for the decision as to the prices being offered herein but that he has been authorized in writing to act as agent for the persons responsible for such decision, in certifying that such persons have not participated, and will not participate, in any action contrary to (1)(a) through (1)(c) above, and as their agent does hereby so certify; and he has not participated, and will not participate, in any action contrary to K.(1)(a) through K.(1)(c) above.

An application will not be considered for award where K.(1)(a), K.(1)(c), or K.(2) above have been deleted or modified. Where K.(1)(b) above has been deleted or modified, the application will not be considered for award unless the applicant furnishes with the application a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency (CDPHE) determines that such disclosure was not made for the purpose of restricting competition.

**15. Selection of Successful Application and Notice of Intent to Award**

The State reserves the right to make an award on receipt of initial applications, so applicants are encouraged to submit their most favorable application at the time established for receipt of

applications. Applicants not meeting the requirements identified in the RFA shall be ineligible for further consideration. The State may conduct discussions with applicants in the competitive range (those most responsive to the requirements and reasonably susceptible of being selected for award) for the purpose of promoting understanding of the State's requirements and the applicant's application, to clarify requirements, make adjustments in services to be performed, and in prices. Changes to applications, if permitted, will be requested in writing from applicants. If application revisions are permitted after oral presentations and discussions, a date will be established in writing by the State for submission of best and final offers (BAFO). Applicants will not be provided an opportunity for comprehensive application revisions.

Upon review and approval of the evaluation committee's recommendation for award, the CDPHE will issue "Notice of Intent to Make an Award" letter(s) to all applicants.

**16. Requirement for Valid Contract**

The State Agency will not be responsible for any products delivered or services performed prior to issuance of a purchase order signed by an authorized representative of the State Agency's purchasing department, or a contract signed by a duly authorized representative of the State Agency and approved by the State Controller or designee.

**17. Vendor Forms**

In the event applicant's form(s) or part(s) of forms are included as an attachment(s) applicant agrees that, in the event of inconsistencies or contradictions, the terms and conditions of the solicitation document shall supersede and control over those contained in the applicant's form(s) regardless of any statement to the contrary in an applicant form(s). Unless the State specifically agrees in writing through overt reference or other express written indication of assent, terms and conditions on vendor forms regarding choice of law, venue, warranty disclaimer or exclusion, indemnification or limitation of liability shall be of no effect.

**18. Award of Contract/Standard (Model) Contract/Legislative Changes**

The award will be made to that applicant(s) whose application, conforming to the RFA, has been determined to be responsive and responsible and most advantageous to the State of Colorado, considering the evaluation factors set forth in this announcement. A contract must be completed and signed by all parties. In the event the parties are unable to enter into a contract in a reasonable timeframe, the State may elect to rescind the "Notice of Intent to Make an Award" communication and make the award to the next most responsive and responsible applicant. The successful applicant(s) is required to enter into a formal Contract with CDPHE. The State of Colorado reserves the right to amend the contract in response to future legislative changes that affect this project.

**19. Reciprocity**

Reciprocity is mandated by statute. C.R.S. §8-18-101 states, "When a contract for commodities or services is to be awarded to a bidder, a resident bidder...shall be allowed a preference against a nonresident bidder equal to the preference given or required by the state in which the nonresident bidder is a resident".

**20. Term of the Contract**

This RFA may result in up to a one year contract with State options for renewal periods through December 31, 2017, unless the program is renewed, in which case renewals may not exceed five years. The initial contract will be effective upon approval by the State Controller's designee for up to one year. The contract may be renewed for up to four additional one-year periods, at the sole discretion of the State, contingent upon contractual requirements being satisfied and funds being appropriated, budgeted, and otherwise made available.

**21. Acceptance of Application Content**

The contents of the application (including persons specified to implement the project) of the successful applicant will become contractual obligations if acquisition action ensues. Failure of the successful applicant to accept these obligations in a contract, purchase document, delivery order or similar acquisition instrument may result in cancellation of the award and such applicant may be removed from future solicitations.

**22. Order of Precedence**

In the event of any conflict or inconsistency between terms of this request for application and the offer, such conflict or inconsistency shall be resolved first, by giving effect to the terms and conditions of the contract, second to the request for application, and third, to the application.

**23. Venue**

The parties agree that venue for any action related to performance of this application shall be in the City and County of Denver, Colorado.

**24. Withholding of Debts Owed to State Agencies**

Pursuant to C.R.S. §24-30-202.4 (as amended), the State Controller may withhold debts owed to State agencies under the vendor offset intercept system for: (a) unpaid child support debt or child support arrearages; (b) unpaid balance of tax, accrued interest, or other charges specified in Article 22, Title 39, C.R.S.; (c) unpaid loans due to the student loan division of the department of higher education; (d) owed amounts required to be paid to the unemployment compensation fund; and (e) other unpaid debts owing to the State or any agency thereof, the amount of which is found to be owing as a result of final agency determination or reduced to judgment as certified by the Controller.

**25. State Ownership of Contract Products / Services**

All products/services produced in response to the contract resulting from this RFA will be the sole property of the State of Colorado, unless otherwise noted in the RFA.

**26. Incurring Costs**

The State of Colorado is not liable for any cost incurred by applicants prior to issuance of a legally executed contract or procurement document. No property interest of any nature shall occur until a contract is awarded and signed by all concerned parties.

**27. Non-Discrimination**

The applicant shall comply with all applicable state and federal laws, rules and regulations involving non-discrimination on the basis of race, color, religion, national origin, age or sex.

**28. Parent Company**

If an applicant is owned or controlled by a parent company, the name, main office address, and parent company's tax identification number must be provided in the solicitation response. The tax identification number provided must be that of the applicant responding to the RFA. The applicant must be a legal entity with the legal right to contract and must be registered in the State of Colorado to conduct business.

**29. News Releases**

No news releases pertaining to this RFA shall be made prior to execution of the contract without prior written approval of CDPHE.

**30. Contract Cancellation**

CDPHE reserves the right to cancel, for cause, convenience, or lack of fiscal funding, any contract resulting from this RFA by providing timely notice to the contractor.

**31. Taxes**

CDPHE, as purchaser, is exempt from all federal excise taxes under Chapter 32 of the Internal Revenue Code (Registration No. 84-730123K). CDPHE's Colorado State and Local Sales Tax Exemption Number is 98-02565. Applicant is hereby notified that when materials are purchased in certain political sub-divisions (for example in the City of Denver) the applicant may be required to pay sales tax even though the ultimate product or service is provided to the State of Colorado. This sales tax will not be reimbursed by the State.

**32. Assignment and Delegation**

Except for assignment of antitrust claims, neither party to any resulting contract may assign or delegate any portion of the contract without the prior written consent of the other party.

Awarded contractor(s) will be allowed to subcontract portions of this RFA. Awarded contractor(s) shall be fully accountable to the CDPHE and shall ensure that all subcontractors agree to and comply

with the terms and conditions of the contract. During contract performance, the CDPHE may request and awarded vendor(s) shall provide proof of subcontractor compliance with CDPHE terms and conditions.

**33. Availability of Funds**

Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. In the event funds are not appropriated, any resulting contract will become null and void, without penalty to the State of Colorado.

**34. Selection and Evaluation:**

An Evaluation Committee will evaluate the merits of applications received in accordance with the evaluation factors stated in this RFA and identify the application that is most advantageous to the state. While numeric evaluations may be used in some aspects of the process to identify strengths and weaknesses of applications, and to establish a ranking, the final decision will be a business decision by the State and will not be based on a numerical score. A Decision Memorandum will document the basis for the award decision.

The technical aspects of applications will be assessed based on the soundness of the applicant's approach and the applicant's understanding of the requirement. Past experience/qualifications will be assessed by considering the extent to which the qualifications, experience, and past performance are likely to foster successful, on-time performance. Technical and past experience assessments may include a judgment concerning the potential risk of unsuccessful or untimely performance, and the anticipated amount of State resources necessary to insure timely, successful performance based on requirements of Procurement Code C.R.S. §24-103-401 et.seq and C.R.S. §24-103.5-101 et.seq. The State reserves the right to include the State of Colorado and other states as additional references and may use all information available regarding past performance as defined in C.R.S. §24-102-205 et.seq. The State also reserves the right to call references only on the selected applicant(s) as a method of determining responsibility.

Failure of the applicant to provide any information requested in this RFA may result in disqualification of the application. This responsibility belongs to the applicant.

Applicants should not assume that they will have an opportunity for oral presentations or revisions of applications, so they should submit their most favorable applications as their initial application. If award is not made on receipt of initial applications, applicants in the competitive range (those most responsive to the requirements and reasonably susceptible of being selected for award) may be provided an opportunity to make an oral presentation. The oral presentation may be held for the purpose of clarification and to ensure full understanding of and responsiveness to solicitation requirements.

If application revisions are permitted after oral presentations and discussions, a date will be established in writing by the State for submission of best and final offers. Applicants will not be provided an opportunity for comprehensive application revisions.

The apparently successful applicant may be required to submit for the most current reported period and a reasonable number of previous years (in order of preference) an audited financial statement, a financial statement reviewed by a certified public accountant, a third-party prepared financial statement if an audited or reviewed statement is not available, or another financial statement prepared in the routine course of the applicant's business, in order to assist the State in making its determination of applicant responsibility in accordance with C.R.S. §24-103-401.

## **XI. APPENDIX**

### **1. Appendix A: Glossary**

**Activities:** Activities are what your project will do with its resources. They are the concrete processes, events, and actions that are core to the design and implementation of your project. Without the activities in your project's logic model, the project would not exist.

**Evaluation:** The systematic process of collecting information about a project, analyzing that information, and using that information for decision-making purposes. Evaluations can include needs assessments.

**Goals:** Broad statements (i.e., written in general terms) that convey a project's overall intent to change, reduce, or eliminate the problem described. Goals identify the project's intended long-term results.

**Indicators:** The specific items measured to depict the status of a goal, or condition of interest. Indicators must be specific, observable, and measure a characteristic or change that shows the progress a project is making toward achieving a specified outcome.

**Key Staff:** The principle investigator and other individuals who contribute to the scientific development or execution of a project and are involved in a substantive, measurable way, whether or not they receive salaries or compensation under the grant. Consultants also may be considered key personnel if they meet this definition.

**Objectives:** Project objectives describe the concrete, measurable steps your agency will take to reach the goal and achieve your intended outcome/impact/product. Objectives should be quantifiable (i.e., a numeric value can be attached). Objectives state specifically what will be done, by who, by when, and the method of measurement.

**Outcome measures:** Measures that identify and quantify the measurable outcome/impact/product and answer the questions: "How will things be different at the conclusion of the project than they are right now?" and "How do we know that our project activities are the cause of the difference?"

**Process Measures:** Measures that quantify the progress on objectives and answer the questions: "Who will do what by when, to/for whom, and how many?"

**Resources/Inputs:** Resources, sometimes referred to as inputs, include all of the human, financial, organizational, and community resources that your project can draw upon as it undertakes its work.

**Work Plan:** A work plan is a roadmap for the achievement of goals and objectives. It should be a reasonable, realistic timeline for the completion of each task to successfully implement the project.

**2. Appendix B: Grant Review Cycle**

Grant Cycle	Application Due Date	Questions due for Grant Cycle	Application Review Due Date
#1	August 31, 2016	August 24, 2016	September 16, 2016
#2	September 30, 2016	September 1, 2016	October 20, 2016
#3	November 30, 2016	November 1, 2016	December 21, 2016
#4	February 28, 2017	February 1, 2017	March 20, 2017
#5	April 30, 2017	April 1, 2017	May 20, 2017
#6	June 30, 2017	June 1, 2017	July 20, 2017
#7	August 31, 2017	August 1, 2017	September 20, 2017

Effective as of 08/22/2016.

Any changes to the above schedule will be posted to the Waste Tire website  
<https://www.colorado.gov/pacific/cdphe/wastetires>