

Scope of Work

Note: The offeror, in reference to this SOW, will be discussed as the “Contractor”.

The Contractor shall:

- 1) Thoroughly screen all employees performing work under this RFP for character, honesty, neat appearance and ability to present a good public relations image for the State of Hawaii.
- 2) Provide a description of and timeline for collecting, packaging, transporting, and disposing, including all necessary cleanup activities to assure no inventoried pesticides nor visible pesticide residues remain after the event concludes.
- 3) Ensure that the collection site has been reviewed and approved by the HDOA.
- 4) Appropriately document the packaged pesticidal materials and waste on a non-hazardous waste manifest and dispose of at a federally permitted disposal site in accordance with 40 CFR Part 268 and any other applicable local, State or Federal regulations, including standards applicable to hazardous waste generators and standards applicable to transporters of hazardous waste. The offeror must ensure that all non-hazardous waste manifests are sent to the HDOA verifying that the packaged materials and waste were received at the stated location(s). Utilization of the standards applicable for universal waste management is encouraged where appropriate.
- 5) Be responsible for all costs associated with the planning and handling of any accidents, incidents or spills.
- 6) Take precautions to protect any release of pesticide waste materials and have appropriate spill control and clean up materials on site during the collection event.
- 7) Protect open storm drains in the area of the collection event and at a minimum cover or have absorbent material and booms readily available in the nearest practical location to the storm drain.
- 8) Provide adequate training, supervision and sufficient staffing to satisfactorily perform the services required by the HDOA and this RFP.
- 9) Be responsible for collecting, packaging, transporting, and, if feasible, recycling of CSUU pesticides and other pesticide contaminated materials at the collection event, which may pose a risk to public health and safety or the environment.
- 10) Participate in planning and close-out meetings with the HDOA and other interested parties.
- 11) Utilize their EPA ID number for the collection site and become the generator at the time the pesticide wastes and other pesticide contaminated materials are collected by the Contractor.

- 12) Ensure that the designated collection site is completely set up and ready for operation a minimum of 30 minutes prior to the beginning time of the collection event, unless approved otherwise by the HDOA. All collection operations will be completed in one calendar day; additional day(s) may be added at the discretion of the HDOA in consultation with the selected Contractor.
- 13) Complete the site clean-up within 48 hours of the collection event and will leave the collection site clean and environmentally safe and shall assume responsibility for the repair and restoration of any damages caused by its activities or those of its subcontractors. Additionally, the Contractor will meet with the HDOA and site representative(s) to ensure that the site is in as good condition as it was prior to the collection event.
- 14) Provide waste management alternatives to collection participants who bring unacceptable waste to the collection event including contacting other companies having the necessary expertise, permits and licenses to manage the unacceptable wastes if human health and safety or the environment would be adversely impacted if the participant were to leave the collection site with the waste.
- 15) Make every effort to consolidate compatible pesticide waste materials. Material shall be recycled whenever feasible; furthermore, the Contractor shall bulk liquid pesticide wastes to the maximum extent possible, in a manner that eliminates spilling and spraying of the material that is being bulked.
- 16) Develop a site specific health and safety plan (“HASP”) to be used at the collection event, keep the HASP onsite at all times during the disposal event, and provide the HASP to the HDOA immediately upon request. Development of the HASP document does not constitute HDOA approval of all or part of the HASP. The Contractor shall be solely responsible for the health and safety of its employees and subcontractor’s employees in connection with the contract services performed. The site specific HASP should meet all applicable regulations, rules, laws, and ordinances.
 - (a) Surface waters (i.e., creeks, streams) within 300 feet of the collection site shall be addressed in the site specific HASP and must specify the manner by which any spill will be prevented from reaching surface waters or the grounds around the body of water. The site specific HASP must meet applicable State and Federal minimum requirements, including plans to close the collection site in the event of an emergency.
- 17) Provide CSUU waste collection and disposal services (as described in this SOW) on the scheduled time and date furnished by the HDOA. Failure to appear at the scheduled event shall result in the Contractor being responsible for reimbursing the HDOA for all costs associated with, but not limited to, planning, advertising, and personnel costs related to the collection event. Additionally, failure to appear as scheduled may result in the forfeiture of the Contractor’s performance bond, immediate termination of the Contract, and/or a breach of contract.
 - (a) Exception
 - i. If events occur which could result in delay(s) in providing the services as defined in this SOW, the Contractor shall immediately and verbally communicate this to the

HDOA. This notification shall define the unanticipated or uncontrollable event that has occurred.

- ii. The Contractor shall, within seven (7) calendar days, notify the HDOA in writing of the length and cause of the delay, the measures being taken or to be taken to minimize the delay, and the timetable by which the Contractor intends to implement these measures.
- iii. Any such delay will only be approved if the HDOA determines that the cause is an act of God (i.e., extreme inclement weather); worker strike, lockout, or other industrial disturbance; war; explosion; governmental restraint; or other cause(s) which is reasonably outside the control of the Contractor.

- 18) Visually screen all waste prior to its removal from participant vehicles for unidentified or unacceptable items. Unacceptable items include, but not limited to: pesticide devices (as defined in HRS §149A-2) which do not contain any pesticide product, petroleum-based products; explosive ordnances and ammunition; medical waste; radioactive substances; tires; fertilizers; propane or butane cylinders; dioxins; 2,4-5T (Agent Orange); chlorinated hydrocarbons; fumigant canisters or cylinders; used motor oil and other automobile fluids; auto batteries; household hazardous waste such as paints, thinners, aerosol cans, mercury thermometers, photographic chemicals, cleaners, and fluorescent bulbs; pesticide rinsate; spreader; sticker; wetting agents; surfactants; defoaming agents; drift control additives.
- 19) Unload all acceptable CSUU waste from participant vehicles.
- 20) Provide on-site supervision during the collection event. Supervision shall include, but not be limited to, overseeing the removal of CSUU pesticide waste, interviewing participants on the characteristics of their wastes, and determining the appropriate handling and storage of the waste.
- 21) In consultation with the HDOA, develop a traffic control plan that configures the collection site to allow participants to deliver waste materials in a drive-through type pattern. Specific, legible instructions and traffic control signs must be posted to direct participants and ensure a safe, smooth traffic flow.
- 22) Secure and render inaccessible to the public all collected waste and Contractor's equipment, including trash containers. The Contractor shall provide adequate security should overnight storage of waste and Contractor equipment at the collection site be deemed necessary.
- 23) Set up workstations, separated and organized storage areas, and packing stations as necessary to maximize the efficiency of the Contractor's services and prevent mixing of incompatible waste materials.
- 24) Submit a written contingency plan describing how the Contractor will expediently mobilize additional qualified personnel, equipment, and material as required, in sufficient quantities, to manage and control collection site activities if the HDOA determines that participation at

the event exceeds the Contractor's staffing and equipment levels necessary to properly manage the event.

- 25) Generate a brief statement describing steps that will be taken to minimize the amount of waste that will be disposed.
- 26) Establish a work zone with sufficient space to maintain a distance of approximately 25 feet between unprotected persons and areas where pesticides are being handled and consolidated for shipment.
- 27) Be accessible for telephone calls that need immediate attention.
- 28) Be able to perform hazard categorization field testing as required to verify any wastes received during collection. The cost for the testing services shall be inclusive in the proposal costs.
- 29) Use managers skilled in supervision and management of large projects with multiple stages and tasks overlapping on the project.
- 30) Demonstrate proof of the minimum insurance required by the State of Hawaii Comptroller's Memoranda 2010-06 in the amounts of:
 - (a) General liability insurance – no less than \$1M per occurrence/\$2M aggregate
 - (b) Automobile liability insurance (covering owned, non-owned, leased, and hired vehicles) – no less than \$1M per accident
- 31) Develop a spill prevention plan ("SPP") that demonstrates qualifications of personnel handling waste at the collection event (including 40 hour OSHA HAZWOPER training) and ensure all employees are thoroughly familiar with the approved SPP and prepared to contain or control any spills, fires, or releases of pesticide wastes into the environment.

Such preparedness must be demonstrated by the development of a written SPP that details preventing and containing all spills at the collection site, list emergency equipment that will be available, evacuation procedures, including contact with appropriate emergency response agencies, and the media (if applicable).

The SPP must be available onsite at all times and provided to the HDOA immediately upon request. Additionally, the Contractor will clean up all spills that occur during the collection event in compliance with the SPP and to the satisfaction of the HDOA, and other applicable state and federal agencies. Submission of the SPP and subsequent contract award does not constitute HDOA approval of all or part of the SPP.

- 32) If known at the time of proposal submission, provide a list of TSDF or MRF facilities permitted for waste handling, and any other facilities including but not limited to ten (10) day transfer sites, storage (short and long-term) facilities, and consolidators that will be used by the Contractor to properly manage waste under this RFP. If unknown at the time of proposal

submission, submit a brief statement attesting when the Contractor will notify the HDOA of this information.

- 33) If known at the time of proposal submission, maintain current TSDF or MRF facility information with the HDOA for each waste handling facility and the waste stream(s) that will be managed at each facility under this RFP. If unknown at the time of proposal submission, submit a brief statement attesting when the Contractor will notify the HDOA of this information.
- 34) Provide the HDOA with original, signed and legible copies of any and all non-hazardous waste manifests, bill(s) of Lading, and any other pertinent paperwork generated at the collection event within thirty (30) calendar days of shipment to any intermediate TSDF, Materials Recovery Facility (“MRF”), and/or final EPA-approved disposal facility. Unless pesticide waste is shipped directly from the collection event to the final disposal facility, this manifest for final disposition must list all related manifest numbers from the original collection event to the intermediate TSDF or MRF. Failure to provide adequate waste tracking and disposal documentation of pesticides will result in a hold of payments owed to the offeror until such documentation is received.
- 35) Transport, accumulate, store, destroy or dispose of all collected waste within the United States, unless no capacity exists in the United States for such an activity. Contractor will obtain written approval from the HDOA prior to shipping wastes outside the United States for any purpose.
- 36) Dispose or destroy all collected wastes under this contract within twelve (12) months from the original date of receipt, with the exception of dioxin bearing/forming wastes that may require long-term storage. In rare cases where a waste stream may not have a current national capacity and it becomes necessary to reroute the waste, the Contractor shall obtain written approval from the HDOA to reroute waste to another approved facility. Any such waste not sent for disposal or destruction within nine (9) months must be approved by the HDOA. The Contractor shall provide the HDOA a manifest detailing the reroute within thirty (30) days of shipment.
 - (a) Destruction in an EPA-approved incinerator is to be the primary method of disposal for pesticide waste collected under this RFP. Only those pesticides that are not suitable for incineration (such as inorganic metal-bearing pesticides) may be disposed of in an approved landfill, with express written approval from the HDOA.
- 37) Assist the HDOA with making arrangements for a collection site. Site identification must include accessibility (i.e., parking, traffic egress and ingress), roof or other cover, potable water, restroom availability (i.e., porta potty), convenient proximity to the expected participants, site must have an address, located in an area that is allowable for activities consistent with universal waste collection (i.e., light industrial or commercial area), and must have sufficient space to maintain a distance of approximately 25 feet between unprotected persons and the pesticide handling and packing area (i.e., hot zone).

- 38) Identify the address of the physical location and Tax Map Key of its principal operating location in Hawaii. “Principal operating location” means the location where CSUU pesticides will be segregated, accumulated and packaged for shipping to a destination facility. This location shall comply with the requirements of Title 40 of the Code of Federal Regulations Part 264 or 265 as a hazardous waste storage facility. If arrangements cannot be made with a facility that complies with hazardous waste storage requirements, the Contractor shall describe how unwanted pesticides are to be handled and stored in accordance with the federal, state and county requirements.
- 39) Provide a cost proposal demonstrating monetary estimates for the collection event.
- 40) Furnish all necessary personnel, materials, equipment, labor, supervision, goods, deliverables and otherwise provide all supplies and services necessary for, or incidental to, the successful and the proper execution of collecting, storing, transporting and disposing of CSUU pesticides as defined, required, described, and detailed in this SOW, RFP, attachments, and in accordance with applicable Federal, State, and county requirements.
- (a) Necessary equipment includes but is not limited to trucks, tents, certified scales, funnels, tables, forklift trucks, pallet jacks, security (i.e., fencing, personnel), brooms, shovels, porta potties, and personal protective equipment (“PPE”).
- i. At the collection event, the Contractor will be required to provide and utilize a forklift, suitably sized and fitted for loading pesticidal chemicals and containers, and can be operated on various surfaces.
- ii. At the collection event, the Contractor must furnish a platform scale(s) to be used when collecting and manifesting the pesticidal material and ensure that all platform scales are in conformance with the rules and regulations for commerce of the HDOA, Quality Assurance Division, Measurement Standards Branch (“MSB”), and must possess a current (no more than one year old) device approval seal issued by MSB. The Contractor will provide evidence of conformance prior to the scheduled start of the work.
- (b) Necessary materials include but are not limited to DOT approved shipping containers, such as drums, buckets, boxes and roll-offs, absorbent material, labels, and identification kits for unknown pesticide products.
- 41) Ensure that the pesticide collection event is provided with the basic supplies and equipment necessary for:
- (a) Controlling traffic flow, including site ingress and egress;
- (b) Safe and efficient unloading, sorting, and packaging of CSUU wastes;
- (c) Responding to fires, spills, and/or other such releases of CSUU wastes;

- (d) Collecting, segregating, containerizing, transporting, storing, characterizing, documenting, weighing and manifesting collected CSUU pesticide waste covered under the Universal Waste Rule; and,
 - (e) Providing effective safety barriers to protect contractor personnel as well as participants from exposure to hazardous materials. Such material components may include, but are not limited to: signs, traffic cones, caution tape, drums, absorbent material, labels, fire extinguishers, shovels, overpack drums, polyurethane tarps, Visqueen, etc.
- 42) Ensure that staff are properly donning and using PPE. This is to include, but not limited to: safety glasses, Tyvek suits, nitrile gloves, proper footwear, respirators, emergency eyewash, and emergency shower.
- 43) Have clean, properly maintained, and clearly identifiable equipment.
- 44) Do the following:
- (a) Provide and utilize only USDOT specification shipping containers and packing materials of sufficient strength to prohibit any leakage for the packaging and shipment of CSUU pesticide waste;
 - (b) Pack and transport all waste in compliance with 49 CFR §171-180;
 - (c) Bear all costs associated with marking and labeling containers;
 - (d) Review and approve all containers and labeling prior to shipping;
 - (e) Provide and affix the appropriate placards to its vehicle prior to leaving the collection event; and,
 - (f) Complete all appropriate transportation documentation, non-hazardous waste manifests, drum packing slips, labels for each container, and any other applicable documents.
- 45) All pesticides shall be weighed on site with the cost applied per pound, including the weight of the primary pesticide packaging. All pesticides and pesticide containers must have the weight verified and recorded prior to packing and before the materials are transported from the collection event. Weights invoiced to the HDOA shall not include overpack containers or packing materials used by the offeror. If roll-offs are utilized, the tare and gross weights are to be recorded and provided.
- 46) Notify the HDOA in writing within seven (7) calendar days if there has been a change of ownership, significant operational change (processes, practices, permits, licensing, etc.), a change to the regulatory compliance status, change or addition of new waste management methods at a facility, or other events the HDOA deems significant.
- 47) Provide and utilize appropriate transportation documents for removal of all wastes as described herein from the collection site.

- 48) Indemnify, save harmless and defend the HDOA from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses (including costs of defense, settlement and reasonable attorney's fees), which the HDOA may thereafter incur, become responsible for or pay out as a result of death or bodily injuries to any person, destruction or damage to any property, contamination of or adverse effects in the environment or any violation of government laws, regulations or orders, caused in whole or in part, by Contractor breach of any term or provision, or agreement; or any negligent or willful act or omission of Contractor, its employees or subcontractor in performance after agreement is made.
- 49) Complete all non-hazardous waste manifests to an offsite permitted facility utilizing proper waste manifests within 48 hours of the collection event unless a longer time has been approved in advance by the HDOA. The HDOA may require the waste to be manifested offsite in less than 48 hours. In consultation between the Contractor and the HDOA, it may be decided that wastes are manifested onsite.
- 50) Provide the HDOA with a Certificate of Treatment within thirty (30) days of being received by the TSDF. The Certificate(s) of Disposal/Destruction (“CD”) from the ultimate disposal/destruction facility for each bulk quantity or load sent to an approved final disposal facility shall be sent to the HDOA within ten (10) days of receipt by the offeror. The CD document shall contain the following:
- (a) HDOA's name and address;
 - (b) The Contractor’s (as generator) name and address
 - i. The Contractor shall sign all manifests as the waste generator;
 - (c) Manifest number(s)
 - i. If the contractor is shipping the pesticide waste from the collection event directly to the disposal/destruction facility, the contractor must list on the CD the manifest number(s) from the original collection event.
 - ii. If the contractor is shipping the collected waste pesticides to an intermediate TSDF for the purpose of bulking, the CD must include the manifest number(s) of the bulk shipment to the disposal/destruction facility. Copies of all manifests must accompany the CD;
 - (d) Waste Handling Facility Information:
 - i. Name and address of the disposal/destruction facility
 - ii. EPA Identification Number of the disposal/destruction facility
 - iii. Waste management method(s)
 - iv. Date each management method occurred
 - v. Disposal or destruction facility official signature.

- 51) Have the necessary expertise and professional knowledge to successfully and properly collect, segregate, containerize, transport, store, dispose, characterize, document, weigh and manifest CSUU pesticides covered under the Universal Waste Rule. It is expected that the amount of unwanted pesticides may exceed 11,000 lbs. (5,000 kilograms); the Contractor must have an EPA Identification number as a Large Quantity Handler of Universal Waste. A copy of the Contractor's EPA Identification Number must be submitted with the Contractor's proposal.
- 52) Be able to accept some amount of unknown materials and materials in compromised containers using their own resources to transfer these materials to overpack containers for removal.
- 53) Have sample collection experience and be able to conduct an onsite sample analysis for unlabeled or unknown material or submit samples for laboratory analysis to the HDOA State lab.
- 54) Provide a sufficient, competent, and trained staff with appropriate skill and experience to properly perform the services assigned to them including, but not limited to collecting, identifying, segregating, packaging, weighing, storing, and transporting all CSUU pesticide waste for the entirety of the collection event. Proof of training of all assigned personnel will be required and provided to the HDOA immediately upon request. All contractor personnel at the collection site shall be properly attired, don the appropriate level of PPE, and identified by the contractor. The contractor's personnel are expected to present a friendly, courteous and professional image to the public while providing the best possible service.
- 55) Possess experience with hazardous waste collection and disposal.
- 56) Demonstrate financial stability and organizational capability to perform for the term of the contract.
- 57) If applicable, deliver samples of unknown pesticides to the HDOA State lab (in the event that samples require laboratory analysis), mark unlabeled containers and track samples.
 - (a) A cost estimate will be required for collecting samples of unknown pesticides, performing hazard categorization field testing, delivering the samples to the HDOA State lab (if applicable), tracking containers and results, and marking containers of unknown pesticide(s). **These costs shall be inclusive in the cost proposal.**
- 58) Be willing to conduct on-site pick-ups of CSUU pesticides during the collection event (only if necessary, with HDOA approval). If a CSUU pick-up is necessary, the Contractor, in consultation with HDOA's PDP project manager, will be responsible for determining the routing and scheduling of the pick-up site(s); as well as, communicating with participants.
- 59) Provide a statement on the process by which waste pesticides containing dioxin will be handled if these waste pesticides are encountered during the collection event. Although dioxins are listed as unacceptable items for the HDOA's PDP, the HDOA and Contractor

may enter into good faith negotiations to determine a fair cost for the handling and disposal of these waste pesticides if encountered during the collection event. The contractor shall not export from the United States dioxin bearing or dioxin forming materials for landfill disposal or incineration unless no capacity exist within the United States.

- 60) Within twenty-four (24) hours, notify the HDOA of any accidents, incidents or spills. Within three (3) days, furnish a complete written report including the steps followed to comply with the contractor's HASP and SPP. The report shall also include, if applicable, provisions or actions to ensure this type of accident, incident or spill does not reoccur. Any required notification to the HDOA does not release the offeror from local, State, or Federal law requirements. The contractor's report should detail the local, State, or Federal agencies notified, the agency's involvement, outcome of the involvement and any media coverage.
- 61) Furnish a comprehensive report for the project, including information on the flat rate costs billed to the HDOA's PDP for the collection, transportation, and disposal of CSUU pesticides site selection, site preparation, number of participants, type of businesses participating, weight and type of pesticides collected, and final disposition of the CSUU pesticides. If separate arrangements are made to dispose of wastes from any participant in excess of the 250 pounds paid for by the HDOA, the final report shall contain a brief summary of the total amount of waste contributed and the number of participants paying disposal costs for waste in excess of 250 pounds in conjunction with this collection event.
- 62) Submit invoices for payment after the completion of the work. Final payment will not be made until the waste pesticides have been transported to, accepted by, and disposed of at an EPA-approved disposal facility. Invoices must include copies of all related manifests. A payment schedule may be established between the Contractor and the HDOA. Revisions may be made to this payment schedule subject to good faith negotiations between the contractor and the HDOA. The contractor must submit a written request and supporting documentation to initiate such negotiation.
- 63) Perform the requirements of this RFP in a manner consistent with all applicable local, State and Federal regulatory requirements including those of Resource Conservation and Recovery Act ("RCRA"); the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"); the Toxic Substance Control Act ("TSCA"); the Hazardous Materials Management Act ("HMMA"); the Hazardous Materials Transportation Act ("HMTA"); the Occupational Safety and Health Act ("OSHA"); and the laws, rules and regulations promulgated by the Department of Transportation ("DOT").
- 64) Have all necessary licenses, permits, registrations and approvals as issued by a government body. The Contractor shall possess and submit a copy of all necessary Federal, State, and local permits and licenses required to conduct the work necessary to fulfill the conditions of this proposal. Submission of these licenses and permits does not indicate HDOA approval, and the HDOA may require additional (if required) permits and licenses.
- 65) Consider, manage, and dispose of (at an EPA-approved facility) all containers holding pesticides that are accumulated during the collection event, manifested to any facility, and

invoiced as pesticide waste, excluding overpack or shipping containers provided by the contractor for transportation of the waste. Under no circumstances will any waste pesticides or primary pesticide containers generated from any bulking process collected under this contract be disposed of as non-RCRA waste. Empty containers generated from the bulking process shall be managed as solid pesticide waste.

- 66) Avoid placing PPE that is to be disposed directly on the ground prior to disposal. PPE that is to be disposed shall be placed directly into the proper disposal container.
- 67) Be responsible for any and all fines and penalties resulting from the Contractor's actions in connection with this RFP.
- 68) Avoid bulking pesticides collected under this RFP with pesticide waste or other materials collected from other clients unless a specific written process is agreed to by the HDOA in advance to accurately track pesticide waste collected in Hawaii through the HDOA's PDP.
- 69) Under no circumstances, shall the Contractor handle, package, manifest, invoice, nor commingle non-pesticide wastes with pesticide waste destined for disposal through HDOA's PDP. The HDOA shall not make payment for such non-pesticide wastes.
- 70) Be responsible for the professional quality, technical accuracy, timely completion, coordination of all services, and correcting or revising any errors, omissions, or other deficiencies in these services specified within this SOW and described throughout this RFP.
- 71) Provide a specific timetable within which it shall complete its work under the contract. Timely receipt of complete and accurate documentation (manifests, certificates of waste destruction, invoices, and associated reports) is required.
- 72) Work closely with HDOA's project manager to comply with all applicable State fiscal policies and procedures.
- 73) If pressurized steel pesticide cylinders are encountered, the HDOA requires that the Contractor provide a written statement detailing the process by which pesticides packaged in pressurized steel cylinders will be handled. The names of any sub-offerors to be used in this process must be included. The HDOA and the Contractor will enter into good faith negotiations to determine a fair cost for the handling and disposal of these pesticides prior to their collection.
- 74) Assist with developing a registration form in coordination with the HDOA to identify CSUU pesticides to be collected from participants. For any waste pesticides that are not listed on the participants registration form, the contractor must notify the onsite HDOA representative before accepting.
- 75) Register persons expected to participate in the PDP and collect information on the amount and type of CSUU pesticides for disposal.