

Authority Meeting Minutes
363rd Meeting (via Conference Call)
April 7, 2022 at 12 p.m.

Members Present: Joseph J. Siemek
Jeffrey D. Castonguay
Rhody Holthaus
Guillermo (“Willie”) Wainer
Phil Harris
Mark DeLuca
D’Andrea Walker

Other Participants: Tim Ford (MES)
Andrew Kays (NMWDA)
Kim Gordon (NMWDA)
Traci Baker (NMWDA)

Public access via livestream at the following link: <https://youtu.be/IBTSuQfbhpA>. *This stream was turned on at 12:03 PM local time.*

Board Chairman, Joseph Siemek opened the meeting at 12:03 p.m. local time after confirming the presence of a quorum. Mr. Siemek noted that the instructions for the public to view the meeting were provided in advance and that there are no plans to go into a closed session. Mr. Siemek requested that Members identify themselves when speaking and confirmed the presence of a quorum.

Mr. Siemek noted consideration of the minutes of the previous Board Meeting on February 3, 2022 and that such minutes were approved and posted on the Authority website.

ACTION ITEM NO. 2022-2-1 – Award of Contract for Transfer and Disposal for Anne Arundel County and Howard County

A motion was made by Rhody Holthaus and seconded by Willie Wainer to approve this item.

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nmwda.org / Business-to-Business Recycling: mdrecycles.org
Tower II – Suite 402, 100 S. Charles Street, Baltimore, MD 21201-2705

Comprehensive Waste Management Through Recycling, Reuse, Resource Recovery and Landfill

MEMBERS:

Rhody R. Holthaus, Anne Arundel County / Vacant, Baltimore City / D’Andrea L. Walker, Baltimore County / Vacant, Carroll County
Phillip S. Harris, Frederick County / Joseph J. Siemek, Harford County / Mark A. DeLuca, Howard County / Guillermo Wainer, Montgomery County
Charles Glass, Maryland Environmental Service / Andrew Kays, Executive Director



Mr. Kays explained that the Authority's current contracts for Regional Non-Recycled Municipal Solid Waste Acceptance, Processing, Transportation and Disposal Services for Anne Arundel County and Howard County expire on April 11, 2023 and June 30, 2022, respectively. This agenda item seeks approval of these replacement contracts, which would commence on April 12, 2023 for Anne Arundel County and July 1, 2022 for Howard County, with the last possible term for each running until June 30, 2033, based on one-year extensions at the Authority's sole discretion.

Mr. Kays noted that a Request for Proposals was issued on July 1, 2021 and four addenda were issued for this procurement. An addendum was issued on July 28, 2021 to schedule and confirm details for the Pre-Proposal Conference Call Meeting, which occurred on August 2, 2021 on the Webex platform. A second addendum was issued on October 19, 2021 to extend the Proposal Submission Due Date from November 1, 2021 to November 15, 2021, and to also remind Proposers of certain communication requirements listed in the RFP. A third addendum was issued on November 10, 2021 to extend the Proposal Submission Due Date from November 15, 2021 to December 1, 2021, and to issue amendments to the RFP and answer some of the Proposer questions submitted in writing by the question submittal due date of October 1, 2021. A fourth addendum was issued on November 19, 2021 to extend the Proposal Submission Due Date from December 1, 2021 to December 15, 2021, and to answer the remaining Proposer questions submitted in writing by the question submittal due date of October 1, 2021 and to amend the RFP as needed.

The Authority received two proposals on or before the closing time on December 15, 2021 from:

1. Garnet of Maryland, Inc. ("Waste Management")
2. WB Waste Solutions, LLC ("WB")

Mr. Kays further explained that the Evaluation Memorandum and Vendor Recommendation provided in the board package, along with its Exhibit A and Exhibit B identifies the two firms, describes the evaluation process and contains the recommendation of the evaluators for award.

In summary, the Evaluation Committee recommends Waste Management as the preferred vendor to enter into Service Agreements, based on its initial Technical and Price Proposal, Best and Final Offer and Clarification Responses. Its Proposal was determined as qualified, reliable, legally compliant, and the most cost effective, offering the best value by a large margin, while providing the required tonnage capacity for both Anne Arundel and Howard County.

Staff requested approval to enter into Service Agreements (substantially in the form presented in the board package) with Waste Management, at an anticipated annual cost of \$9,348,400 for Anne Arundel County and \$8,037,030.04 for Howard County, based on actual fiscal year 2021 tons generated. Any adjustments to this estimated budget will be included in the Fiscal Year 2023 Budget Package. Prior to these Service Agreements being executed by the Authority and Waste Management, the Authority will execute individual Waste Disposal Agreements with both Counties, which will determine the payment scenarios.

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2022-2-2 – Award of Contract for Operations and Management of Landfill Gas to Energy Facility for Anne Arundel County

A motion was made by Jeff Castonguay and seconded by D’Andrea Walker to approve this item.

Mr. Kays explained that the Authority’s current contract with Archaea Energy (formerly Aria Energy) to operate the Landfill Gas to Energy Facility, located at the Millersville Landfill and Resource Recovery Facility, on behalf of Anne Arundel County expires June 21, 2022.

At the request of Anne Arundel County, the Authority issued a procurement for the continued operations and maintenance of the Facility. The RFP required proposers to propose a monthly service fee to cover all services required per the Operations and Maintenance Service Agreement provided in the RFP (Base Proposal). The proposers also had the option to provide an alternate proposal including but not limited to incentives for the contractor to operate efficiently, potential revenue sharing from electric generation, Facility improvements, and potential expansion of Facility.

Mr. Kays further explained that Archaea Energy was the only company that submitted a proposal. The Authority and County staff reviewed the proposal, and it was determined that Archaea met the technical requirements of the RFP with no exceptions to the required scope of work specified in the contract documents. Archaea submitted a Base Price Proposal in the amount of \$60,000 per month.

Staff requested that the Executive Director be authorized to execute an agreement with Archaea Energy (Base Proposal) and the corresponding agreement with Anne Arundel County in substantially the form of the draft agreements presented in the board package and based on direction from the County. The initial term of agreements will begin on June 22, 2022, and will end June 30, 2023, with up to nine additional one-year terms.

Joseph Siemek asked if there were any questions or matters for discussion. Rhody Holthaus took the opportunity to thank Andrew Kays and the Authority for their efforts with respect to the procurement. Mr. Holthaus noted that the project has been very successful and has become a showpiece for interested visitors. While the name of the operator has changed, the operators are the same ones who have successfully operated the facility for the past ten years. Anne Arundel County is pleased to have security for the operations of the facility for the next ten years.

Mr. Siemek asked if there were any other questions or additional matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2022-2-3 – Award of On-Call Legal Contracts

A motion was made by Willie Wainer and seconded by Rhody Holthaus to approve this item.

Kim Gordon explained that current contracts for On-Call Legal Services expire on June 30, 2022. This agenda item seeks approval of replacement contracts for On-Call Legal Services in four subject areas: Biosolids and Waste and Resource Management Contracting (also referred to as Construction and Operations Services Contracting), Environmental Law, Energy Law, and Bond Counsel. The contracts would commence on July 1, 2022, and run for three years, with two one-year extensions at the Authority's sole discretion.

A Request for Proposals was issued on February 10, 2022, and 11 firms submitted proposals in response. Addenda were issued on February 18, 2022, and March 1, 2022, each offering responses to technical questions submitted under the procurement. The evaluation memorandum provided in the board package identifies the 11 firms, describes the evaluation process and contains the recommendation of the evaluators for award in each of the four categories.

The firms recommended for award are (in alphabetical order):

1. Baker, Donelson, Bearman, Caldwell & Berkowitz PC
2. Ballard Spahr LLP
3. Gordon Feinblatt LLC
4. Rich & Henderson, PC
5. Saul Ewing Arnstein & Lehr LLP
6. Sledge Law LLC
7. Venable LLP
8. Whiteford, Taylor & Preston L.L.P.
9. Williams Mullen
10. Witherup Allen Law LLC

Ms. Gordon noted that payments under the contracts will be made for services rendered when a firm is asked to provide particular legal services. In addition to use of the contract by the Authority, each member jurisdiction will have the flexibility to choose a firm from this pool if a need for such outside counsel arises. Each firm may be used for services in any area in which they have the necessary qualifications and expertise.

Staff requested approval to enter into contracts (substantially in the form presented in the board package) with each of the recommended law firms with an initial upset limit of \$50,000 pending resolution of minor contractual issues. Adjustments to contract upset limits will be included in the Fiscal Year 2023 Budget Package.

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2022-2-4 – On-Call Contract Amendments

A motion was made by D'Andrea Walker and seconded by Jeff Castonguay to approve this item.

Mr. Kays explained that contracts amendments are needed for on-call consultants as follows:

1. SCS Engineers: Montgomery County has issued a Purchase Order under a Task Order with the Authority to provide for the additional funds for this effort. The County has been utilizing SCS Engineers (SCS) in connection with the fire detection and suppression project at the Shady Grove Processing Facility and Transfer Station. An increase in the amount of \$1,000,000 is needed for the SCS contract to fund additional fire suppression upgrade costs in connection with the project.
2. ARM Group: A total increase in the amount of \$200,000 is needed for the ARM Group contract as follows:
 - (i) The Baltimore City Compliance MOU will be the source of funding for this effort. The City has been utilizing ARM in connection with certain leachate design-related items (based on concept changes) at the Quarantine Road Landfill. An increase in the amount of \$50,000 is needed for the ARM contract to fund additional costs in connection with the project.
 - (ii) Montgomery County will provide a Purchase Order as the source of funding for this effort. The County is utilizing ARM for pump assembly repairs and replacement at the screen house providing water to the Resource Recovery Facility. An increase in the amount of \$150,000 is needed for the ARM contract to fund additional costs in connection with the project

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2022-2-5 – Budget Amendments

A motion was made by Jeff Castonguay and seconded by Rhody Holthaus to approve this item.

Mr. Kays explained that budget amendments are needed as follows:

1. Montgomery County General Account – An increase in the total amount of \$3,200,000 is needed for the Montgomery County General Account. An increase in the amount of \$1,000,000 is needed to support the fire detection and suppression project as set forth in the applicable effort under Action Item No. 2022-2-4. Additionally, an increase in the amount of \$2,200,000 is needed for the Montgomery County General Account to support work being done in connection with the power infrastructure replacement at the Transfer Station.

2. Montgomery County RRF Account – An increase in the total amount of \$200,000 is needed for the Montgomery County RRF Account. An increase of \$150,000 is needed for the screen house repairs in support of the applicable effort under Action Item No. 2022-2-4. Additionally, an increase in the amount of \$50,000 is needed for certain NPDES upgrades at the Facility.
3. Harford County Facility Account – An increase in the amount of \$25,000 is needed for the Harford County Facility Account for Phase III concept work for the HWTE demolition project.
4. Howard County Compost Account – An increase in the amount of \$55,000 is needed for the Howard County Compost Account in connection with permit related work under the current compost facility design project.

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2022-2-6 – Award of On-Call Consulting, Engineering, Management and Construction Services Contracts

A motion was made by Willie Wainer and seconded by Jeff Castonguay to approve this item.

Mr. Kays explained that the Authority worked with its members through the summer of 2021 to prepare and ultimately issue a Request for Proposals (“RFP”) from firms who are qualified to provide consulting, engineering, management and construction services (i.e., on-call contractor services). The four areas of service under consideration in the RFP are 1) Waste-to-Energy, Transfer Station/Resource Recovery Park, Materials Recovery Facility (MRF) and emerging technologies design, construction and operations; 2) Landfill Services; 3) General Solid Waste, Planning and Recycling/Diversion Category (Sustainable Materials Management, Circular Economy, and Zero Waste); and, 4) Biosolids and Organics Management. The Authority will select and place no less than five and no more than fifteen of the qualified firms on one on-call contractor list to cover all aspects of these four areas. Selection for an on-call contract is not a guarantee of work. Any work performed under the contract will be funded by the requesting Member through their budget process.

Advertising took place on the Authority’s website, the eMaryland Marketplace Advantage website, SWANA listserv, and to the list of recipients from the 2017 request for proposals. There was no pre-proposal meeting. Addenda for the RFP were issued on the following days:

- #1: January 4, 2022, to provide technical clarifications, to respond to questions, and to extend the proposal submission date to January 28, 2022
- #2: January 13, 2022, to provide technical clarifications and to respond to questions
- #3: January 17, 2022, to extend the proposal submission date to February 11, 2022

The sixteen responding firms are set forth in alphabetical order.

Firms
Aptim Environmental & Infrastructure, LLC
ARM Group LLC
BAI Group, LLC
Barton & Loguidice, D.P.C.
EA Engineering, Science, and Technology, Inc., PBC
Gershman, Brickner & Bratton, Inc.
Geosyntec Consultants
GHD (with WeCare Denali)
HDR Engineering Inc.
LaBella Associates
MSW Consultants
NewGen Strategies and Solutions, LLC
RRT Design & Construction
Stearns, Conrad and Schmidt Engineers
Tetra Tech, Inc.
Abbe & Associates LLC dba Zero Waste Associates

Mr. Kays explained that the review team consisted of member representatives and staff of the Authority. The review team independently reviewed the proposal against the requirements of the RFP (inclusive of addenda). Offerors were to address their specific qualifications, provide examples of recent, applicable projects that demonstrate the firm’s capabilities (globally, and more specifically to include the listed team members for the projects). Importantly, the firms had to confirm an ability to work with certified MBE/WBE/SBE companies as required by the member jurisdictions.

The evaluation team members independently scored each proposer in the applied for categories on the basis of 0-3 points for each evaluation criteria, with 3 being the highest possible score. Mr. Kays noted that only one score from the Authority was used in the evaluation. The scores were totaled and averaged for each service category. The technical qualifications of the selected firms were weighted at 80% of the final score, with the balance of 20% reflecting price and location (as a function of costs).

The RFP noted that the top five scores for the Waste-to-Energy, Resource Recovery Parks, Transfer Station, MRF and Emerging Technologies Design, Construction and Operations Service Category service category, and the Biosolids and Organics Management Service Category are being recommended for contract approval by the Board. The Landfill Service Category provides a substantial share of the work for the Authority’s Members. Therefore, selecting the top seven scores in the landfill service category provides opportunity for all of the Authority’s Members to access a broader knowledge base as it relates to landfills. A premise of the RFP is that Zero waste/sustainable materials management/circular economy practices are integral to recycling, diversion and solid waste planning efforts, therefore the RFP noted that the top seven scores in the

General Solid Waste, Planning and Recycling/Diversion Category (Sustainable Materials Management, Circular Economy, and Zero Waste) are recommended.

The evaluation results in ten firms being named as potential contactors. As many of the firms that proposed also exhibited outstanding qualifications, the evaluation team recommends extending each category by 1 firm to bring the total number of potential contractors to twelve. This is less than the maximum number of firms considered under the RFP but allows access to additional qualified firms. The names of such firms are listed below, together with their technical scores showing the categories in which the evaluation team is recommending the approval of contracts.

Staff requested approval to enter into on-call consulting contracts with the firms as recommended in the evaluation. Such contracts will be substantially in the form provided in the board package. Members may elect to use these on-calls for work, or work with the Authority for a directed separate procurement for specific needs. The base value of the contracts is \$500,000.⁰⁰ and may be amended from time to time.

Summary of Qualified Firms Based upon Score (Expanded, additional firms in *italics*)

Qualified Firms in each Service Category (Expanded Categories)							
Waste-to-Energy, Resource Recovery Parks, Transfer Station, MRF and Emerging Technologies Design, Construction and Operations Service		Landfill Service		General Solid Waste, Planning and Recycling/Diversion Category (Sustainable Materials Management, Circular Economy, and Zero Waste)		Biosolids and Organics Management Service	
B&L	65.02%	ARM	77.15%	B&L	52.26%	B&L	72.00%
EA	81.40%	<i>BAI</i>	<i>64.39%</i>	EA	56.54%	EA	68.30%
Geosyntec	74.50%	B&L	76.11%	GBB	65.11%	<i>GBB</i>	<i>64.45%</i>
HDR	70.13%	EA	87.01%	Geosyntec	68.73%	GHD	78.15%
<i>RRT</i>	<i>61.27%</i>	Geosyntec	87.48%	HDR	57.62%	HDR	68.45%
SCS	66.75%	HDR	66.93%	MSW	53.99%	SCS	71.45%
		SCS	80.80%	SCS	66.55%		
		Tetra Tech	71.95%	<i>RRT</i>	<i>46.81%</i>		

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2022-2-7 – Election of Authority Treasurer

A motion was made by Jeff Castonguay and seconded by Rhody Holthaus to approve this item.

Ms. Gordon explained that in accordance with Article III, Sections 1 and 2 of the Authority's Bylaws, the Authority shall elect a Treasurer from among its members and shall serve a term of one year or until a successor is elected. It has been the Authority's practice to elect officers based on seniority.

The Authority's Treasurer, Jeffrey Castonguay, is resigning from his position with Carroll County and the Authority Board, effective April 8, 2022. Therefore, staff requested that the Board elect a new Treasurer.

Ms. Gordon noted the following is a listing of Board Members in order of seniority:

Board Member	Length of Service
Joseph Siemek	5 yrs. 6 mos.
Rhody Holthaus	5 yrs. 4 mos.
Willie Wainer	3 yrs. 10 mos.
Phil Harris	1 yr. 3 mos.
Mark DeLuca	11 mos.
D'Andrea Walker	7 mos.

In connection with the election of the new Treasurer, Mr. Gordon noted that Staff also is requesting approval to update the Authority banking documents, as needed, to remove Jeff Castonguay and add the newly elected Treasurer.

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

Mr. Kays clarified for the record that the Board's intent is to elect Rhody Holthaus as the next Authority Treasurer. Mr. Holthaus noted that he would be happy to serve in such capacity. For confirmation purposes, D'Andrea Walker nominated Rhody Holthaus to serve as the new Authority Treasurer. Willie Wainer seconded the nomination. Joseph Siemek asked if there were any questions or matters for discussion. There being none, a confirmation vote was taken, and the item was unanimously approved.

Ms. Walker questioned whether the reason Mr. Siemek cannot serve in the capacity of Treasurer, even though he has the most seniority on the Board, is because he is the Chairman. Mr. Kays confirmed that Mr. Siemek may not serve in both capacities and that the minutes would reflect as such.

Mr. Siemek noted that the renewal of the Authority's office lease renewal is a topic for discussion on the Agenda.

Mr. Kays explained that the Authority is not seeking a vote today on the office lease renewal but is providing information for purposes of a discussion, with a vote contemplated at the next board meeting. Mr. Kays noted that there are approximately two years left on the current lease, and that

staff has researched and evaluated the pros and cons of renewing the lease versus relocating. Information regarding lease options was provided to the Board. Mr. Kays highlighted the benefits of renewing the current lease, which included a proposed reasonable blended rate (with an annual adjuster of 2.75%, which is lower than the current annual adjuster), avoidance of business interruption, central location for staff, convenient parking, access to public transportation, and supporting the State's initiative to revitalize Baltimore City's central business district. Mr. Kays further explained that while there are some benefits in relocating, including new and reconfigured office space, and potential cost-savings, such benefits do not outweigh the benefits of renewing the current lease. Mr. Kays noted that the option of flex space was considered, but posed too many concerns, including short-term leases, staffing, storage, security and technology issues. Accordingly, all things balanced, the Authority recommends renewing the current lease. Ms. Gordon added that the proposed lease renewal terms include rent abatement and a tenant improvement allowance which can be used towards "free rent," resulting in additional cost savings.

Mr. Siemek asked if there were any questions. There being none, Mr. Siemek noted that action on this item will be considered at a future board meeting.

With no other items on the Agenda, Mr. Siemek took the opportunity to thank Jeff Castonguay for his service on the Board and wished him the best in his new position. Mr. Castonguay responded that it has been an honor working with the Authority and the Board. Mr. Castonguay noted that with respect to the Treasurer position, Mr. Holthaus will have the support of the Authority staff, who are professional and responsive. Ms. Gordon expressed appreciation for Mr. Castonguay's efforts and thanked him for his service. Mr. Castonguay thanked the Board and the Authority. The Board concluded by wishing Mr. Castonguay well.

For the benefit of the viewing public, Andrew Kays read into the record the names of the consultants awarded contracts under Action Item No. 2022-2-6.

ARM Group LLC
BAI Group, LLC
Barton & Loguidice, D.P.C.
EA Engineering, Science, and Technology, Inc., PBC
Gershman, Brickner & Bratton, Inc.
Geosyntec Consultants
GHD (with WeCare Denali)
HDR Engineering Inc.
MSW Consultants
RRT Design & Construction
Stearns, Conrad and Schmidt Engineers
Tetra Tech, Inc.

Mr. Siemek confirmed that such information will be reflected in the minutes.

Mr. Siemek asked if there were any additional items to discuss at this time.

There being no additional comments or discussion items, the meeting adjourned at 12:45 PM.

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Andrew Kays, Executive Director