

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 847

Short Title: Charlotte Sludge Facilities.

(Local)

Sponsors: Representatives Alexander; Barnhill, Black, Cunningham, Easterling, Lemmond, McLaughlin, and C. Wilson.

Referred to: Local and Regional Government I.

April 12, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO
AUTHORIZE THE CONSTRUCTION, DESIGN, AND OPERATION OF
SLUDGE MANAGEMENT FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Subchapter E, Chapter IX of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended, is further amended by adding a new section to read:

"Sec. 9.87. Construction, design, and operation of sludge management facilities.

(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this section:

- (1) 'Sludge' means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.
- (2) 'Sludge management' means purposeful, systematic control of the generation, storage, collection, transport, treatment, processing, recovery, and disposal of sludge.
- (3) 'Sludge management facility' means land, personnel, and equipment used in sludge management.
- (4) 'Storage' means the containment of sludge in a manner which does not constitute disposal.
- (5) 'City' means the City of Charlotte.

1 (b) To acknowledge the highly complex and innovative nature of sludge
2 management technology for processing sludge, the relatively limited availability of
3 existing and proven proprietary technology involving sludge management facilities, the
4 desirability of a single point of responsibility for the development of facilities, and the
5 economic and technical utility of contracts for sludge management which include in
6 their scope combinations of design, construction, operation, management, and
7 maintenance responsibilities over prolonged periods of time and that in some instances
8 it may be beneficial to the City to award a contract on the basis of factors other than cost
9 alone, including, but not limited to, facility design, operational experience, system
10 reliability, long-term operational costs, compatibility with sludge production facilities,
11 environmental impact, and operation guarantees. Accordingly, and notwithstanding the
12 provisions of Article 8 of Chapter 143 of the General Statutes, or any other general,
13 special, or local law, a contract entered into between the City and any person pursuant
14 to this section may be awarded in accordance with the following provisions for the
15 award of a contract based upon an evaluation of proposals submitted in response to a
16 request for proposals prepared by or for the City.

17 (c) The City shall require in its request for proposals that each proposal to be
18 submitted shall include:

- 19 (1) Information relating to the experience of the proposer on the basis of
20 which said proposer purports to be qualified to carry out all work
21 required by a proposed contract; the ability of the proposer to secure
22 adequate financing; and proposals for project staffing, implementation
23 of work tasks, and the carrying out of all responsibilities required by a
24 proposed contract;
- 25 (2) A proposal clearly identifying and specifying all elements of cost
26 which would become charges to the City, in whatever form, in return
27 for the fulfillment by the proposer of all tasks and responsibilities
28 established by the request for the proposal for the full lifetime of a
29 proposed contract, including, as appropriate, but not limited to, the
30 cost of planning, design, construction, operation, management, and/or
31 maintenance of any facility; provided, that the City may prescribe the
32 form and content of such proposal and that, in any event, the proposer
33 must submit sufficiently detailed information to permit a fair and
34 equitable evaluation of such proposal; and
- 35 (3) Such other information as the City may determine to have a material
36 bearing on its ability to evaluate any proposal in accordance with this
37 section.

38 (d) Proposals received in response to such request for proposals may be
39 evaluated on the basis of a technical analysis of facility design, operational experience
40 of the technology to be utilized in the proposed facility, system reliability and
41 availability, efficiency, environmental impact and protection, required staffing level
42 during operation, projection of anticipated revenues from the materials produced by the
43 facility, net cost to the City for operation and maintenance of the facility for the duration
44 of time to be established in the request for proposals, and upon such other factors and

1 information as the City determined to have a material bearing on its ability to evaluate
2 any proposal, which factors were set forth in said request for proposal.

3 (e) The City may make a contract award to any responsible proposer selected
4 pursuant to this section based upon a determination that the selected proposal is more
5 responsive to the request for proposals and may thereupon negotiate a contract with said
6 proposer for the performance of the services set forth in the request for proposals and
7 the response thereto. Such determination shall be deemed to be conclusive.
8 Notwithstanding other provisions of Article 8 of Chapter 143 of the General Statutes, or
9 any other general, local, or special law, a contract may be negotiated and entered into
10 between a City and any person selected as a responsible proposer hereunder which may
11 provide for, but not be limited to, the following:

12 (1) A contract, lease, rental, license, permit, or other authorization to
13 design, construct, operate, and maintain such a sludge management
14 facility, upon such terms and conditions for such consideration and for
15 such term or duration, not to exceed 40 years, as may be agreed upon
16 by the City and such person;

17 (2) Payment by the City of a fee or other charge to such person for
18 acceptance, processing, management, and disposal of sludge;

19 (3) An obligation on the part of the City to deliver or cause to be delivered
20 to a sludge management facility guaranteed quantities of sludge; and

21 (4) The sale, utilization, or disposal of any form of material or residue
22 resulting from the operation of any sludge management facility.

23 (f) The construction work for any facility or structure which is ancillary to the
24 sludge management facility and which does not involve storage and processing of
25 sludge or the recovery of useful or marketable forms of materials from sludge at the
26 sludge management facility, shall be procured through competitive bidding procedures
27 as described in Article 8 of Chapter 143 of the General Statutes. Such ancillary
28 facilities shall include, but shall not necessarily be limited to, the following: roads,
29 water and sewer lines to the facility limits, transfer stations, scale house, administration
30 buildings, and residue and bypass disposal sites."

31 Sec. 2. This act is effective upon ratification.