



MEMORANDUM

FROM: ^{CSr} Chris Skaggs, Executive Director

TO: Interested Parties

DATE: August 21, 2019

SUBJECT: Addendum No. 2 – Request for Proposals for Construction Management, Construction Inspection, and Support Services for the Gude Landfill Remediation Project

The purpose of this Request for Proposals (“RFP”) is to select one (1) engineering firm or engineering team (the “Construction Management Engineer”) for the construction management, construction inspection, and support services for the Gude Landfill Remediation Project. This Scope of Work consists of the construction management, construction inspection and support services for the Construction Management Engineer (CME) necessary during the duration of the construction of the MDE-approved Corrective Measures at the Gude Landfill.

Montgomery County (County) has been working with Maryland Department of the Environment (MDE) under a Consent Order agreement to address certain concerns and potential impacts at the Landfill. Additional information can be found at the County project page:

<https://www.montgomerycountymd.gov/sws/facilities/gude/>.

Any communication regarding this RFP must be made to the attention of “**RFP for Montgomery County Gude Landfill Construction Management Engineer-2019**” in writing, and directed to procurement@nmwda.org or Northeast Maryland Waste Disposal Authority, 100 South Charles Street, Tower II – Suite 402, Baltimore, MD 21201, or fax at 410-333-2721. Prior to award of this contract, Offerors should not initiate any communications related to this RFP with Authority staff, or with employees or local elected officials of any Member Jurisdiction. Any communications other than to procurement@nmwda.org may result in the disqualification of an Offeror’s proposal.

If this RFP requires amendment, written notice of the amendment will be given by means of an addendum to all prospective Offerors who requested a copy of this RFP or who submitted the Offeror’s Contact Information Form. Receipt of addenda must be acknowledged in writing by prospective Offerors to the Authority. Acknowledgment by facsimile and e-mail is permitted. Copies of the acknowledgments are to be included in the proposal. The Authority reserves the right to modify, amend, or cancel this RFP if the Authority determines, in its sole discretion, that it is in the best interest of the Authority to do so.



A pre-proposal conference was held on August 19, 2019 at 10:00 AM, local time. The conference and site tour concluded at 11:40 AM, local time. A copy of the sign-in sheet was attached as Addendum #1 to this RFP, dated August 20, 2019. Minutes from the meeting follow.

Please note that the following extensions have been made to the timeline for the RFP:

- Questions are now due by 4:00 PM, local time, on August 30, 2019.
- Proposals are now due by 12:00 PM, local time, on October 1, 2019.

Mr. Andrew Kays of the Northeast Maryland Waste Disposal Authority (Authority) opened the conference at 10:00 AM with a brief review of the meeting logistics. Attendees were reminded that all questions are to be sent in writing by email to procurement@nmwda.org or via fax at 410.333.2721. Mr. Kays then reviewed the RFP with the conference attendees, noting that he was presenting items for note. The estimated duration of the project is 2,400 calendar days with the following breakdown: 1 year for pre-construction and procurement support services; 4.5 years for construction management and inspection services; and 1 year for performance/warranty support services. The award of construction is anticipated to be in August 2020 (Fiscal Year 2021) under the current schedule.

Section 1.2 of the RFP was highlighted (see above regarding communication protocol) as part of the larger effort to ensure a fair procurement process. Attendees were reminded that questions for the procurement are do no later than 4:00 PM local time on Friday, August 23, 2019, based on the current schedule (Section 1.4).

Section 1.6 pertains to the form of submission for the project. Mr. Kays noted that an unlocked version of MS Excel (2007 or later) containing the pricing proposal for the RFP from all Offeror's should be included with the submittal (see Addendum #1 dated 08.19.19). Attendees were reminded to keep traffic and parking considerations in mind if they plan to hand deliver proposals to the Authority's offices. The formatting of the proposals is prescriptive but is in place to make comparisons amongst the proposals more straightforward.

Section 1.9 notes that the submission of a proposal under the RFP, as written and modified by any addenda, constitutes acceptance of the terms and conditions. Small formatting updates (e.g., filling in the name of the selected contractor) will take place after award. Mr. Kays added that if Offerors have specific comments about the contract, this information should be included in their proposal. However, Offerors should not plan to make substantive changes to the contract.

Section 1.10 provides the reference of the Annotated Code for Maryland that is guiding the Authority's procurement. Mr. Kays highlighted the County's Minority, Female and Disabled-Owned Business requirements for the project (Section 1.11 of the RFP).

The discussion then moved to Part III of the RFP, and a review of the scope of work. Attendees were reminded that the project description as presented in 3.1.1. is not exhaustive and that the scope of work may change during the prosecution of the work based upon regulatory input and/or political considerations.

Section 3.1.2 delves into the project sequence of construction and notes that the landfill gas extraction system must remain operational during the entire remediation project. Mr. Kays noted that

proposing firms may team with additional firms to complete the tasks outlined in the RFP (inclusive of the Service Contract) when Section 3.1.3 was reviewed.

Throughout the Section 3.1.3 review, the attendees were reminded of the importance of communications in the project, whether internal for the engineering firm, with the County and Authority, with the Construction Contractor (CC), or with regulators (e.g., at Task 1, items 2, 3 and 5; Task 3, items 5, 6 and 11; and Task 4, item 5). Specifically noted at Task 1, item 5, the Construction Manager Engineer (CME) will play an integral role in the review of the design for the project. The CME will also provide support during the procurement process for the CC (Task 2). Task 3, at item 11, and Task 4, at item 5, are meant to be concurrent meetings as the CME is to have both their manager and inspector on site. To that end, for all meetings, attendees were reminded to limit the number of meeting participants to essential staff only.

Task 3, at item 16, and Task 4, at item 10, require that the CME conduct materials testing as a part of the management/inspection services. For such purposes, the Authority will add \$100,000 to each proposal for the performance of additional verification testing of materials and repairs under Task 3, at item 16. The CME is to include pricing and staffing to complete the work under Task 4, item 10, as a component of the proposal. Under Task 5, the CME will be expected to conduct regular inspections of the completed remediation project to (a) verify that the installed improvements and appurtenances are functioning as designed and (b) to train County staff on the performance of the inspection of the same. This task also allows the Authority to activate the CME if the inspections show that the installations need to be repaired by the CC and field oversight is required.

Section 3.2 of the RFP sets forth the required qualifications for the proposing firm. Relevant experience from previous employers may be shown for members of the proposed project team within the proposal, which shall be appropriately identified as such. Mr. Kays did reference Exhibit 3 of the RFP, to show the matrix that the proposing firm must use. This matrix will assist the review team in the comparison of the proposals when reviewing the reference projects and the related team members' experience. The Authority does recognize that the overall schedule for the project will be driven by the Design Engineer (DE) and the CC, however the CME needs to address the timeline for their reviews, communications, etc., in the context of the prosecution of the CME Service Contract.

Mr. Kays reviewed the requirements for the presentation of the price proposal under Section 3.4. Once again, the RFP is prescriptive in the requirements for the presentation of the proposal in order to facilitate the evaluation of the proposals. It was noted that firms that have an existing Authority contract, or contract with an Authority Member Jurisdiction or the Maryland Environmental Service, must use the lowest contract rates for the requested rate classes in the proposal. Proposals must be Time and Materials; Lump Sum proposals will not be accepted. Section 3.5 notes that pricing will be irrevocable for a period of 120 days from the proposal submission date, or from the date of modification of the proposal under negotiations.

Section 4.1 notes that the Authority's Executive Director will appoint an evaluation committee to review proposals and make a recommendation to the Executive Director. There is a two-step approval process, in that the Authority Board will vote to approve the recommendation of award, subject to the approval by the County of the same.

Section 4.2 was discussed, noting that the “Authority reserves and assigns to the Executive Director the right to determine which of the Construction Management Engineers have met the qualifications of this RFP.”

The Evaluation Committee will review the proposals and make an initial determination on the susceptibility of award for each of the proposing firms. Those firms deemed susceptible to award may enter multi-step negotiations and provide a Best and Final Offer (Section 4.3 of the RFP).

Section 4.4 was noted as the evaluation considerations for the Evaluation Committee. The Authority will be seeking the best value proposal for the project and is not bound to accept the lowest priced proposal. Mr. Kays reviewed the RFP Exhibits, noting that the formatting for the weekly emails and the monthly progress report are on the procurement page of the Authority website (Exhibit 2).

The conference portion of the morning ended at 10:35 AM, local time. After a brief break and a drive, the conference continued with the site tour at the Gude landfill, starting at the existing flare station at 10:55 AM, local time. Conference participants were able to view the existing flare station, and it was noted that the LFG system is to remain active during the remediation project. From the flare station the conference attendees drove to the former remote-controlled model airplane site on the Northwest plateau of the Landfill. During the drive, conference attendees were able to see the proximity of the adjacent neighborhood. Mr. Stephen Lezinski did note to the conference attendees that the current plans call for the Northwest slope to be excavated and waste to be pulled back from the property boundary. This effort will likely be the first stage of the construction for the remediation.

The tour continued at the stockpile area for the Purple-line soils. The County has a memorandum of understanding with the Purple-line project to accept up to 90,000 CY of excavated materials. The objective is to utilize the Purple-line materials in the remediation project. Mr. Lezinski noted that the current plan is for the CC to access the site via South Lawn Lane for major truck hauling activities for inbound materials. The current plans show the access road being moved to the southwest of the dry pond during the remediation project. Mr. Kays pointed out that South Lawn Lane has a lot of industry on the roadsides. The last stop on the Landfill portion of the conference was at the concrete pad that is currently designated for use in emergency debris management. The conference attendees then drove to the Metro Park North Business park to access the Gude Trail to better visualize conditions on the northwest slope. Mr. Lezinski pointed out that many of the trees on the slope will have to be removed as the project proceeds into construction. It will be critical for the CME to ensure that the monitoring wells on the western/northwest boundary are protected during the construction project. The proximity to the neighbors was once again highlighted. Conference attendees were reminded of the need to minimize nuisances during the construction project.

The conference ended at 11:40 AM local time.

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