

**Appendix 2**  
**Proposal Forms**

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**FORM 1  
PERFORMANCE BOND**

KNOW ALL BY THESE PRESENTS: that \_\_\_\_\_ as Principal, hereinafter called Contractor, and, \_\_\_\_\_ as Surety, hereinafter called Surety, are held firmly bound unto City of Vacaville, CA as Obligee, hereinafter called the CITY, in the amount of \$1,000,000 for the payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has written agreement dated \_\_\_\_\_ 2012, entered into an agreement with CITY for providing Services in accordance with RFP specifications and Agreement of the CITY, which Agreement is by reference made a part hereof, and is herein after referred to as the Agreement.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Contractor shall promptly and faithfully perform said Agreement, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the CITY.

Whenever Contractor shall be, and declared by the CITY to be in default under the Agreement, the CITY having performed the CITY'S obligations thereunder, the Surety may promptly remedy the default, or shall promptly perform one of the following:

1. Complete the Agreement in accordance with its terms and conditions.
2. Obtain a Proposal or Proposals for completing the Agreement in accordance with the terms and conditions, and upon determination by the Surety of the lowest and most responsible Proposer, or if the CITY elects, upon determination by the CITY and the Surety jointly of the lowest and most responsible Proposer, arrange for a contract between such Proposer and the CITY, make available as work progresses (even though there should be a default or a succession of default under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the contract price; but not exceeding, including costs and paragraph hereof. The term "balance of the contract price," as used in this paragraph, shall mean the total amount payable by the CITY to Contractor under the Agreement and any amendments thereto, less the amount property paid by the CITY of Contractor.

Any suit under this bond must be instituted before the expiration date of the Agreement or if extended for an additional term by the CITY, the expiration of the extended term.

No right action shall accrue on this bond to or for the use of any person or corporation other than the CITY named herein or the executor, administrator or successors of the CITY.

As part of this obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including attorneys fees incurred by the CITY in successfully enforcing such obligation all to be taxed as costs and included in any judgment rendered.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
(Principal) (Seal)

\_\_\_\_\_  
Surety (Seal)

\_\_\_\_\_  
(Name of Insurer)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Witness)

By: \_\_\_\_\_  
(Attorney-in-Fact)

**FORM 1**  
**PERFORMANCE BOND – Continued**

**AFFIRMATION OF PROPOSER’S ATTORNEY**

For (Name of Proposer): \_\_\_\_\_

As the undersigned Attorney for the above named Proposer, I hereby affirm to the Proposer that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Request for Proposals Declarations as indicated on the foregoing pages. I further affirm that, in my opinion, the Request for Proposals Declarations have been legally made and constitute legal and binding obligations by the Proposer.

I further affirm to the Proposer that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of this Request for Proposals Declarations, or the performance of the project.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_  
(ATTORNEY FOR PROPOSER)

**FORM 2**  
**ADDENDUM RECEIPT**

\_\_\_\_\_ (Name of Proposer) acknowledges it has received and read the following Addenda:

Addendum # \_\_\_\_\_ Signature \_\_\_\_\_

Addendum # \_\_\_\_\_ Signature \_\_\_\_\_

Addendum # \_\_\_\_\_ Signature \_\_\_\_\_

Addendum # \_\_\_\_\_ Signature \_\_\_\_\_

Addendum # \_\_\_\_\_ Signature \_\_\_\_\_

Addendum # \_\_\_\_\_ Signature \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

TITLE \_\_\_\_\_

COMPANY NAME \_\_\_\_\_

**FORM 2**  
**ADDENDUM RECEIPT – Continued**

**AFFIRMATION OF PROPOSER’S ATTORNEY**

For (Name of Proposer): \_\_\_\_\_

As the undersigned Attorney for the above named Proposer, I hereby affirm to the Proposer that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Request for Proposals Declarations as indicated on the foregoing pages. I further affirm that, in my opinion, the Request for Proposals Declarations have been legally made and constitute legal and binding obligations by the Proposer.

I further affirm to the Proposer that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of this Request for Proposals Declarations, or the performance of the project.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_  
(ATTORNEY FOR PROPOSER)

**FORM 3  
SECRETARY'S CERTIFICATION**

The undersigned, being the Secretary of \_\_\_\_\_,  
Company Name  
a California corporation ("The Company"), do hereby certify that the following resolution was adopted by the Board of Directors of the Company and that such resolution has not been amended, modified or rescinded and is in full force and effect as of the date hereof:

RESOLVED, that \_\_\_\_\_ be, and hereby is,  
Name of Designated Representative  
authorized to sign the Company's proposal or papers, as he/she may deem appropriate or necessary, pertaining to or relating to the January 2012 Request for Proposals for Solid Waste, Recyclables and Green Waste Collection, Processing, Street Sweeping, and Disposal Services from the City of Vacaville, California, and that any such action taken to date hereby ratified and approved.

Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_

**FORM 3**  
**SECRETARY'S CERTIFICATION – Continued**

**AFFIRMATION OF PROPOSER'S ATTORNEY**

For (Name of Proposer): \_\_\_\_\_

As the undersigned Attorney for the above named Proposer, I hereby affirm to the Proposer that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Request for Proposals Declarations as indicated on the foregoing pages. I further affirm that, in my opinion, the Request for Proposals Declarations have been legally made and constitute legal and binding obligations by the Proposer.

I further affirm to the Proposer that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of this Request for Proposals Declarations, or the performance of the project.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_  
(ATTORNEY FOR PROPOSER)

**FORM 4  
NON-COLLUSION AFFIDAVIT**

STATE OF CALIFORNIA  
COUNTY OF SOLANO

\_\_\_\_\_ declares and says:

1. That he/she is the (owner, partner, representative, or agent) of \_\_\_\_\_, hereinafter referred to as (PROPOSER) or (SUBCONTRACTOR).
2. That he/she is fully informed regarding the preparation and contents of this proposal for certain work in the City of Vacaville, State of California.
3. That his/her proposal is genuine and is not collusive or a sham proposal.
4. That any of its officers, owners, agents, representatives, employees, or parties in interest, including its affiliates, has not in any way colluded, conspired, connived or agreed, directly or indirectly, with any other PROPOSER, firm, or person to submit a collusive or sham proposal in connection with such contract or to refrain to submitting a proposal in connection with such contract, or has in any manner, directly or indirectly, sought by unlawful agreement or connivance with any other PROPOSER, firm, or person to fix the price or prices in said proposal, or to secure through collusion, conspiracy, connivance, or unlawful agreement any advantage against CITY or any person interested in the proposed contract; and,
5. That the price or prices quoted in the proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the PROPOSER or any of its agents, owners, representatives, employees, or parties in interest, including its affiliate.

I certify (or declare) under penalty of perjury, that the foregoing is true and correct.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

**FORM 4**  
**NON-COLLUSION – Continued**

**AFFIRMATION OF PROPOSER'S ATTORNEY**

For (Name of Proposer): \_\_\_\_\_

As the undersigned Attorney for the above named Proposer, I hereby affirm to the Proposer that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Request for Proposals Declarations as indicated on the foregoing pages. I further affirm that, in my opinion, the Request for Proposals Declarations have been legally made and constitute legal and binding obligations by the Proposer.

I further affirm to the Proposer that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of this Request for Proposals Declarations, or the performance of the project.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_

(ATTORNEY FOR PROPOSER)

**FORM 5**  
**RECOMMENDATION OF AWARD**

Upon completion of proposal analysis as outlined within the CITY'S Request for Proposals Evaluation and Scoring Manual, to determine which responsible firm submitted the most advantageous, "best value" proposal, the City's RFP Evaluation Team will notify in writing all vendors that submitted a qualified proposal of staff's recommendation of award to City Council.

The CITY RFP Evaluation Team recommendation of award shall be clearly noted on the award notification letter as CITY'S RFP Evaluation Team recommendation.

The CITY'S RFP Evaluation Team recommendation of award will be provided to the City Council of the City of Vacaville. As detailed within the CITY'S Request for Proposals Evaluation and Scoring Manual, the Vacaville City Council makes the final determination as to the award of this contract.

I hereby certify by my signature below that I have read and understand this declaration regarding Recommendation of Award.

In addition, I certify by my signature that I attest pursuant to this Request For Proposals, I and or my representatives have had the opportunity to request further information and clarification regarding Recommendation of Award during the following Request For Proposals Activity:

Proposer Question and Answer Period: January 28, 2012 through 3pm March 19, 2012

NAME OF PROPOSER: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE SIGNATURE \_\_\_\_\_

AUTHORIZED REPRESENTATIVE TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**FORM 5**  
**RECOMMENDATION OF AWARD – Continued**

**AFFIRMATION OF PROPOSER’S ATTORNEY**

For (Name of Proposer): \_\_\_\_\_

As the undersigned Attorney for the above named Proposer, I hereby affirm to the Proposer that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Request for Proposals Declarations as indicated on the foregoing pages. I further affirm that, in my opinion, the Request for Proposals Declarations have been legally made and constitute legal and binding obligations by the Proposer.

I further affirm to the Proposer that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of this Request for Proposals Declarations, or the performance of the project.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_  
(ATTORNEY FOR PROPOSER)

**FORM 6**  
**PROTEST PROCEDURES**

The City of Vacaville's 2012 Best Value Solid Waste, Recyclables and Green Waste Collection, Processing, Street Sweeping, and Disposal Services Request for Proposals Evaluation and Scoring Manual outlines the protest procedures in the event a proposer wishes to submit a protest.

The bid protest procedure exists to investigate and resolve proposers' questions regarding the Request for Proposal process.

Proposers who wish to protest shall follow the prescribed protest procedures as outlined within the Request for Proposals Evaluation and Scoring Manual document.

I hereby certify by my signature below that I have read and understand this declaration regarding Protest Procedures and that a protest shall be conducted through the procedures as outlined within the Request for Proposals Evaluation and Scoring Manual document.

In addition, I certify by my signature that I attest pursuant to this Request for Proposals, I and or my representatives have had the opportunity to request further information and clarification regarding Protest Procedures during the following Request For Proposals Activities:

Proposer Question and Answer Period: January 28, 2012 through 3pm March 19, 2012

NAME OF PROPOSER: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE SIGNATURE \_\_\_\_\_

AUTHORIZED REPRESENTATIVE TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**FORM 6**  
**PROTEST PROCEDURES - Continued**

**AFFIRMATION OF PROPSER'S ATTORNEY**

For (Name of Proposer): \_\_\_\_\_

As the undersigned Attorney for the above named Proposer, I hereby affirm to the Proposer that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Request for Proposals Declarations as indicated on the foregoing pages. I further affirm that, in my opinion, the Request for Proposals Declarations have been legally made and constitute legal and binding obligations by the Proposer.

I further affirm to the Proposer that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of this Request for Proposals Declarations, or the performance of the project.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_  
(ATTORNEY FOR PROPOSER)

**FORM 7**  
**RETENTION OF EXISTING EMPLOYEES**

The City of Vacaville values and considers the retention of the existing franchisee's employees as a high priority because such employees possess invaluable knowledge and experience with respect to solid waste collection, disposal and recycling practices within the City of Vacaville.

Proposer understands that additional evaluation score points will be awarded to proposers whose proposals includes the retention of existing employees.

By my signature below, I acknowledge that I have read and understand the contents of this document regarding the retention of the existing franchisee's employees.

In addition, by my signature below, and, pursuant to this Request for Proposals, I and/or my representatives have had the opportunity to request further information and clarification regarding the retention of existing employees during the Proposer Question and Answer Period, which commenced on January 28, 2012 and continued through 3:00 p.m., March 19, 2012.

NAME OF PROPOSER: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE SIGNATURE \_\_\_\_\_

AUTHORIZED REPRESENTATIVE TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**FORM 7**  
**RETENTION OF EXISTING EMPLOYEES - Continued**

**AFFIRMATION OF PROPOSER'S ATTORNEY**

For (Name of Proposer): \_\_\_\_\_

As the undersigned Attorney for the above named Proposer, I hereby affirm to the Proposer that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Request for Proposals Declarations as indicated on the foregoing pages. I further affirm that, in my opinion, the Request for Proposals Declarations have been legally made and constitute legal and binding obligations by the Proposer.

I further affirm to the Proposer that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Request for Proposals Declarations, or the performance of the project.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_  
(ATTORNEY FOR PROPOSER)

**FORM 8  
PROPOSAL EVALUATION PROCESS**

The City of Vacaville will utilize the Request for Proposals Evaluation and Scoring Manual to evaluate and score submitted proposals for the Best Value Solid Waste, Recycling and Green Waste Collection, Processing, Street Sweeping, and Disposal Services Agreement.

The Request for Proposals Evaluation and Scoring Manual details the double-blind, four step evaluation process, , Evaluation Team and Oversight Panel, City Council criteria weighting and protest procedures. All bidders submitting a proposal to the City for the Best Value Solid Waste, Recycling and Green Waste Collection, Processing, Street Sweeping, and Disposal Services Agreement are encouraged to read the Evaluation and Scoring Manual.

I hereby certify by my signature below that I have read and understand this declaration regarding the Proposal Evaluation Process.

In addition, I certify by my signature that I attest pursuant to this Request For Proposals, I and or my representatives have had the opportunity to request further information and clarification regarding the Proposal Evaluation Process and or Request for Proposals Evaluation and Scoring Manual during the following Request For Proposals Activity:

Proposer Question and Answer Period: January 28, 2012 through 3pm March 19, 2012

NAME OF PROPOSER: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE SIGNATURE \_\_\_\_\_

AUTHORIZED REPRESENTATIVE TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**FORM 8**  
**PROPOSAL EVALUATION PROCESS – Continued**

**AFFIRMATION OF PROPOSER’S ATTORNEY**

For (Name of Proposer): \_\_\_\_\_

As the undersigned Attorney for the above named Proposer, I hereby affirm to the Proposer that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Request for Proposals Declarations as indicated on the foregoing pages. I further affirm that, in my opinion, the Request for Proposals Declarations have been legally made and constitute legal and binding obligations by the Proposer.

I further affirm to the Proposer that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of this Request for Proposals Declarations, or the performance of the project.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_  
(ATTORNEY FOR PROPOSER)