

# ATTACHMENT A

## SOLICITATION NO. 0400000173

This Solicitation is a Contract Document and is a request for proposal in connection with the Contract awarded by the Office of Management and Enterprise Services as more particularly described below. Any defined term used herein but not defined herein shall have the meaning ascribed in the General Terms or other Contract Document.

### Purpose

The Contract is awarded on behalf of the Oklahoma Department of Agriculture, Food & Forestry (ODAFF). In 2003, the Oklahoma State Legislature established Senate Bill 606 creating an Unwanted Pesticide Disposal Fund that dedicates a portion of the pesticide registration fees paid to ODAFF to the collection and proper disposal of old, unusable or unwanted pesticides in agriculture and commercial use.

The purpose of this program is to eliminate unwanted commercial and agricultural pesticides from the environment. This program will provide a safe and economical way to dispose of the cancelled, suspended, expired, unwanted, unused, and unstable pesticides. The unwanted pesticide collection program is intended to provide assistance in the proper disposal of waste pesticides utilized in agribusiness related entities (farms, farmers, private applicator) who engage in the use and application of pesticides, commercial pesticide companies engaged in the application of commercially applied pesticides as well as homeowners and pesticide dealers who have old, outdated, or unwanted pesticides.

The improper management of cancelled, suspended, expired, unused, or unusable pesticides poses a threat to both public health and the environment. It is suspected that the Oklahoma agricultural, commercial pest control communities and homeowners are storing an undetermined amount of unusable pesticides. ODAFF has procured funding to conduct a pesticide disposal program.

At the present time, ODAFF is planning two (2) to six (6) one-day collection events a year. The collection locations will be determined by ODAFF and the successful supplier following the award of this contract. The successful supplier will conduct two (2) to six (6) commercial, agricultural and/or home owner waste pesticide collections per year. The two (2) to six (6) collection sites and dates are tentative and will be decided in the post award meetings.

Acceptable pesticides will be delivered to the collection site. At the collection site, the products will be transferred to the successful supplier who will assume the role of the waste generator for the disposal activities.

## Contract Term and Renewal Options

The initial contract term will begin on date of award thru one year with (5) twelve month renewal options.

## SOLICITATION SPECIFICATION - (STATEMENT OF WORK)

### General Definitions

**Acceptable Pesticides:** Identified as unused, unusable, expired or unidentified agricultural and commercial and commercial grade pesticides from farmers or commercial, non-commercial and private applicators.

**AWPC:** Refers to an Agricultural Waste Pesticides Collection (AWPC) event.

**Applicable Regulations:** Includes all federal, state, and local laws, reactions, rules and standards that apply to this bid and the resulting contract.

**Code of Federal Regulations (CFR):** The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and volumes are issued on a quarterly basis.

**The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA):** Commonly known as Superfund, this law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. The tax is deposited in a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. The law authorizes two kinds of response actions: Short term removals, where actions may be taken to address releases or threatened releases requiring prompt response, and long term remedial response actions resulting in permanent and significant reduction in the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life threatening.

**Computation of Times:** When any period of time is referred to in the Contract Documents by days, it will be computed to exclude the first and include the last day of the period. If the last day of any period falls on a Saturday or Sunday or on a state or federal holiday, that day will be omitted from the computation. A calendar day of twenty-four (24) hours measured from midnight to the next midnight constitutes a day. A period referred to as a month is a period of thirty (30) days. A period referred to as a "week" is a period of seven (7) days.

**Conforming, Nonconforming:** Descriptions of work, services, goods, materials, equipment or personnel as being conforming or nonconforming or use of a similar term is a reference to whether they conform to the requirements of the Contract Documents including any referenced standards.

**Container:** Means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

**Contract Administrator:** Means the person within OMES assigned to manage contract issues.

**Contract Term:** The initial effective period of this Contract beginning with the effective date and ending with the termination date. The term, "Extended Contract Term" includes the original Contract Term and the periods of any extensions and renewals.

**Contractual Risk Transfer:** Is a one-of-a-kind reference on hold-harmless (indemnity) provisions, limitation of liability clauses, waivers of subrogation, contract insurance requirements, contractual liability insurance, additional insured issues, owners and successful suppliers protective insurance, certificates of insurance, and contract administration.

**Deleterious Substance:** Means any substance transported which by its inherent nature, either in its raw state or compounded, in any quantity or volume, is harmful to livestock, crops or croplands.

**Designated Agency Representative:** Means the person, designated by the Oklahoma Department of Agriculture, Food, and Forestry to be the primary contact with the successful supplier.

**Disposal:** Means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

**Disposal facility:** Means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

**EPA Identification Number:** Means the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility.

**Generators:** Includes those that generate hazardous waste and are divided into three categories based upon the quantity of hazardous waste they produce.

**Generic:** Means that the same standards can be applied to any organization, large or small, whatever its product - including whether its "product" is actually a service - in any sector of activity, and whether it is a business enterprise, a public administration, or a government department. It also signifies that no matter what the organization is or does, if it wants to establish a quality management system or an environmental management system, then such a system has a number of essential features, which are spelled out in the relevant standards of the ISO 9000 or ISO 14000 families.

**Hazardous Materials:** In accordance with 49 CFR 171.8, a substance of material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

**Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA):** In 1990 Congress enacted the HMTUSA to clarify the maze of conflicting state, local, and federal regulations. The HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property. The statute includes provisions to encourage uniformity between various state and local highway routing regulations to develop criteria for the issuance of federal permits to motor carriers of hazardous materials.

**Hazard Ranking System (HRS):** The principal mechanism EPA uses to place uncontrolled waste sites on the National Priorities List (NPL). It is a numerically based screening system that uses information from initial, limited investigations -- the preliminary assessment and the site inspection -- to assess the relative potential of sites to pose a threat to human health or the environment.

**Hazardous Substance:** In accordance with 49 CFR 171.8, a material and its mixtures or solutions that are identified by the "E" in column 1 of the table in 49 CFR 171.101 when offered for transportation in package or when the quantity of the material meets or exceeds the reportable quantity when offered for transportation by vehicle and not packaged.

**Hazardous Waste:** A waste with properties that make it dangerous or potentially harmful to human health or the environment. In regulatory terms, a RCRA hazardous waste is a waste that appears on one of the four hazardous wastes lists (F-list, K-list, P-list, or U-list), or exhibits at least one of four characteristics - ignitability, corrosivity, reactivity, or toxicity.

**Hazardous Waste Generation:** The act or process of producing hazardous waste.

**Hazardous Waste Management:** The systematic control of the collection, sources separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.

**Hazardous Waste Manifest System:** Consists of a set of forms, reports, and procedures designed to seamlessly track hazardous waste from the time it leaves the generator facility where it was produced, until it reaches the off-site waste management facility that will store, treat, or dispose of the hazardous waste. The system allows the waste generator to verify that its waste has been properly delivered, and that no waste has been lost or unaccounted for in the process.

**Hazardous Waste Permit:** The document issued by a participating state which represents a specific motor carrier's registration to transport hazardous waste in states that participate in the uniform hazardous waste program.

**Health and Safety Plan:** A site specific plan to protect the health and safety of all personnel, local residents, participants, volunteers, etc. This plan is required to follow EPA guidelines addressed in EPA order 1440.3, section 104 (f) as well as the Occupational Safety and Health Publication No. 85-115 and any other applicable federal or state laws and regulations.

**High-Density Polyethylene (HDPE):** A strong, relatively opaque form of polyethylene having a dense structure with few side branches off the main carbon backbone.

**Household Hazardous Waste:** Household waste that is corrosive, toxic, ignitable, or reactive, including, but not limited to: Freon-containing appliances or tanks; non-empty propane tanks; oil, antifreeze, and other motor vehicle fluids; gasoline, kerosene, or diesel fuel; liquid paints; solvents; pesticides, herbicides, fungicides, or rodenticides; caustic cleaners; lead-acid batteries; swimming pool chemicals; unused firearm rounds; and acids and bases.

**Household Waste:** Any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

**Indemnification:** The portion of an agreement that provides an ability to restore a loss, in whole or in part, by payment, repair or replacement. The term also means to secure against loss or damage.

**Intellectual Property:** A product of the intellect that has commercial value, including copyrighted property such as literary or artistic works, and ideational property, such as patents, appellations of origin, business methods, and industrial processes.

**Interstate:** A shipment having an origin or destination into, out of or through two or more states.

**Interstate Registration Certificate (IRC):** A document issued by OCC granting permission to operate as a motor carrier upon the highways of the State of Oklahoma in ICC exempt interstate commerce.

**Intrastate:** A shipment having an origin and destination wholly within one state.

**Lab Pack:** A container consisting of one or more smaller containers of wastes packed in accordance with ODOT regulatory requirements.

**Management System:** The system an organization utilizes to manage its processes or activities.

**Manifest:** The shipping document, EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage. The form is signed by the generator in accordance with the instructions in the appendix to 40 CFR part 262 and the applicable requirements of 40 CFR parts 262 through 265.

**MCS-90:** A required endorsement to a business automobile policy for hazardous material or waste transporters. Its purpose is to ensure that funds are available for damages arising from a trucking accident that involves hazardous materials.

**Mobilization Cost:** The cost to mobilize a vehicle, personnel, and supplies to the waste general location in order to perform hazardous waste management services.

**Motor Carrier Act of 1980 (MCA):** Motor carriers of property operating commercial motor vehicles in interstate, foreign, or intrastate commerce, and for-hire carriers of passengers operating in interstate or foreign commerce must have at least the minimum amount of

insurance required by law. The motor carrier must have proof of the minimum level of insurance at the company's principal place of business.

**Municipality:** A city, town, borough, county, parish, district, or other public body created by or pursuant to State law with responsibility for the planning or administration or solid waste management, or an Indian tribe, and includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State or political subdivision.

**Priorities List (NPL):** Sites are listed upon completion of Hazard Ranking System (HRS) screening, public solicitation of comments about the proposed site, and after all comments have been addressed. The NPL primarily serves as an information and management tool that is a part of the Superfund cleanup process. The NPL is periodically updated in the Federal Register.

**Off-Site Recycling Facility:** Any facility that receives off-site shipments of hazardous waste to be recycled or processed for recycling, through any process conducted at the facility including fuel blending or burning.

**Oklahoma Hazardous Waste Management Act (OHWMA):** The Oklahoma Hazardous Waste Management Act 27A O.S. 2-7-101 applies to any person who handles, transports, treats, stores, recycles, or disposes of hazardous wastes pursuant to OHWMA; any municipality or county seeking a matching grant for emergency response training and protective equipment pursuant to the Hazardous Waste Reduction Fund Act; any generator of hazardous waste who voluntarily participates in the Hazardous Waste Reduction Program; or any person seeking a tax credit pursuant to the Recycling, Reuse and Source Reduction Incentive Act (RRSIA) 27A O.S. 2-11-301.

**Personal Protective Equipment (PPE):** All clothing and other work accessories designed to create a barrier against workplace hazards. Examples include safety goggles, blast shields, hard hats, hearing protectors, gloves, respirators, aprons, work boots, and coveralls. All personal protective equipment utilized by the Contractor and associated personnel, including any subcontractors, must comply with all local, state and federal regulations.

**Quality Assurance/Quality Control Plan (QA/QC):** A plan that describes the standards, quality practices, resources and processes pertinent to a specific product, service or project. Quality control addresses the operational techniques and activities used to fulfill requirements for quality.

**Reclaim:** The process to recover a usable product.

**Recycle:** Material reuse or reclamation.

**Resource Conservation and Recovery Act (RCRA):** Through RCRA EPA has the authority to control hazardous waste from the "cradle--to-grave," including the generation, transportation, treatment, storage, and disposal of hazardous waste. It also includes a framework for the management of non-hazardous wastes.

**Reuse:** repeat use of a material as an ingredient.

**Small Disadvantaged Business (SDB):** To be considered an SDB, the business must be at least 51% owned and controlled by a socially and economically disadvantaged individual or individuals. African Americans, Hispanic Americans, Asian Pacific Americans, Subcontinent Asian Americans, and Native Americans are presumed to qualify. Other individuals may qualify by demonstrating they are disadvantaged through required documentation and other information necessary. All individuals must have a net worth of less than \$750,000, excluding the equity of the business and primary residence. Other qualifications may include applicable size standards for small businesses in the industry; possess at least one objective distinguishing feature that has contributed to your social disadvantage, such as race, ethnic origin, gender, physical handicap, or long-term residence in an environment that is isolated from mainstream America; description of personal experience with substantial and chronic social disadvantage within American society, excluding other countries; and the disadvantage must have had a negative impact upon your entry into or advancement in the business world.

**Storage:** When used in connection with hazardous waste, means the containment of hazardous waste, either on a temporary basis or for a period of years in a manner that does not constitute disposal. Waste storage would be placed in a permitted storage facility, known as a Treatment, Storage or Disposal Facility (TSDF) as defined by.

**Subcontractor:** Describes any distinct organization that is not a subunit or subsidiary of the contract holder, and used by that successful supplier in the management of the State's waste under this contract; e.g. non-owned waste management sites are defined as subcontractors.

**Successful supplier:** Indicates the company awarded the contract and who will be performing the work required and outlined in this statement of work. Used interchangeably with "Contractor".

**Supplier:** Indicates the company submitted the response to this solicitation.

**The Superfund Amendments and Reauthorization Act (SARA):** SARA amended CERCLA on October 17, 1986. SARA made several changes and additions to the program and also required EPA to revise the Hazard Ranking System (HRS) to ensure that it accurately assessed the relative degree of risk to human health and the environment posed by uncontrolled hazardous waste sites that may be placed on the National Priorities List (NPL).

**Transportation Cost:** All transportation costs other than mobilization costs are incorporated into the waste disposal cost.

**Treatment, Storage or Disposal Facility (TSD) or (TSDF):** Any U.S. facility that treats, stores, or disposes of RCRA-regulated wastes in accordance with terms and conditions outlined in 40 CFR Parts 264 and 265 of RCRA, subpart A - E. The definition of a TSD facility encompasses three different functions:

**Treatment:** Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize it, or render it non-hazardous or less hazardous, or to recover it, make it safer to transport, store or dispose of, or amenable for recovery, storage, or volume reduction.

**Storage:** The holding of hazardous waste for a temporary period, at the end of which the Hazardous Waste is treated, disposed, or stored elsewhere.

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

**Uniform Program Fee Worksheet (UPW) Schedules A-D and Summary:** The worksheet and summary are a part of the Hazardous Waste Forms included in the Oklahoma Administrative Code, Title 165, Chapter 30: Rules Governing Motor Carriers and Private Carriers as regulated by the Transportation Division of the OCC.

**Universal Waste:** \*\*Note: wastes have to be a hazardous waste before they can be classified as a universal waste. Universal wastes include batteries such as nickel-cadmium (Ni-Cd) and small sealed lead-acid batteries, which are found in many common items in the business and home setting, including electronic equipment, mobile telephones, portable computers, and emergency backup lighting; agricultural pesticides are pesticides recalled under certain conditions and unused pesticides that are collected and managed as part of a waste pesticide collection program; thermostats which contain as much as 3 grams of liquid mercury and are located in almost any building, including commercial, industrial, agricultural, community, and household buildings; and lamps which are the bulb or tube portions of electric lighting devices that have a hazardous component. Examples of common universal waste electric lamps include, but are not limited to, fluorescent lights, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps. Many used lamps are considered hazardous wastes under RCRA because of the presence of mercury or occasionally lead.

**Unknowns:** A waste that the chemical nomenclature, composition, structure or hazardous qualities are unknown to the waste generation location.

**Waste Generation Location:** The state owned or operated facilities and locations generating hazardous waste that will be managed under this contract.

**Waste Management Site:** Contractor owned or contracted facility used to treat, store, dispose, reclaim, recycle, transfer, incinerate or otherwise manage wastes under this contract. Includes facilities used to manage wastes generated during the bidder's treatment, reclamation, recycling or disposal wastes.

**Work:** The services and incorporated goods described in the Scope of Services. The term also includes the entire completed undertaking, or the various separately identifiable parts thereof, required to be furnished under the Contract Documents. Work includes and is the result of performing or furnishing labor and furnishing and incorporating materials and equipment and performing or furnishing services and furnishing documents, all as required by the Contract Documents.

## A. MANDATORY REQUIREMENTS AND INSTRUCTIONS

- A.1.** The work to be provided by the successful supplier shall correspond to the tasks described in this Statement of Work and will be accomplished in accordance with the requirements of the solicitation. Estimated weight for the four (4) collections will be approximately 100,000 pounds.
- A.2.** Two (2) disposal chemists who each have completed, at a minimum, OSHA Standard 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response 40 hour training and managed three (3) chemical waste collection jobs, with references. The two (2) qualified disposal chemists shall be present at each collection and of the two (2) one or more shall be the site or project manager, which will direct the on-site operations of the transportation activities for collected wastes. OSHA certification documentation is to be provided for each chemist. Any changes in these personnel must be in accordance with the general conditions of this agreement.
- A.3.** Four (4) technicians who must have completed, at a minimum, 40-hour hazardous materials certification training and physically worked on three (3) chemical waste collection jobs, with references, to perform all segregation, inventorying, packaging, bulking, manifesting and transportation activities for the collected wastes. Any changes in these personnel must be in accordance with the general conditions of this agreement. OSHA certification documentation is to be provided for each technician.
- A.4.** All equipment necessary to properly unload, handle, weigh, identify unknowns or partially identified wastes, properly package, label, and transport all collected wastes. Any changes in the necessary equipment must be in accordance with the general conditions of this agreement. Required amounts of the necessary equipment will be increased or decreased prior to collection events based on sign up numbers and agreed to by site/project manager. Necessary equipment shall at a minimum include the following items listed but not be limited to:
- Fork lifts (1) (warehouse type 5,000 lbs.)
  - Site security (if site is fenced, site security may be deleted by ODAFF for an individual collection)
  - Portable toilet (if restroom is not available)
  - Portable scale (1) (4' X 4' platform scale, calibrated and sealed by proper authorities within thirty (30) days of collection event)
  - Traffic cones (50)
  - Four (4) signs designating each collection event (3' X 3') each designating Commercial and Agricultural Hazardous Waste Collection only and
  - Trash dumpsters (20 yard to 40 yard bin or roll off)
- A.5.** The successful supplier shall provide all personal protective equipment required by local, state and federal regulations for hazardous waste operations and the site or project manager will assure its proper use.
- A.6.** The successful supplier shall document how they will comply with the ASTM sampling procedures and methodology as well as proper storage of soil and wipe samples. All equipment and personnel necessary to take pre-collection and post-collection samples to establish a background pesticide level and to determine if any increase in pesticide levels occurred as a result of on-site collections under this agreement. Pre and post collection site sampling shall be determined by the ODAFF. All soil and wipe samples and analyses shall meet the ASTM Standards/EPA Methods:

- EPA 8081 Analyses
  - 10 total pre-collection samples (2 at each site)
  - 10 total post-collection samples (2 at each site) and
  - 0-6: composite samples for soil samples.
  -
- A.7.** All samples will be recorded and all samples will be transported for analysis and will be analyzed. Copies of all analytical reports shall be submitted within fourteen (14) days following the final collection event according to the requirements of the solicitation.
- A.8.** The successful supplier shall provide at a minimum 5,000 square feet of sixty millimeter (60mm) high density polyethylene (HDPE) to cover all exterior unloading and packaging surfaces at each collection site.
- A.9.** The successful supplier shall provide six millimeter (6mm) polyethylene sheeting necessary to cover all interior surfaces of any buildings used during collection events. All interior walls shall be covered from the floor to the ceiling or to a height of twelve (12) feet, whichever is less.
- A.10.** The successful supplier shall be solely responsible for the development of and compliance with a site-specific Health and Safety Plan ("Safety Plan") to protect the health and safety of personnel, local residents' participants and volunteers, etc. The Safety Plan shall be consistent with any applicable EPA Orders, including EPA Order 1440.3 and Section 104(O of the Comprehensive Environmental Response, Compensation and Liability Act of 1986, and any other amendments that may occur during the term of this contract, as well as any other applicable federal and state laws and regulations, and the "Occupational Safety and Health Publication No. 85-115," which is incorporated herein by reference for all purposes. The successful supplier shall submit a copy of the Safety Plan to the ODAFF. Successful supplier must provide documentation and references of at least two (2) previous site specific plans that were developed during two (2) previous pesticide collection events.
- A.11.** The successful supplier is required to have a minimum of ten (10) years' experience in conducting pesticide disposal programs in cooperation with local, state or federal agencies. The ten (10) years of Hazardous Waste disposal experience shall have included the identification and collection of unusable agricultural and commercial grade pesticides from residents, farmers, business owners, commercial applicator and public agencies. It shall also include the proper collection, identification, storage, transportation and disposal of unused or unusable pesticides to assist states and local governments in eliminating the potential source of contamination to the environment. The required experience should include a minimum of five (5) one or two-day events, depending on the amount of pesticides collected. The successful supplier shall conduct all pre-site preparation and sampling, provide only properly trained personnel and required equipment and supplies, have met or held all local, state and federal regulations, license and permit regulations, and completed all required documentation including but not limited to required manifests and sample reports and results. The successful supplier is also encouraged to be ISO certified in either the 9000 or 14000 series and should provide written documentation indicating such certification. ISO certified supplier either the 9000 or 14000 will be given additional evaluation points. Contractor shall also provide written verification that employee training and required safety program at a minimum meets OSHA as set forth in 49 CFR 172.704 and 172.602; as well as 29 CFR 1910.120 and 1910.1200.
- A.12.** The successful supplier shall classify and segregate hazardous wastes by compatibility.
- A.13.** The successful supplier shall conduct onsite testing of wastes to determine compatibility.

- A.14.** The successful supplier shall inventory the hazardous wastes.
- A.15.** The successful supplier shall be experienced with packaging of lab pack materials – small containers – into DOT approved shipping containers.
- A.16.** The successful supplier shall Transfer disposed wastes (pesticides) from small containers into DOT containers.
- A.17.** The successful supplier shall Identify and repackage leaking, broken, or damaged containers.
- A.18.** The successful supplier shall complete manifest and all other required DOT and RCRA recordkeeping documents.
- A.19.** The successful supplier shall accept and load pesticide wastes in properly approved, licensed and permitted vehicles for transportation to an EPA approved disposal facility.
- A.20.** The successful supplier is required to provide a minimum of three (3) references which demonstrate work performed in unwanted pesticide disposal programs and address cancelled, expired, banned and unwanted agricultural and commercial pesticides which the contractor has participated in or conducted in the last five (5) years.
- A.21.** The successful supplier will provide a Certificate of Insurance executed by a duly authorized representative of each insurer showing compliance with the insurance requirements as set forth in this scope of work. Additionally, the successful supplier is responsible for ensuring that any partnering organizations and subcontractors provide adequate insurance coverage for the activities arising out of any subcontracts. These insurance policies are required to be maintained throughout the life of the awarded contract. ODAFF must be notified in writing of any changes in the successful supplier's insurance policies and provided updated documentation concerning those changes. At no time can the successful supplier make changes that allow the policies to fall below the minimums outlined in this statement of work.
- A.22.** The successful supplier shall provide copies of documentation that demonstrates an implemented safety program, which at a minimum meets OSHA requirements for hazardous materials handling and transporting and is in operation within their company. Exceeding these minimum requirements is highly preferred and any additional documentation representing such measures shall be included with the required safety program documentation.
- A.23.** Immediately following the award of the contract, the successful supplier and ODAFF will set up a Post-Award meeting. The successful supplier must be willing and able to fulfill the terms of the statement of work immediately following the award of the contract.
- A.24.** The successful supplier's site or project manager shall submit proposed collection site procedures, attend meetings prior to collection dates at the locations referred to in requirements of the solicitation and additional locations to be determined. The site or project manager shall be identified prior to the event they will be overseeing. The site or project manager shall be a disposal chemist.
- A.25.** The successful supplier will be required to develop and submit to the ODAFF for approval, a site-specific Quality Assurance/Quality Control Plan ("QA/QC") in accordance with the requirements of the solicitation. The Contractor and ODAFF agree that the QA/QC Plan shall become a part of the Contract upon approval. The Contractor shall adhere to the provisions of the QA/QC Plan.
- A.26.** The successful supplier shall purchase, obtain and maintain all required licenses, permits, authorizations, or any document required by federal, state, county and municipal governments,

and other authorities to conduct the work necessary to fulfill the requirements of the contract. This includes but is not limited to being licensed, permitted, certified and approved by ODEQ, OSDH, and OCC. The successful supplier must maintain such approval throughout the term of the contract. Certificates of compliance with all licensing requirements shall be provided with successful suppliers bid response. In addition, EPA and ODAFF identification numbers for the collection activities will be submitted in accordance with the requirements of the solicitation. These numbers will be used to identify and track collected wastes.

- A.27.** The successful supplier shall comply with all federal, state, county and municipal government regulations concerning hazardous waste operations. No transporter or disposal facility shall be utilized if the transporter or facility is not in compliance with any permit, rule or regulation of EPA, ODAFF, DOT, ODOT, OSHA, OCC, ODEQ, OSDH, or any other regulatory authority or agency.
- A.28.** The successful supplier shall determine the weights using a calibrated and state certified scale. The weight of the waste, (excluding drum and packing material) is considered the net weight. The successful supplier shall establish tare weights for each drum prior to the waste collection event. This shall include all absorbent material, labels, and weights for each drum prior to the collection event. Subtracting the tare weight from the actual weight will determine the net weight of the container. Actual weights will be determined using a portable scale calibrated after shipment to the site.
- A.29.** The successful supplier shall complete an inventory report that identifies the contents of each lab pack and the contents of the bulk packs transferred from each collection site to an authorized storage, treatment or disposal facility. Within forty-five (45) days following the last collection event of the calendar year as specified in the requirements of the solicitation, one legible copy of each form shall be submitted to the ODAFF project representative designated in the Statement of Work.
- A.30.** Successful supplier shall not accept any nonconforming waste pesticides or other nonconforming materials and substances during any collection event. These nonconforming items are as follows:
- 2, 4, 5 T – Silvex and Pentachlorophenol in amounts greater than five (5) gallons;
  - Explosive materials;
  - Fertilizers and Nutrients that are neither hazardous nor contain pesticide mixtures; and
  - Pressurized gas cylinders.
- A.31.** In the event that nonconforming waste or materials is accepted, the successful supplier shall be paid the actual cost for the collection, transportation, and disposal by the person delivering the materials when additional costs are incurred. If the waste or material is an extremely hazardous or explosive substance the successful supplier shall hold the person with the hazardous substance on site and notify the regulating authority and allow them to handle the hazardous material. The successful supplier shall also secure the area to minimize hazards to the public and environment.
- A.32.** The successful supplier shall establish and implement a procedure according to regulations contained in 40 CFR 262.11 to identify unknown or partially identified wastes. This procedure at a minimum consists of the following:

- Open and sample containers holding unknown or partially identified wastes.
- Identify the wastes at the collection site or elsewhere in sufficient detail to permit safe transportation in accordance with applicable regulations.
- Identify the wastes at the collection site or elsewhere in sufficient detail to permit proper disposal.

**A.33.** The successful supplier shall package wastes to ensure that the package meets all applicable requirements for transportation of the wastes. It shall also be the duty of the successful supplier to prepare the Generator's Waste Material Profile Sheet and all manifests required for the transportation of the waste to a storage facility or disposal site. All manifests shall contain the necessary and appropriate signatures. The successful supplier shall sign as "generator" and the successful supplier or its subcontractor shall sign as "transporter" of the waste.

**A.34.** The successful supplier shall be considered the legal generator of all wastes removed from the site. The successful supplier shall not delegate this responsibility to any subcontractor. Being considered the legal generator of waste removed from the site includes, but is not limited to the successful supplier:

- Being listed as the legal generator on block 3 of the Uniform Hazardous Waste Manifest for all wastes which are subject to manifesting under state or federal law
- Signing block 16 (Generator Certification) of the Hazardous Waste Manifest, where applicable, for any class of waste transported from the site, certifying proper classification, packaging, labeling and shipping of the waste and
- Federal regulations for intrastate or interstate transportation do not require items A-K to be completed. However, for the purposes of this project all applicable sections should be completed.

## Storage, Transportation, Treatment or Disposal of Hazardous Waste

**A.35.** Any storage, transportation, treatment or disposal of hazardous waste or product undertaken by the successful supplier or subcontractors under this Agreement shall comply with all applicable local, state or federal regulations and law. No transporter shall be utilized if said transporter or facility is not in compliance with any permit, rule or regulation of the EPA, DOT, ODOT, OCC, ODAFF, ODEQ, or any regulatory authority or agency.

**A.36.** **Storage:** If the successful supplier is requested by the ODAFF to store wastes at its storage facility, the successful supplier shall store the wastes in compliance with the requirements of the hazardous waste rules, local fire codes and ordinances. The successful supplier shall continue to store the wastes at the storage facility in accordance with these requirements until authorized to ship the wastes from the facility. No storage facility shall be utilized if it is not in compliance with any permit, rule or regulation of EPA, DOT, ODOT, OCC, ODEQ, ODAFF, or any other regulatory authority or agency.

**A.37.** **Treatment:** If the successful supplier is requested by the ODAFF to treat or stabilize wastes, or perform laboratory analyses on unidentified or partially identified wastes, the successful supplier shall treat, stabilize and analyze the waste in compliance with the requirements of the hazardous waste rules, Oklahoma Department of Environmental Quality Title 252, Chapter 205.

No treatment facility shall be utilized if the treatment facility is not in compliance with any permit, rule or regulation of EPA, DOT, ODOT, OCC, or any other regulatory authority or agency.

- A.38. Disposal:** The successful supplier shall make and implement all arrangements for the proper disposal of the wastes received during the collections, subject to the provision in the last sentence of this paragraph. The disposition of all wastes collected shall be by direct transportation from the collection site to a facility authorized and in compliance with all permits, rules or regulations of EPA, DOT, ODOT, OCC, USDA, ODAFF, ODEQ, or any other regulatory authority or agency. In addition, the disposal facility shall be free of any pending enforcement or compliance proceedings with the EPA, ODEQ, ODAFF, or other local and state regulatory agencies. If the wastes will be disposed of outside of the State of Oklahoma, the successful supplier shall indicate these facilities. Wastes that cannot be incinerated will be authorized for disposal at a permanent hazardous waste landfill. All wastes collected under the terms of the contract shall be ultimately disposed of on or before the date referred to in the requirements of the solicitation.
- A.39.** The successful supplier shall supply only personnel that have met OSHA's Hazmat employee training. All employees who are or will be involved in the transportation and handling of hazardous materials will be trained prior to handling any hazardous materials, in accordance with the requirements as set forth in 49CFR 172.704 and 172.602; as well as 29CFR 1910.120 and 1910.1200.
- A.40.** The successful supplier shall supply spill control materials and employees trained to initiate immediate corrective action in the case of a spill or release associated with the collection activity. The preparedness shall include the management and recovery of any unplanned spill or release of wastes into the environment. The ODAFF project representative must be contacted immediately in the event of any emergency.
- A.41.** Successful supplier will provide an itemized copy of all inventories, manifests, sample results, safety plans, quality assurance and quality control plans as well as other pertinent information required or requested in association with each hazardous waste disposal event.
- A.42.** Sample Analysis Reports – On completing analyses the successful supplier shall provide ODAFF copies of analysis reports. The reports shall include:
- Report date;
  - A sample identification number;
  - Sample collection date;
  - Sample analysis date;
  - Description of the method used to analyze the sample;
  - The result of applying the method to a particular sample;
  - An explanation of the units used to report the results;
  - An explanation of the analytical method and machine's sensitivity (detection limits); and
  - A measure of the reliability of the results.

## Handling, Packaging and Storage Requirements

- A.43.** All hazardous waste, regardless of amount, must be delivered to an appropriate offsite treatment, storage, or disposal facility (TSD or TSDF) in accordance with 40 CFR 261. All collected

products will be transported to a licensed treatment facility for incineration, disposal or recycling.

- A.44.** Hazardous substances, hazardous materials and non-hazardous wastes (as defined in 40 CFR, part 261) being transported and intended for disposal or recycling must be accompanied by a completed shipping manifest which includes the following information: generator name, address, EPA identification number if applicable, designated disposal, storage or recycling facility, facility 's address, permit number, principle contact person, types and quantities of all materials, substances, products and wastes being transported. Successful supplier must meet all federal and state regulations.
- A.45.** Successful supplier will also indicate any special packaging requirements or information needed for the agency representative prior to packaging and the agency's choice as to method of disposal.

## Transportation Requirements

- A.46.** Rules Governing Motor Carriers and Private Carriers as regulated by ODOT and OCC: These rules are addressed in the Oklahoma Administrative Code Title 165. Chapter 30.
- A.47.** The successful supplier shall comply with 40 CFR 261.2(f) for wastes that are to be shipped under a "Product Exclusion," and shall specify the requirement contained in 40 CFR 261 is not to be construed to mean that other applicable federal and state requirements for hazardous substances, hazardous waste and hazardous materials, as defined in federal and state codes, are not to be complied with. It is understood that the successful supplier shall comply with all applicable requirements that pertain to this contract.

## Management and Disposal of Hazardous Waste

- A.48.** Successful supplier shall provide written confirmation (including date, type of disposal and location) of disposal of all items, except PCB's, within forty five (45) days of disposal.
- A.49.** Hazardous wastes that are to be recycled are subject to the requirements for generators, transporters and storage facilities in accordance with applicable hazardous waste rules. When shipping hazardous wastes to a facility for recycling, the successful supplier must obtain written documentation that the waste was recycled and the resulting product was sold. This written verification is to be included as a part of the documentation that is to be provided to ODAFF within forty five (45) days of disposal or recycling.
- A.50.** Vehicles must be operated by personnel trained in the handling and transport of hazardous waste and emergency procedures. At a minimum they shall have a commercial license with an endorsement for hazardous materials and two (2) years' experience.
- A.51.** Transportation vehicles must comply with all state and federal regulations, including manifest requirements, concerning transportation of hazardous substances, hazardous materials and hazardous waste.
- A.52.** Pursuant to the Motor Carrier Act of 1980, Hazardous Materials Transporters must have an endorsement (MCS-90) that demonstrates financial responsibility that includes pollution

coverage for toxic-material clean-ups. The successful supplier shall have and maintain this coverage through the terms of this contract and shall be responsible to ensure that any transporter that the successful supplier uses has this type of coverage.