

**Authority Meeting Minutes
364th Meeting (via Conference Call)
June 9, 2022 at 12 p.m.**

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

Other Participants: Cliff Engle (Carroll County)
Andrew Kays (NMWDA)
Kim Gordon (NMWDA)
Traci Baker (NMWDA)

Public access via livestream at the following link: https://youtu.be/6ARctra_bYM. *This stream was turned on at 12:04 p.m. local time.*

Board Chairman, Joseph Siemek opened the meeting at 12:04 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 portions of this meeting will be held in closed session (in accordance with the General Provisions Article of the Maryland Annotated Code, Title 3 – Open Meetings Act. Authority for the closed session is Section 3-305(b)(1), to discuss (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals. 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 April 7, 2022 and that such minutes were approved and posted on the Authority website.

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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



ACTION ITEM NO. 2022-3-1 – Montgomery County Construction Contractor Services Contract Award for the Gude Landfill Remediation Project

A motion was made by Charles Glass and seconded by Mark DeLuca to approve this item.

Andrew Kays noted that the Source of Funding for this effort will be a Montgomery County (the “County”) Purchase Order, explaining that the County has been working with the Maryland Department of the Environment (“MDE”) under a Consent Order agreement to address certain concerns and potential impacts at the Gude Landfill (“Landfill”) located in Montgomery County, Rockville, Maryland. The County and Authority collaborated on the development of a Request for Proposals (“RFP”) for the last of three separate contracts for the implementation of the Corrective Measures and conceptual development of potential land uses at the Landfill.

Mr. Kays further explained that on October 4, 2021, the Authority, on behalf of the County and under direction from the County, requested submissions of proposals by certain qualified remediation construction contractor firms or construction contractor teams (the “Construction Contractor” or “Offeror”) to provide the remediation construction services required for the construction of the MDE-approved Corrective Measures at the Gude Landfill in Rockville, Maryland. The qualified firms participated in the earlier RFQ process. As a result of the Request of Proposals for phase two of the procurement, the final contract will require that the selected Offeror meet County Minority, Female, and Disabled-Owned Businesses (MFD) Program and living wage requirements.

In alphabetical order, the three firms deemed qualified to move on to the proposal stage were:

- Allan Myers and Hallaton
- Harnden Group
- Ryan Inc.

Addenda were issued to the three firms on the following dates:

1. October 4, 2021, technical updates and revised details to the drawing set were issued with the RFP
2. October 21, 2021, technical and contract updates
3. November 15, 2021, revised submittal date and technical updates
4. November 18, 2021, additional site visit dates and technical updates
5. December 17, 2021, revised submittal date and technical updates
6. January 4, 2022, technical updates and response to contract term inquiries

Mr. Kays noted that on February 21, 2022, Ryan Inc. withdrew from further consideration citing another recent contract award. Further clarification requests were sent to Allan Myers and Hallaton, and the Harnden Group, each separately, on February 25, 2022 for the March 1, 2022 submission. Both firms submitted responses to the February 14, 2022 clarification request by the required closing time on March 1, 2022.

The Authority, County, DE (Design Engineer) and CME (Construction Management Engineer) conducted interviews for the project with each firm, separately, on March 15, 2022. Following the interviews, the Review Team and the Authority prepared and issued clarifications and Best and Final Offer Requests to each firm on March 28, 2022.

Final clarifications from the remaining firms were received by the required closing time on April 21, 2022.

Both firms provided complete proposals that met the requirements of the RFQ and RFP, including the County's required MFD program participation percentages. Each firm demonstrated an ability to perform the Work as outlined in the County approved specifications. The Review Team used the evaluation criteria from the RFP in the review deliberations.

1. Compliance and standing with licenses, statements, certifications, and disclosures.
2. Demonstrated ability / methodology to meet potential federal, state, and local MBE/WBE requirements (21%). Extent and quality of the proposed participation of minority firms and/or individuals.
3. Qualifications and Experience of the Offeror as presented in the Representative Projects.
4. Qualifications and Experience of the Offeror as presented in the Key Personnel Matrix and Resumes.
5. The clarity, completeness and responsiveness of the written proposal and the sequence of work plan, and oral presentations (which were required).
6. Price.
7. Comprehensive Best Value Considerations.

Mr. Kays explained that the overall proposal from Allan Myers was better, when factoring in the detail, experience on larger projects and levels of surety on the MFD (required portion) of the project. Harnden is significantly less expensive up front but hedged on the potential increases. Allan Myers is more expensive but talked about working towards the best solution. Allan Myers has the financial stability to be able to cover expenses that might be a change order for Harnden. Allan Myers offered support for Community Outreach Program and proposed a vertically integrated management approach to complete the project. The pricing information for the two firms is set forth below.

Price Source	Total Price
Engineer's Estimate	\$53,766,502
Allan Myers + Hallaton	\$55,377,777
Harnden Group	\$48,227,334

Staff requests approval to enter into the construction services contract substantially in the form of provided to the Board, inclusive of the 100% design drawings and project manual and all relevant permits, as reviewed and approved by the appropriate regulatory bodies, be made to Allan Myers + Hallaton, subject to final written approval by Montgomery County.

Joseph Siemek asked if there were any questions or matters for discussion. Dr. Charles Glass noted that he was abstaining from voting. There being no other questions or matters for discussion, a vote was taken. The item was unanimously approved by the voting Board Members.

ACTION ITEM NO. 2022-3-2 – OSHA Compliance Baltimore City Contract Award

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

Andrew Kays noted that the Source of Funding for this effort will be the City of Baltimore (the “City”) Memorandum of Understanding, explaining that the City requested that the Authority provide technical expertise to conduct a comprehensive assessment of the Kane Street Sanitation Yard and other facilities operated by the Department of Public Works, Bureau of Solid Waste (individually the “Facility”, or collectively the “Facilities”) and to develop an Occupational Safety and Health Administration (“OSHA”) Compliance Master Plan that identifies all infrastructural and operational improvements that can be made at the Facilities to meet OSHA standards and other applicable laws and regulations, including the Americans with Disabilities Act (“ADA”).

Mr. Kays further explained that advertising took place on the Authority’s website, the eMaryland Marketplace Advantage website, an email to current Authority oncall consulting firms, the distribution list for a repair project at the Quarantine Road Landfill RFP in 2021, and the list of City MWBOO firms (minority and women-owned certified firms, as approved by the City). The pre-proposal meeting took place on February 18, 2022. Addenda for the RFP were issued on the following days:

- #1: February 14, 2022, to eliminate one of the pre-proposal site visits due to the observance of a City holiday
- #2: March 2, 2022, to summarize the February 18, 2022, pre-proposal site visit and provide technical clarifications and to respond to questions
- #3: March 28, 2022, to provide technical clarifications and to respond to questions

Two proposals were received for the RFP. Table 1 below presents those firms in alphabetical order. Each Offeror met the requirements of the RFP and qualified to perform the work. Each Offeror proposed a qualified team with recent, relevant experience and proposed substantive work to be performed by qualified MBE firms. Each Offeror has recent and relevant experience with projects in the City and are familiar with City processes and facilities.

Table 1 Proposals Received

Firm	Reference in the Review	Proposal Price
EA Engineering, Science, and Technology, Inc., PBC	EA	\$828,110. ⁰⁶
LaBella Associates	LaBella	\$400,757. ⁰⁰

Staff requests approval to enter into a contract with Labella for the proposed price of \$400,757.⁰⁰ subject to execution of a Memorandum of Understanding (MOU) with the City. The City will provide funding upon the execution of the MOU.

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. 2022-3-3 – On-Call Contract Amendment

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

Andrew Kays explained that the current on-call engineer contract with SCS Engineers is set to expire June 30, 2022. However, SCS currently is performing work for several of the Member Jurisdictions that is expected to extend through September 30, 2022. Such projects include: (i) construction improvement work for Baltimore County Eastern Sanitary Landfill, including an amended scope to provide for expansion work including design, bid support, CQA and closeout support; (ii) work for Montgomery County in connection with the Transfer Station Fire Detection and Suppression System Installation; (iii) finalizing the Montgomery County Gude Landfill Remediation Preparation work (extended due to minor Pepco delays), and (iv) MES/Harford County Environmental Monitoring and Reporting Support Services to cover the end of the reporting term for the Bush Valley Landfill.

Staff is seeking approval to extend the contract term for SCS through September 30, 2022 to allow for the completion of the above-referenced projects. The respective Task Orders and/or Work Orders for such work also will be extended, as applicable, to support the additional time needed to bring the work to completion. Mr. Kays noted that the underlying funding sources will be in place for the extension period.

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. 2022-3-4 – Budget Amendments

A motion was made by Willie Wainer and seconded by Dr. Glass to approve this item.

Andrew Kays explained that budget amendments are needed the remainder of FY 2022, as follows:

1. Howard County Export (AJ) Account – Mr. Kays noted that the amount requested for the Howard County Export Account was originally in the amount of \$100,000. However, based on updated information from Howard County, such amount needs to be amended to \$122,093.70 to support services through the end of Fiscal Year 2022, and to match the amount of the Purchase Order provided by Howard County.

Rhody Holthaus inquired whether a vote was needed to amend the requested budget amount for the Howard County Export Account. After confirming with Mr. Kays that the amended amount was not included in the board package, Joseph Siemek called for a motion to approve the amendment to the budget amount requested for the Howard County Export Account to \$122,093.70. A motion was made by Rhody Holthaus and seconded by D'Andrea Walker. A vote was taken and amending the amount of the budget request for the Howard County Export Account was unanimously approved.

2. Montgomery County LFGE Account – An increase in the amount of \$200,000 is needed for the County's LFGE Account to support work at the Oaks and Gude Landfills through the end of Fiscal Year 2022.

Staff is requesting budget amendments in the amounts as set forth above.

Joseph Siemek asked if there were any questions or matters for discussion with respect to Action Item No. 2022-3-4, as amended. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2022-3-5 – Office Lease Renewal

A motion was made by Mark DeLuca and seconded by Willie Wainer to approve this item.

Andrew Kays noted that the Source of Funding for the office lease renewal will be the Annual Administrative budget, explaining that the office lease renewal was a Discussion Item at the April 7th Board Meeting and such Discussion Item is included with those meeting minutes. Briefly, the Authority's office lease expires on January 31, 2024. The Authority currently pays \$20.24 per square foot full-service escalating by 3.0% annually on both the office and storage spaces. The Authority occupies 5,039 square feet of office space and 500 square feet of storage space, for a total of 5,539 rentable square feet. Staff is seeking to extend the lease early to take advantage of the tenant-friendly conditions that currently exist in the Central Business District (CBD) office market. The negotiated rate at the commencement of the new lease term is \$21.00 per rentable square foot for the office space and \$10.00 per rentable square foot for the storage space, with a 2.75% annual escalator. The new lease term begins February 1, 2024 and shall be for a period of 5 years and 6 months.

Rates are expected to increase over the next year or so with the relocation of State of Maryland employees to the CBD. As an update, it was recently announced that the Department of Human Services (DHS) will move 700 workers into 150,000 square feet at 25 S. Charles St., paying \$3.65 Million per year in rent under a 10-year lease that was approved, without comment, by the Board of Public Works.

As a reminder, Mr. Kays noted that Staff considered office relocation, including the use of flex space, but determined that the lease renewal makes the most sense fiscally and practically, and it allows the Authority to support the Governor's initiative for businesses/agencies to remain in the CBD.

Staff is requesting that the Board approve the renewal of the office lease and authorize the Executive Director to execute a renewal term sheet substantially reflecting the terms above, as well as the resulting lease amendment documentation.

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. 2022-3-6 – Fiscal Year 2023 Budget

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

Andrew Kays noted that there would be an upcoming walk on budget amendment request with respect to one of the on-call contracts that required a separate vote to approve. Mr. Kays then reviewed the contents of the Fiscal Year 2023 budget package with the Board. Mr. Kays touched upon several of the highlights regarding the goals for Fiscal Year 2023 for each of the Member Jurisdictions. Mr. Kays explained that the preliminary workplan was developed in conjunction with staff from Member Jurisdictions and their input with respect to known projects for the upcoming fiscal year has been incorporated. He noted the possibility of changes to the plan, and corresponding budget items, as Members direct the Authority over the course of the coming Fiscal Year. Mr. Kays noted the status of the contracts (including an increase in the amount of \$700,000 for the ARM on-call contract and an increase in the amount of \$750,000 for the EA Engineering on-call contract). Mr. Kays identified the need to amend the requested increase amount for the SCS Engineers on-call contract from \$1,600,000 to \$2,500,000, which reflects \$700,000 for Montgomery County LFGE work and additional work expected to begin after July 1, 2022.

Rhody Holthaus inquired whether the public benefits planned for the Gude Remediation Project were included in the design budget package or slated to be undertaken in the future. Mr. Kays explained that Montgomery County worked closely with the neighboring communities regarding the passive recreational use of the facility upon completion of the remediation. He further explained that such elements, including a dog park and walking trails, are reflected in the budget, and confirmed that such elements also are included in the contract with Allan Myers and Hallaton. Mr. Kays noted that the beneficial use work will be undertaken after the remediation is complete, to avoid any harm to the remediation effort.

Joseph Siemek confirmed with Andrew Kays that there were no other walk on amendments for the budget. After noting the Accomplishments for Fiscal Year 2022 that were provided in the board package, Mr. Siemek requested a motion to approve the amendment to increase the SCS on-call contract from \$1,600,000 to \$2,500,000 under Action Item No. 2022-3-6. A motion was made by Rhody Holthaus and seconded by D’Andrea Walker. A vote was taken and the item was unanimously approved. To complete his presentation, Mr. Kays provided that the Salary Survey was included for use by the Board during the closed session.

Joseph Siemek asked if there were any comments or questions for Mr. Kays related to the budget. There being no questions, Mr. Siemek announced that the Board would next meet in a closed session regarding discussions with respect to compensation for the Executive Director and employees for Fiscal Year 2023 (as well as any other personnel matters).

Mr. Siemek called for a motion to close the meeting at approximately 12:41 p.m. A motion was made by Willie Wainer and seconded by Phil Harris. The Board Members voted unanimously to close the session. Mr. Siemek noted that the meeting was being closed under Section 3-305(b)(1) of the General Provisions Article of the Maryland Annotated Code to discuss the performance of the Executive Director and to determine compensation for the Executive Director and employees for Fiscal Year 2023 (as well as any other personnel matters).

Joseph Siemek has received State of Maryland open meetings training. Rhody Holthaus agreed to take the minutes of the closed session.

The closed session ended at approximately 1:20 p.m. Joseph Siemek reported that during the closed session the Board discussed (i) approval of a 3% Cost of Living Increase and a 2% merit for the employees and (ii) the performance of the Executive Director, which was favorable, warranting approval of a 3% Cost of Living Increase and a 3% merit for the Executive Director. Such increases would become effective July 1, 2022.

Mr. Siemek called for a vote with respect to Action Item 2022-3-6, Fiscal Year 2023 budget, as amended (including the Staff compensation increases), a vote was taken, and was approved unanimously.

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 1:25 p.m.

TRUE TEST COPY

A handwritten signature in black ink, appearing to read 'Andrew Kays', is written over a horizontal line. The signature is stylized and cursive.

Andrew Kays, Executive Director