

**COUNTY OF SUFFOLK
REQUEST FOR EXPRESSION OF INTEREST (RFEI) 15016-A**

**Suffolk County Purchasing Division on behalf of the Suffolk County Department of Health Services and the Department of Economic Development and Planning
is seeking expressions of interest
for**

**PHASE II DEMONSTRATION OF (I/A OWTS)
INNOVATIVE ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEMS
IN SUFFOLK COUNTY**

TIMELINE

Issue Date: Thursday, March 10, 2016

All Potential Interested Applicants

**MUST First Register Online by: Monday, March 21, 2016
(Required) 12:00 P.M. (NOON)**

at:

www.suffolkcountyny.gov/Departments/Planning/ReclaimOurWaterInitiativeUpdate.aspx

**Technical Questions Due*: Thursday, March 24 2016
3:30 P.M.**

**Information Session: Friday, March 25, 2016
(Optional) 2:00 P.M.**
Suffolk County Dept. of Health Services
Wastewater Management, Suite 2C
360 Yaphank Avenue
Yaphank, NY, 11980

Attendance may be via conference call-in – details will be provided after registering online.

**Final Submissions Due: Friday, April 8, 2016
3:30 P.M.**

Contact Information

Name: Justin Jobin
Environmental Projects Coordinator
Suffolk County Department of Health Services
360 Yaphank Avenue Yaphank, NY, 11980

Tel. (631) 852-5808

Email: justin.jobin@suffolkcountyny.gov

Final Submissions: Response package requirements on next page - submit to contact above.

** Technical Questions: Must be submitted in writing (email preferred) to contact above.*

Final Submission Response Package Requirements

- Submissions to be sent to Suffolk County Department of Health Services – Contact Information on pg 1.
- Number of Copies: Seven (7) total (Original plus six (6) copies)
- The Purchasing RFEI No. (located on upper right hand corner of this page) must be on:
 - All outer mailing envelopes/package
 - Original Response and all copies on the binder/cover page
- Original must be labeled “ORIGINAL”
- All copies must be complete copies of the Original
- Responses should be submitted in a tabbed and labeled binder, not permanently bound
- Transmittal letter and all required documents should be placed in First Tab of Binder
- Do NOT return RFEI document. This is for you to keep for reference.

Late Responses Will Be REJECTED

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I. INTRODUCTION AND BACKGROUND

The County of Suffolk (hereinafter “County”), a municipal corporation of the State of New York, on behalf of the Suffolk County Departments (hereinafter “Departments”) set forth on page one, is requesting expressions of interest (hereinafter “RFEI”) from manufacturers (hereinafter “Applicant(s)”) who desire to participate in a Demonstration Program of their Innovative Alternative Onsite Wastewater Treatment Systems (hereinafter “I/A OWTS”).

Suffolk County, Long Island's eastern-most county, with a population of 1.5 million, has in excess of 200,000 existing residential on-site systems, comprised mostly of cesspools and leaching pools, in environmentally sensitive areas which could benefit from nitrogen reducing technologies.

In April of 2014 Suffolk County issued the first Request for Expression of Interest (RFEI) for a Demonstration Program of Innovative Alternative Onsite Wastewater Systems (I/A OWTS). This Demonstration Program was a resounding success as a total of 19 systems were donated from 4 manufactures representing 6 different technologies. Following the County-wide lottery for the interested homeowners, the systems were installed between June 24, 2015 and February 29, 2016 and some systems could see provisional approval by the Suffolk County Department of Health Services (hereinafter “SCDHS”) as early as the summer of 2016.

Based upon the success of Phase I of the Demonstration Program, Suffolk County is again seeking applications from manufacturers (hereinafter “Applicant(s)”) from throughout the nation for the opportunity to participate in Phase II of the Demonstration Program. This will give Applicants the opportunity to showcase and demonstrate single family residential onsite wastewater treatment system technologies in Suffolk County—at no cost to the County and participating homeowners — in an effort to test the viability of these systems in local conditions and potentially expedite provisional approval of said technologies.

This Request for Expression of Interest is part one of a three-part process. This RFEI seeks from Applicants their qualifications for the manufacture, installation and maintenance of innovative alternative onsite wastewater treatment systems (hereinafter “I/A OWTS”) for use on residential property or county property. The second part of the process is a concurrent RFEI issued for a demonstration of pressurized shallow drainfield options for receiving advanced treated effluent from onsite wastewater treatment systems in Suffolk County (hereinafter “PSD”). The third part of the process is to pair residential properties with both I/A OWTS and PSD applicants to install, maintain and operate these technologies. Note that construction or installation of any OWTS requires site specific approvals (See Sections IV B(d) and IV C(b)).

II. PURPOSE

Suffolk County is initiating Phase II of this Demonstration Program for installing two types of I/A OWTS that are designed to reduce Total Nitrogen (“TN”) down to 19 mg/l or less. The purpose of the demonstration program is to evaluate various nitrogen reducing I/A OWTS technologies for performance and suitability in Suffolk County, Long Island. The goal is to A) streamline the piloting process for Residential Demonstration (“Type 1”) systems, as defined below and B) allow more experimental systems (“Type 2”) to be installed and tested on State or County Properties, with appropriate governmental approvals.

The County (SCDHS) is using a modified version of the Massachusetts three-tiered approval model which includes Piloting, Provisional Approval, and General Use Approval as follows:

Residential Demonstration System Piloting: For those I/A OWTS accepted into the Residential Demonstration Program (Type 1) SCDHS will assess the I/A OWTS performance in achieving treatment standards of at least 19 mg/l of Total Nitrogen and evaluate system suitability in Suffolk County, Long Island. Type 1 systems in the Demonstration Program are subject to a minimum of monthly sampling once the system reaches a steady state of operation for 6 months. SCDHS is responsible for the first 6 months of monthly sampling. The Applicant will be responsible for additional sampling requirements as required by SCDHS. Demonstration System Piloting is considered successful by the SCDHS if at least 75% of the demonstration sites, for a particular I/A OWTS technology, perform at the expected level of treatment for 6 months.

General Piloting: For testing of any other I/A OWTS, including those accepted into the County/State Facilities Demonstration Program (Type 2), SCDHS will assess its performance of achieving treatment standards of at least 19 mg/l of Total Nitrogen and will evaluate system suitability in Suffolk County, Long Island. Systems must be sampled every 30 days during the pilot period after system reaches steady state of operation. Piloting must be done for at least 18 months and provide for full technical reporting of results in a format acceptable to SCDHS. General Piloting is considered successful if at least 75% of the pilot sites, for a particular I/A OWTS technology, perform at the expected level of treatment for 18 months.

Provisional Use Approval: I/A OWTS that have successfully passed the piloting stage (either Residential Demonstration System Piloting or General Piloting, above) are allowed to be installed on a temporary basis and will be subject to continued sampling and monitoring. Provisional use is considered successful if at least 90% of the installations, for a particular I/A OWTS technology, have demonstrated at least 24 months of performance providing a level of environmental protection at least equivalent to a conventional septic system and a reduced effluent nitrogen concentration to 19mg/l or less. Provisional Use Approval will be denied for future installations if these standards are not met.

General Use Approval: When an I/A OWTS has successfully met the standards under Provisional Use, it receives Certification for General Use. I/A OWTS technology certified for

General Use can be installed at any site where a conventional septic system in compliance with Article 6 of the Suffolk County Sanitary Code could be approved.

- 1. Type 1 - Residential Demonstration Program:**
 Technologies which met at least one of three standards: I/A OWTS must have attained verification and/or certification status through: 1) the United States Environmental Protection Agency (“USEPA”) Environmental Technology Verification Program (“ETV”), or 2) National Sanitation Foundation/ American National Standards Institute (“NSF/ANSI”) Standard 245, or 3) NSF/ANSI Standard 40 **AND** have current approval for 19 mg/l of Total Nitrogen (TN) in a minimum of three (3) other jurisdictions in similar climate conditions to Suffolk County. Type 1 systems will be demonstrated at a limited number of private residential properties. SCDHS has a goal of streamlining the piloting process for these systems and adopting standards which will allow for Provisional Use Approval by the end of year.

Table 1. Standard Innovative Alternative Onsite Wastewater Treatment Systems Approval Process For Type 1 Systems Participating in the Residential Demonstration Program			
	Number of successful pilot systems needed in order to proceed to Provisional Use Approval	Number of successful pilot systems needed in order to proceed to General Use Approval	General Use Approval/Certification
	1	25	-
Months of Sampling	6	18	Every 36 months

- 2. Type 2 – County/State Facilities Demonstration Program:**
 Provides for the demonstration of more experimental technologies designed to reduce TN to a minimum of 19 mg/L that are: **not yet** certified by ETV/NSF 245 for testing, or do not yet have NSFANSI 40 certification, and are **not** yet approved for 19 mg/l TN in a minimum of three (3) other jurisdictions in similar climate conditions. Type 2 systems may be demonstrated at a limited number of County or State owned properties and will be subject to the SCDHS full approval model.

Table 2. Standard Innovative Alternative Onsite Wastewater Treatment Systems Approval Process For Type 2 Systems Participating in the County/State Facilities Demonstration Program			
	Number of successful pilot systems needed in order to proceed to Provisional Use Approval	Number of successful pilot systems needed in order to proceed to General Use Approval	General Use Approval/Certification
	5	25	-
Months of Sampling	18	18	Every 36 months

The Demonstration Programs are intended to provide field-testing and technology verification to determine if a particular alternative technology can function effectively in Suffolk County. A technology may only be approved when the Suffolk County Department of Health Services (SCDHS) has determined, based on relevant technical data, that the proposed alternative is capable of a level of environmental protection at least equivalent to that of a system designed in accordance with the Suffolk County Sanitary Code Article 6¹, and other applicable state or local provisions.

Higher priority for acceptance into the Demonstration Program will be given to systems which demonstrate:

- a) Best available technology in regards to their ability to reduce TN (i.e. systems which provide ETV or NSF testing showing median results lower than 19/mg/l TN), and/or
- b) Coastal resiliency principles in regards to their ability to withstand storm damage, and/or long-term ability to mitigate impacts of rising sea level and groundwater tables).

If applicable, applicants should show data results and/or specify how their systems promote these goals.

The County is seeking responses from Applicants for:

Installation of up to three (3) I/A OWTS per technology for both Type 1 and Type 2 I/A OWTS, at no cost to the *homeowner, the County or the State* inclusive of a five year warranty for parts and labor with a five year operation and maintenance services contract.

This RFEI process requires the submission of a response to this RFEI. Applicants will be selected from among the RFEI responses properly submitted. Only Applicants who respond to the RFEI will be considered for inclusion in the County's Demonstration Programs.

Any New York State Department of Health (hereinafter "NYSDOH") or other state agency approvals that may be required must be obtained by the applicant.

Subject to the necessary County approvals, inclusive of SCDHS, Suffolk County Board of Health, and/or State approvals, and the requirements of this RFEI, a chosen applicant will install and maintain the I/A OWTS (s) at no cost to the participating homeowners, the County or the State. Terms of this relationship are subject to negotiation.

¹ S.C. Sanitary Code Article 6 may be found online by going to the Suffolk County government homepage, clicking on "Departments," then clicking on "Department of Health Services," then "Documents and Forms," then "Sanitary Code."

III. SUBMISSION REQUIREMENTS IN RESPONSE TO THIS RFEI

The submission requirements are outlined below. The County will not consider any responses that do not fulfill these requirements.

- All Applicants must register on-line at:
<http://www.suffolkcountyny.gov/Departments/Planning/ReclaimOurWaterInitiativeUpdate.aspx>
by **Monday, March 21, 2016 at 12:00 P.M. (Noon)**.
- The Applicant's responses must answer all questions and provide all information requested by the RFEI in the format indicated.
- All copies of the applications must be in writing and be submitted to:

Justin P. Jobin, Environmental Projects Coordinator
Suffolk County Dept. of Health Services
Office of Ecology, Suite 2B
360 Yaphank Avenue
Yaphank, NY, 11980
- Seven (7) copies of the RFEI response and all other required documents must be received, by the County, no later than **Friday April 8, 2016 at 3:30pm**.
- Those submitting RFEI responses do so at their own expense. The County will not reimburse any costs incurred in preparing or submitting the RFEI response, including additional requests for information and interviews.
- No verbal applications will be accepted.
- In order to be considered, responses must be accompanied by a signed Public Disclosure Statement and Proposal Bid/Certification (see Exhibits).
- The County may request additional written or oral information from Applicants, as needed.
- All applications will be held in confidence until completion of the selection process, except as required by law.
- An Information Conference Session (optional attendance) will be held on:

Friday, March 25, 2016 2pm

Suffolk County Department of Health Services
Office of Wastewater Management, Suite 2C
360 Yaphank Avenue
Yaphank, NY 11980

Alternately, attendance will be available via conference call-in. Call-in information will be provided after registering online.

IV. CONTENT OF SUBMISSION

A. GENERAL INFORMATION on the Applicant

Every RFEI Response must include the following:

a) Corporate Ownership and History:

1. The names of and contact information for:
 - i. The applicant(s);
 - ii. All persons who will hold an ownership, equity or other economic interest with applicant;
 - iii. All individuals who designed, engineered or tested the I/A OWTS (s) to be utilized and those from the company who oversaw the submission for testing for USEPA ETV, or NSF-245 certification, or NSF 40 with municipal approvals as per section II(1) above.
 - iv. The names, affiliates and addresses of the individuals who prepared, or assisted in preparing, the response to this RFEI.
 - v. A history and description of the applicant, including experience in the manufacture, installation and maintenance of I/A OWTS. Please detail regulatory compliance history.

b) Qualifications and Experience of Personnel

1. Provide full names of the corporate officers/partners, engineers, hydrogeologists, scientists, testing experts, managers and other key staff in your company and provide resumes for each individual.
2. For each professional listed above, describe his/her qualifications and provide information regarding:
 - i. Education;
 - ii. Professional licenses and other affiliations (copies of which shall be submitted with your response);
 - iii. Number of years engaged in manufacturing of I/A OWTS;
 - iv. Other relevant work experience or qualifications; and
 - v. The role each identified person would play.

3. Describe other accounts involving similar services, in particular identify any governmental, public authority, public agency, and/or other quasi-governmental entities for which you provide or have provided systems or support in New York State; and in other states. Describe the role and experience of key personnel assigned to other similar accounts who will be assigned to this account.
 4. Will temporary staff also be involved? If so, include details of their supervision and training.
 5. Please list the company's concurrent material engagements and outstanding current applications that could impact the availability of the individuals listed in response to section IV(A)(b)(2) above.
 6. Provide a statement as to whether the company is listed in any directory of I/A OWTS manufacturing.
 7. Please set forth why your company should be selected.
 8. Please set forth any unique qualities your company possesses that other companies do not have.
- c) **Current Financial Statement** prepared and certified by Independent CPA
(If current year is not available, previous calendar year is acceptable.)

If independently audited financial statement is not available, the most current in-house Company statement to include:

- i. Balance Sheet
- ii. Income Statement
- iii. Cash Flow Projection
- iv. Financial Statement to be signed by one of the following attesting to the accuracy of the statement: CEO/CFO/COO.

d) **Government Entity/Municipal Approval History**

1. Provide a list of all government entities from which you have received approvals for I/A OWTS with the approximate number of units sold/installed within each government entity/municipality. For each government entity/municipality provide the approval documentation and the following:
 - i. Government entity/municipality's name; and
 - ii. Contact name, title, and telephone number; and
 - iii. Description of type/design of I/A OWTS provided, approximate number of

units sold/installed in this government jurisdiction, and over what time period.

e) References

1. From the list of government entities/municipalities provided in response to section IV (A)(d)(1) above, provide three (3) references for which the company I/A OWTS has provided services and/or been approved for sale/installation. Provide government name, contact name, title, and telephone number.
2. From the list of personnel provided in response to section IV(A)(b)(2), provide two (2) references for each key staff member identified. Provide name of the individual or organization, services, contact name and telephone number.
3. Provide a list of all contracts your company has had with Suffolk County (if any) within the last five (5) years (regardless of type of service), the time period for those services and your primary County contact.

f) Other General Information

Provide the following:

1. All additional information relating to the applicant's character, reputation, and competence, including any information relevant to the ability to achieve required approvals.
2. Any additional, relevant information that would distinguish the applicant for consideration by the County.
3. Suffolk County Contractor's/Vendor's Public Disclosure Statement - Form 22 attached.

**NOTE: ADDITIONAL REQUIREMENTS ARE DETAILED ON THE
SUCCEEDING PAGES BY THE APPLICABLE (EITHER
RESIDENTIAL OR COUNTY/STATE FACILITIES)
DEMONSTRATION PROJECT**

B. (TYPE 1) RESIDENTIAL DEMONSTRATION PROGRAM DETAILS AND TECHNICAL SPECIFICATIONS:

- a) In order to be considered for participation in the Residential Demonstration Program, the I/A OWTS must have attained verification and/or certification status through 1) the USEPA Environmental Technology Verification Program (ETV), or 2) National Sanitation Foundation/American National Standards Institute (NSF/ANSI) Standard 245; or 3) certification status through NSF/ANSI Standard 40 **AND** have current approval for 19 mg/l of Total Nitrogen (TN) in a minimum of three (3) other jurisdictions in similar climate conditions to Suffolk County.
- b) The Residential Demonstration Program is a means to test whether these I/A OWTS can be operated to reduce nitrogen concentrations to at least 19 mg/l, and be maintained in a manner which homeowners can reasonably be expected to implement to insure continued environmental compliance. The Residential Demonstration Program will assess the operation and maintenance requirements, equipment cost, installation issues, and the overall ability of each technology to meet nitrogen reduction objectives.
- c) The Suffolk County Department of Health Services will be responsible for initial system authorization for this demonstration project, evaluation of monitoring and performance, and creating and maintaining a database of the analytical results of system monitoring.
- d) The systems will be authorized by the Department of Health Services for use within the Suffolk County Residential Demonstration Program subject to:
 1. Coordination and consultation with NYS Department of Health and NYS Department of Environmental Conservation.
 2. Further required site specific approval at the design and installation phase for a particular property by SC DHS pursuant to Suffolk County Sanitary Code, Article 6, and other applicable provisions,
 3. Any other required state or local approvals, if applicable.
 4. The County reserves the right not to approve a particular I/A OWTS within the Residential Demonstration Project if that I/A OWTS is determined to be unsuitable on a particular parcel of property. Acceptance into the demonstration project does not guarantee actual approved installation.

- e) Applicants will be responsible for costs of all issues identified in this RFEI (including, but not limited to: design, construction, monitoring, operation and maintenance).

f) Technical Specifications for the Residential Demonstration Program:

1. Providing all prior laboratory test data and reports associated with the technology's participation in at least one of the following:
 - USEPA ETV Program, and proof of verification and/or certification status, or
 - NSF/ANSI Standards 245 testing program and proof of verification and/or certification status, or
 - NSF/ANSI Standards 40 testing program and copies of approval for 19 mg/l TN in a minimum of three (3) other jurisdictions in similar climate conditions.
2. Engineering design drawings, calculations, installation and maintenance specifications for the I/A OWTS; and
3. Detailing the expected total nitrogen concentration to be achieved by the technology when serving residential development in Suffolk County; and
4. A description of the technical support system that the Applicant will utilize to supply and support the treatment system in Suffolk County;
5. Engagement letter for New York certified laboratory to have the treated effluent sampled monthly during piloting, quarterly during provisional approval, and every three years for general use approval.

g) Contractual Requirements/Considerations for the Residential Demonstration Program:

1. An estimate of the cost of the technology including but not limited to equipment, shipping, warranty, operation and maintenance services, and effluent monitoring.
2. A post installation estimate of cost of the technology including but not limited to design, installation, and any additional materials used.

3. A description of the distribution support system that the Applicant will utilize to supply and support the treatment system in Suffolk County.
4. Submission of a sample five-year maintenance/service contract and parts/labor warranty with the homeowner for the I/A OWTS technology. This shall include regular service by qualified personnel under a renewable, non-cancelable five year operation and maintenance contract with the homeowner at no cost to the homeowner.
5. A detailed estimate of costs to maintain the system to be covered during the five year warranty period without additional cost to the homeowner. Additionally provide an estimate of the costs of maintenance during the expected life of the system once beyond the five-year period, and the ability of the company to provide same to the homeowner.
6. Applicants selected to participate in the Demonstration Program should note that prior to approval to install an I/A OWTS they will be required to meet Suffolk County insurance requirements.

C. (TYPE 2) COUNTY AND STATE FACILITIES DEMONSTRATION PROGRAM DETAILS AND TECHNICAL SPECIFICATIONS:

- a) The County Facilities Demonstration Program is a means to test I/A OWTS technologies designed to reduce TN to a minimum of 19 mg/L that are not yet certified by ETV/NSF 245 for testing, or do not have NSF/ANSI 40 certification and are not approved for 19 mg/l TN in a minimum of three (3) other jurisdictions in similar climate conditions.²

The County/State Facilities Demonstration Program will assess the operation and maintenance requirements, suitability for homeowner or governmental operation, equipment cost, installation issues, and the overall ability of each technology to meet nitrogen reduction objectives.

The County/State Facilities Demonstration program will be subject to the SCDHS piloting policy. (See piloting details under Section II. "Purpose"). Piloting involves installation of a technology at 1 to 5 sites monitored for 18 months. Piloting is considered successful if a minimum of 75% of the sites meet TN removal targets for 18 months.

- b) The Department of Health Services will be responsible for review of the I/A OWTS technical data and drawings, evaluation of monitoring performance, and creating and maintaining a database of the analytical results of system monitoring. The systems will be authorized by a determination of the Suffolk County Department of Health Services for use within the County and State Facilities Demonstration Program and subject to:
1. Coordination and consultation with NYS Department of Health and NYS Department of Environmental Conservation.
 2. Further required approval at the site specific design and installation phase for a particular property by SC DHS pursuant to Suffolk County Sanitary Code Article 6, and other applicable provisions,
 3. Any other required state or local approvals, if applicable.
 4. The County reserves the right not to approve a particular I/A OWTS within the demonstration project if that I/A OWTS is determined to be unsuitable on a particular parcel of property. Acceptance in the demonstration project does not guarantee actual approved installation.

² It should be noted that a testing protocol will be developed by SC Department of Health Services to provide for testing under multiple flow and loading scenarios before these systems are approved for use in residential settings.

c) It should be noted that although all applications for (Type 2) demonstrations are being submitted to the Suffolk County Department of Health Services the Suffolk County Department of Public Works will be responsible for oversight of installations, operation, and maintenance, and will inspect systems installed at County owned facilities, and additional State approvals will apply to any demonstrations proposed on state property.

d) Technical Specifications for County/State Facilities Demonstration Program:

1. Providing all laboratory test data and reports to date on the proposed system;
2. Engineering design drawings, installation and maintenance specifications for the I/A OWTS; and
3. Detailing the expected total nitrogen concentration to be achieved by the technology when serving the county property/facility in Suffolk County; and
4. A description of the technical support system that the Applicant will utilize to supply and support the treatment system in the Suffolk County;
5. Engagement letter for New York certified laboratory to have the treated effluent sampled monthly during piloting, quarterly during provisional approval, and every three years for general use approval.

e) Contractual Requirements/Considerations for the County/State Facilities Demonstration Program:

1. An estimate of the cost of the technology including but not limited to equipment, shipping, warranty, operation and maintenance services, and effluent monitoring
2. A post installation estimate of cost of the technology including but not limited to design, installation, and any additional materials used.
3. A description of the distribution support system that the Applicant will utilize to supply and support the treatment system in Suffolk County.
4. Submission of a sample five-year maintenance/service contract with parts/labor warranty for the I/A OWTS. This shall include regular service by qualified personnel under a renewable, non-cancelable five year operation and maintenance contract with the County / State.
5. A detailed estimate of costs to maintain the system to be covered during the five

year warranty period without additional cost to the County. Additionally, provide an estimate of the costs of maintenance during the expected life of the system once beyond the five-year period, and the ability of the company to provide same to the County / State.

6. Applicants selected to participate in the Demonstration Program should note that prior to approval to install an I/A OWTS they will be required to meet Suffolk County insurance requirements.

D. DETAILED ASPECTS FOR PARTICIPATION IN EITHER DEMONSTRATION PROGRAM:

- a) Please include a statement that each of the following is understood by the company to be required under this demonstration program:
1. The Applicant is expected to pay for site specific design, engineering, and installation of their technology including, where applicable, abandonment of block cesspools. This includes but is not limited to piping, sampling ports, and final grading and seeding. In instances where the Applicant is paired with a Pressurized Shallow Drainfield (PSD) provided by a manufacturer that is not the Applicant, each manufacturer is responsible for all material, design and installation costs of their components. In instances where new leaching pools are required, the County may finance the materials and the Applicant will be responsible for all associated installation costs.
 2. As with all onsite wastewater systems, the engineering plans for these systems will need to be prepared (signed & sealed) by a NYS licensed professional engineer (NYPE) or registered architect. The plans will then need to be certified by the Applicant's in-house engineer(s) as being consistent with the manufacturer's specifications for achieving the degree of nitrate nitrogen mitigation required by Suffolk County. In the event of electrical outage, non-passive alternative treatment systems for nitrogen reduction must be capable of continually treating, or holding for treatment, one additional day's sewage flow.
 3. The Suffolk County Departments of Health Services (SCDHS) and Public Works, as appropriate, and the Applicant's engineer will conduct a final construction inspection and certify that as-built conditions are in conformance with the approved design. Applicant will submit to the County "as-built" plans
 4. For the first five years of operation the I/A OWTS will be covered under a renewable, non-cancelable operation and maintenance contract which requires the service provider to periodically inspect the site (in conformance with any State and County requirements) to monitor system operation, make necessary process adjustments, and pump solids as required, and report results to SCDHS in a format to be specified by the SCDHS. After the first five years of operation, the County will require inspection from a licensed operator in compliance with any state and county requirements, as applicable.
 5. Sampling of the effluent from the systems must be achievable at final grade

without excavation. Systems will be sampled monthly for 6 months during the demonstration period by the SCDHS. Afterwards, Applicants will be responsible for sampling systems on a quarterly basis during the provisional use period. Samples must be analyzed by a NYS certified laboratory utilizing Standard Methods for the Examination of Water and Wastewater for total nitrogen (TN), biological oxygen demand (BOD) and total suspended solids (TSS) with results submitted to the SC Department of Health Services within 30 days. In the event that a technology is determined by SCDHS to fail to meet nitrate nitrogen removal requirements, the technology will no longer be considered for new installations;

6. The number of I/A OWTS per technology cannot exceed the piloting demonstration limits in the Demonstration Project, except by special approval of the Suffolk County Department of Health Services.
7. Suffolk County reserves the right to sample, test, or inspect the systems at any time.
8. Note that in the event the County ever contracts with an Applicant, the County has included a copy of the Legislative Requirements for a contract with the County of Suffolk for your review and reference. These contractual requirements are subject to change at the County's discretion.

V. TIMELINE

The County will endeavor to follow the timetable below; however, except for the RFEI Response submission deadline below, the activities and timetable are guidelines only, subject to change at the County's discretion and without prior notice.

- RFEI Response: Seven (7) copies of the written response must be submitted in writing and received **no later than 3:30 P.M. on Friday, April 8, 2016** to the attention of:

Justin P. Jobin, Environmental Projects Coordinator
Suffolk County Dept. of Health Services
Office of Ecology, Suite 2B
360 Yaphank Avenue
Yaphank, NY, 11980

- Screening of applicants: A selection committee shall evaluate all RFEI applications and determine the selection of Applicants who have qualified for each of the Demonstration Programs.
 - Selected Applicants should be announced by April 22, 2016.

- Site Selection: Residential and County/State Facilities or properties should be announced by May 1, 2016.
- Pairing of Applicants and properties should be completed by June 1, 2016.
- System design should be completed by July 1, 2016.
- System installation should be completed by October 1, 2016.
- Provisional approval for Type 1 systems meeting the performance criteria is expected by July 1, 2017.

Please be advised that the above activities and timetable are guidelines only, subject to change at the County's discretion and without prior notice

VI. RFEI SUBMISSION EVALUATION

The County will have sole discretion to determine the composition of the selection committee which will evaluate the RFEI responses.

- The evaluation process is designed to identify applicants who would be most successful in demonstrating an Innovative Alternative Onsite Wastewater Treatment System technology and successfully obtaining necessary approvals from the Suffolk County DHS and any additional approvals required by NYS Department of Health and/or Suffolk County DPW.
- Approximately one month after submission closing period, the County will notify, in writing, the selected entities who have qualified for participation in one of the Suffolk County Demonstration Programs.

VII. RESERVATION OF RIGHTS AND MISCELLANEOUS CONDITIONS

The County reserves the following rights with respect to this RFEI:

- To request more detailed information.
- To utilize criteria of its choosing to select the entity whose application best satisfies the interests of the County.
- To take no action on the responses received.
- To reject all submissions that are submitted under this RFEI.
- To change any portion of the RFEI at any time.
- To issue additional, subsequent solicitations for applications or proposals.
- To negotiate with applicants for amendments or other modifications to their applications.
- To modify deadline for submissions.
- To conduct investigations with respect to the qualifications of each applicant and its personnel who may bid on this application.

VIII. ADMINISTRATIVE INFORMATION

A. Questions and Comments

a) Technical Questions

Technical questions (questions which are specific to the information requested in this RFEI) must be submitted in writing (email preferred) on or before **Thursday, March 24, 2016 at 3:30 P.M.** to the attention of:

Justin Jobin, Environmental Projects Coordinator
Suffolk County Department of Health Services at
justin.jobin@suffolkcountyny.gov or (631) 852-5808

Responses to such technical questions will be issued in the form of an Addendum to this RFEI.

B. RFEI Policies, Procedures and Disclaimers

- a) This RFEI is issued solely for information and planning purposes and does not constitute a solicitation or offer to procure or contract for any services. Responses to this RFEI are not an offer and cannot be accepted by the County to form a binding contract.
- b) This RFEI is not intended, and shall not be construed, to commit the County to pay any costs incurred in connection with any Response submitted during the RFEI process. The Applicant shall be solely and fully responsible for all costs associated with the development, preparation, transmittal, and submission of any material in response to this RFEI. The County may request selected Applicants to present their material in person to the County's representative at County offices, and the costs of such presentations shall be solely the responsibility of the Respondent. The County assumes no contractual or other obligations as a result of the issuance of this RFEI, the preparation or submission of materials by an Applicant, the evaluation of materials, the Applicant's conducting of presentations, or the selection of any Applicant for further negotiations. There shall be no claims whatsoever for reimbursement from the County or any of its consultants or agents for such costs.
- c) The County reserves the right to amend or withdraw this RFEI at any time in the sole discretion of the County. The County reserves the right to request additional information from any Applicant. While the County is under no obligation to contact Applicants for clarifications, it reserves the right to do so. Depending on the number and quality of the Responses received, the County may elect to interview all or some of the Applicants.
- d) The County reserves the right to reject or cancel any or all Responses or any part thereof submitted in response to this RFEI.

- e) The County reserves the right to disqualify any Applicant whose conduct and/or Response fails to conform to the requirements of the RFEI.
- f) No oral response by any employee, consultant or agent of the County shall be binding on the County, or shall in any way constitute a commitment by the County.
- g) *Engineering Certificate*: In the event that the County ever contracts with an Applicant and the Contract requires any Engineering Services, the Contractor shall submit to the County, no later than the due date for submission for approval of any engineering work product, the Certificate of Authorization (“Certificate”), issued pursuant to § 7210 of the New York Education Law, of every person performing any Engineering Services. The failure to file, submit or maintain the Certificate shall be grounds for rejection of any engineering work product submitted for approval.

C. Confidentiality

All Responses submitted for the County’s consideration will be held in confidence unless disclosure is required by the New York State Freedom of Information Law (FOIL), codified at Public Officers Law Article 6, or by any other law or judicial order. Therefore, if an Applicant believes that any information in its submission constitutes a trade secret or is otherwise information which if disclosed would cause substantial injury to the competitive position of the Applicant’s enterprise and the Applicant wishes such information to be withheld if requested pursuant to FOIL, the Applicant shall include with its submission a separate letter addressed to the primary contact referenced in this RFEI, specifically identifying the page number(s), line(s) or other appropriate designation(s) containing such information, explaining in detail why such information is a trade secret or is other information which if disclosed would cause substantial injury to the competitive position of the Applicant’s enterprise, and formally requesting that such information be kept confidential. Failure by an Applicant to include such a letter with its Response will constitute a waiver by the Applicant of any interest in seeking exemption of this information under Article 6 of the Public Officers’ Law relating to protection of trade secrets. The proprietary nature of the information designated confidential by the Applicant may be subject to disclosure if it is requested and the County deems it subject to disclosure or if ordered by a court of competent jurisdiction. A request that an entire submission be kept confidential may not be considered reasonable since a submission cannot reasonably consist of all data subject to FOIL.

D. RFEI Posted On County Website

This RFEI is available on-line at:

<http://www.suffolkcountyny.gov/Departments/Planning/ReclaimOurWaterInitiativeUpdate.aspx>

Follow the instructions to register and download the documents. By registering on-line you will automatically be notified of all future addendums. If you should need

assistance, please contact the Suffolk County Department of Economic Development and Planning for help.

E. Suffolk County Background and Demographic Information

Suffolk County (the “County”) is Long Island's eastern-most county, and covers an area of approximately 900 square miles, 20 miles at its widest part and approximately 86 miles in length.

The County is a municipal corporation of the State of New York with an annual operating budget of approximately \$2.6 billion. The County employs approximately 11,000 employees, with main offices located in Hauppauge, Yaphank, Riverhead, and several smaller locations.

a) Population:

The County has a population of 1.5 million people. The five western towns contain 91% of the population within 62% of the County’s land area and the population of the County is projected to increase by approximately 9% by the year 2035 (*Suffolk County Department of Economic Development and Planning estimates*). It is the fourth most populous county in the state.

b) Ethnic Diversity

The majority of the County’s population is Caucasian, and as of 2010 the Hispanics were the largest minority group comprising 16% of the population, followed by 7% African-American and 3% Asian.

c) Age

The median age of the County’s population in 2010 was 39.8 years, with 14% of the population over the age of 65.

d) Household Income

According to the U.S. Census Bureau, the 2009 median household income in the County was \$83,620.00, ranking it the 25th highest (in the top 1%) out of all counties in the nation.

Rev. 3/9/16; Law No. 16-ED-173
Issue Date: 3/10/16
RFEI for Phase II Demo. I/A OWTS

SC Purchasing RFEI No. 15016-A
Commodity Code 918 43

ATTACHMENTS

Suffolk County Legislative Requirements

1. Contractor's/Vendor's Public Disclosure Statement

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of section A5-7 of Article V of the Suffolk County Code.

Unless certified by an officer of the Contractor as being exempt from the requirements of section A5-7 of Article V of the Suffolk County Code, the Contractor represents and warrants that it has filed with the Comptroller the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the Comptroller on or before the 31st day of January in each year of the Contract's duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of the Contract, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Contract.

Required Form:

Suffolk County Form SCEX 22; entitled "Contractor's/Vendor's Public Disclosure Statement"

2. Living Wage Law

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 575, of the Suffolk County Code.

This Contract is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply, all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

Required Forms:

Suffolk County Living Wage Form LW-1; entitled "Suffolk County Department of Labor – Living Wage Unit Notice of Application for County Compensation (Contract)"

Suffolk County Living Wage Form LW-38; entitled "Suffolk County Department of Labor – Living Wage Unit Living Wage Certification/Declaration – Subject To Audit"

3. Use of County Resources to Interfere with Collective Bargaining Activities

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 803 of the Suffolk County Code.

County Contractors (as defined by section 803-2) shall comply with all requirements of Chapter 803 of the Suffolk County Code, including the following prohibitions:

- a. The Contractor shall not use County funds to assist, promote, or deter union organizing.
- b. No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.
- c. No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.

If the Services are performed on County property, the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, non-intimidation agreement, and a majority authorization card agreement.

If the Services are for the provision of human services and are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Chapter 803, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

Required Form:

Suffolk County Labor Law Form DOL-LO1; entitled “Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration – Subject to Audit.”

4. Lawful Hiring of Employees Law

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 353 of the Suffolk County Code.

This Contract is subject to the Lawful Hiring of Employees Law of the County of Suffolk. It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the contract, and whenever a new contractor or subcontractor is hired under the terms of the contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of the Contract.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate the Contract for violations of this Law and to seek other remedies available under the law.

The documentation mandated to be kept by this law shall at all times be kept on site. Employee sign-in sheets and register/log books shall be kept on site at all times during working hours and all covered employees, as defined in the law, shall be required to sign such sign-in sheets/register/log books to indicate their presence on the site during such working hours.

Required Forms:

Suffolk County Lawful Hiring of Employees Law Form LHE-1; entitled “Suffolk County Department of Labor – Notice Of Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees.”

“Affidavit Of Compliance With The Requirements Of 8 U.S.C. Section 1324a With Respect To Lawful Hiring Of Employees” Form LHE-2.

5. Gratuities

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 664 of the Suffolk County Code.

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of the County or the State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement.

6. Prohibition Against Contracting with Corporations that Reincorporate Overseas

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of sections A4-13 and A4-14 of Article IV of the Suffolk County Code.

The Contractor represents that it is in compliance with sections A4-13 and A4-14 of Article IV of the Suffolk County Code. Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

7. Child Sexual Abuse Reporting Policy

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 880 of the Suffolk County Code.

The Contractor shall comply with Article II of Chapter 880, of the Suffolk County Code, entitled "Child Sexual Abuse Reporting Policy," as now in effect or amended hereafter or of any other Suffolk County local law that may become applicable during the term of the Contract with regard to child sexual abuse reporting policy.

8. Non Responsible Bidder

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 189 of the Suffolk County Code.

Upon signing the Contract, the Contractor certifies that it has not been convicted of a criminal offense within the last ten (10) years. The term "conviction" shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under the provision of section 189-5 of the Suffolk County Code under "Nonresponsible Bidder."

9. Use of Funds in Prosecution of Civil Actions Prohibited

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article III of Chapter 893 of the Suffolk County Code.

The Contractor shall not use any of the moneys, in part or in whole, and either directly or indirectly, received under the Contract in connection with the prosecution of any civil action against the County in any jurisdiction or any judicial or administrative forum.

10. Youth Sports

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article III of Chapter 730 of the Suffolk County Code.

All contract agencies that conduct youth sports programs are required to develop and maintain a written plan or policy addressing incidents of possible or actual concussion or other head injuries among sports program participants. Such plan or policy must be submitted prior to the award of the County contract, grant or funding. Receipt of such plan or policy by the County does not represent approval or endorsement of any such plan or policy, nor shall the County be subject to any liability in connection with any such plan or policy.

11. Reincorporation

The Contractor represents that it is in compliance with Suffolk County Local Law No. 20-2004, entitled "A Local Law to Amend Local Law 5-1993, To Prohibit the County of Suffolk From Contracting with Corporations That Reincorporate Overseas." Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

12. Leadership in Energy and Environmental Design (LEED) Requirement

a. It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 939 of the Suffolk County Code, entitled "Energy Efficiency" which mandates the incorporation of LEED principles in County construction projects exceeding \$1,000,000 in aggregate construction costs or planning of renovation of an existing County building which requires the expenditure of \$1,000,000 or more or planning of new construction or renovation "built to suit" for long term lease by the County of Suffolk in an effort to promote energy efficiency and sound environmental practices.

b. The Contractor shall comply with Article II of Chapter 939 of the Suffolk County Code, as now in effect or as amended hereafter or as provided by any other Suffolk County local law that may become applicable during the term of the Contract with regard to LEED requirements.

13. Light Pollution:

a. It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Suffolk County Code, Chapter 149, entitled "Light Pollution," imposing certain requirements upon new or replacement outdoor lighting fixtures installed by the County on County-owned facilities.

b. In the event the Contract involves the design and/or installation of lighting or lighting systems, the Contractor's designs and installation shall comply with Suffolk County Code, Chapter 149 of the Suffolk County Code, as now in effect or as amended hereafter or as provided by any other Suffolk County local law that may become applicable during the term of the Contract with regard to Light Pollution.

14. Suffolk County Local Laws Website Address

Suffolk County Local Laws, Rules and Regulations can be [accessed](#) on the homepage of the Suffolk County

Exhibits

1. Public Disclosure
2. Living Wage
3. Union Certification
4. Local Law 25 as amended
5. Lawful Hiring
6. Comptroller's Rules
7. Affirmation Action Package
8. Bid Certification
9. Minority/Women Business Enterprise
8. E-verify
10. Apprenticeship Training Program (For Construction Work only)