

OWNERSHIP & OPERATION / FINANCING

Basic Options Considered

- A) Public Model – Public Ownership/Financing with Public or Private Operation
 - Traditional Project Delivery
 - Design-Bid-Build (DBB) – Public or Private Operation
 - Alternative Project Delivery
 - Design-Build (DB) – Public or Private Operation
 - Design-Build-Operate (DBO) – Private Operation
- B) Private Model – Private Ownership/Financing with Private Operation
 - Variation
 - Design-Build-Own-Operate-Transfer (DBOOT)
- C) Financing – Typically Dictated by Ownership Approach

Direction for RFP by Elected Officials

Public-Private Partnership using DBOOT model

- Private ownership/financing
- Private operation
- Public right (not obligation) to assume ownership at end of term
- Potential for earlier transfer of ownership (e.g., after 10 or 15 years) with buy-out terms and conditions
- Strong contractual mechanisms for elements of public control such as:
 - Project labor agreements, prevailing wages and/or collective bargaining
 - Working conditions (health & safety)
 - Financial security mechanisms
 - Project performance standards
 - Design review, construction monitoring and operational oversight
 - Step-in rights
 - Other typical contract provisions (termination, liquidated damages, etc.)

Issues to Address

1. Develop project performance standards, financial security mechanisms and key contract principles (terms and conditions) and specify additional local concerns/priorities for elements of public control (RFP development)
2. Incorporate public controls into the contract

CONTRACT ADMINISTRATION & WASTE SUPPLY

Basic Options Considered

- A) By Individual Waste Generator
- B) Under City and/or County Management
- C) Under Management of a New Regional Entity (e.g., Joint Powers Authority)

Direction for RFP by Elected Officials

Hybrid Option - Public Partnership Model

- Individual contracts between public participants and contractor using a master agreement (individual fiscal authority on common contractual basis)
- Joint Powers Agreement between the public participants to provide a uniform position in contract management and appropriate protection and remedies to all parties
 - Affirm roles and responsibilities
 - ♦ Contract administration and day-to-day operational oversight provided by the County
 - Pre-established decision-making mechanisms
 - ♦ Voting rights
 - ♦ Administrative (non-voting) authority

Issues to Address

1. Identify participants and waste supply
2. Finalize RFP
3. Develop Joint Powers Agreement