

**Policies & Procurement Committee**  
**May 16, 2013**  
**Regular Meeting Draft Minutes**

Members Present: John Adams  
Vice-Chairman Richard Barlow

CRRRA Staff Present: Tom Kirk, President  
Dave Bodendorf,  
Peter Egan, Director of Environmental Affairs  
Tom Gaffey, Director of Recycling  
Roger Guzowski, Contracts and Procurement Manager  
Laurie Hunt, Director of Legal Services  
Chris Shepard, Senior Environmental Engineer  
Maira Kenney, HR Specialist/Board Administrator

Others present: John Pizzimenti, USA Hauling.

Director Adams called the meeting to order at 11:00 a.m. and noted that a quorum was present.

Director Adams noted there were no members of the public present which cared to speak during public comment, and said the regular meeting would commence.

1. **APPROVAL OF MINUTES OF THE APRIL 11, 2013, POLICIES & PROCUREMENT COMMITTEE MEETING**

Director Adams requested a motion to accept the minutes of the April 11, 2013, Policies & Procurement Committee meeting. The motion to approve the minutes was made by Vice-Chairman Barlow and seconded by Director Adams.

The motion to approve the minutes was approved by roll call.

2. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING THREE YEAR ENGINEERING SERVICES AGREEMENTS**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President is hereby authorized to enter into contracts with the following firms and individuals for Consulting, Engineering and Land Surveying Services, substantially as discussed and presented at this meeting:

**General Engineering Services**

Diversified Technology Consultants  
Enercon Services, Inc.  
Fuss & O'Neil  
HDR Engineering, Inc.  
TRC Environmental Corp.  
URS Corporation AES

**Environmental Consulting and Engineering Services**

ARCADIS, US, Inc.  
Blue River Engineering LLC  
Burns & MacDonnell  
HRP Associates, Inc.  
Kleinschmidt Associates  
Leggette, Brashears & Graham, Inc.  
M. I. Holzman & Associates  
TRC Environmental Corporation  
URS Corporation AES  
Zuvic, Carr Associates, Inc.

**Resource Recovery and Recycling Consulting and Engineering Services**

ARCADIS, US, Inc  
CalRecovery, Inc.  
Dvirka & Bartilucci Consulting Engineers  
Grillo Engineering Co.  
HDR Engineering, Inc.  
Project Management Associates  
van Zelm, Heywood & Shadford, Inc.

**Landfill Consulting and Engineering Services**

ARCADIS, US, Inc.  
Fuss & O'Neill, Inc.  
Hatch Mott MacDonald  
Langan Engineering & Environmental Services  
Lockwood, Kessler & Bartlett, Inc.  
SCS Engineers, PC  
TRC Environmental Corporation

**Land Surveying Services**

Design Professionals  
LRC Engineering & Surveying, LLC

**Solid Waste Consulting Services**

Alternative Resources, Inc.  
Dvirka & Bartilucci  
Gershman, Brickner, & Bratton, Inc.  
HDR Engineering, Inc.  
Project Management Associates

**Electric Marketing, Procurement and Consulting Services**

Burns & McDonnell  
Power Advisory LLC

Director Adams noted that the resolution distributed for approval is slightly revised from the one contained in the packet.

Mr. Egan said the revised resolution is because one firm was inadvertently left off of the list contained in the package. He said CRRA has a regular need for professional and technical services from engineering and environmental consulting firms and other categories of consultants which are described in the write up. Mr. Egan said CRRA must go out and publically solicit a Request for Qualifications for engineering, consulting and land surveying services every three years. He said the current agreements expire in June 30, 2013.

Mr. Egan said a Request for Qualifications Solicitation was publically noticed in spring, and after evaluating those responses management developed a list of firms for recommendation. He said the contracts are for no dollar value and any work which is undertaken with these firms is done using a task specific sub-contract (Request for Services) where the scope of services and estimated time and costs are executed with particular firms.

Mr. Egan said the firms were required to demonstrate appropriate insurance and were evaluated on technical merit, labor rates, past experience and administrative criteria. He said six to

seven CRRA employees evaluated the qualifications packages against the established criteria. Mr. Egan said three year terms will be executed for these firms.

Vice-Chairman Barlow asked how management determines which firm to use for specific tasks. Mr. Egan said several of the firms were added because they have supported CRRA with other projects over the years and had expertise in those areas as a result. He said for larger tasks management will ask two or three firms to provide estimated costs including breaking down their expected hours and then chooses the best price and fit.

The motion previously made and seconded was approved unanimously by roll call.

3. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING THREE YEAR ENVIRONMENTAL MONITORING AGREEMENTS**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President of CRRA be authorized to enter into an agreement for Environmental Monitoring, Laboratory Analysis and Reporting Services, substantially as presented at this meeting, as follows:

<b>Vendor</b>	<b>Amount</b>	<b>Facility</b>
GZA GeoEnvironmental, Inc.	\$ 260,070	Hartford Landfill

Mr. Egan said Mr. Shepard managed this procurement. He said professional and technical services are required to be bid out every three years. Mr. Egan said the current contracts to monitor the five CRRA landfills expire June 30, 2013. He said this initiative is to identify firms to conduct three years of various environmental monitoring services and activities at four of the CRRA landfills. Mr. Egan said the annual consideration for the Hartford Landfill is over \$50,000 and the recommendation is for GZA GeoEnvironmental, Inc.

Mr. Egan said the write-up includes the results of the other three bids for informational purposes as they do not require Board approval. He said the Waterbury Landfill is so small and has such modest activities and costs CRRA does not go out to bid for these services. Mr. Egan said CRRA instead utilizes a firm in its stable to conduct those activities for annual costs of about \$5,000 - \$6,000.

Mr. Shepard said CRRA asked firms to provide notices of interest and then publically issued requests for bids. He said there was a pre-bid conferencing meeting for all interested bidders. Mr. Shepard said a mandatory site tour for potential bidders was also required.

Director Adams asked if there are termination and assignment provisions in the contracts. Mr. Shepard replied yes. He said there is a thirty day provision (at CRRA's discretion) to terminate the contract. Director Adams asked if the contract can be assigned should someone else take on the liability. Mr. Egan replied yes. He said these are not exclusive contracts with CRRA.

Director Adams asked why management is not recommending the low bidder. Mr. Shepard explained that Sound Environmental Solutions was awarded a three year contract to monitor the Wallingford Landfill during the current three year term which expires June 30, 2013. He said in Sept. of 2012, the principal contacted management to alert them that he would be closing the company down and wanted to terminate the contract. Mr. Shepard said management did so and established a secondary agreement with another firm to finish out the year. He said after that undertaking Sound Environmental remained in business contrary to the information provided to CRRA. Mr. Shepard said management does not believe it is in the best interest of CRRA to enter into another agreement after those issues. Mr. Egan said in addition the principal was high maintenance and time consuming for CRRA staff. Mr. Shepard said management's recommendation is for a new contractor with good qualifications.

The motion previously made and seconded was approved unanimously by roll call.

4. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING AWARD OF SHELTON LANDFILL AND ELLINGTON LANDFILL GAS SYSTEM OPERATION & MAINTENANCE CONTRACTS**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President is hereby authorized to enter into a contract with SCS Field Services to provide operation and maintenance services for the Shelton Landfill Gas Collection and Control System; and

**FURTHER RESOLVED:** That the President is hereby authorized to enter into a contract with SCS Field Services to provide operation and maintenance services for the Ellington Landfill Gas Collection and Control System, substantially as discussed and presented at this meeting.

Mr. Bodendorf said this resolution is to seek approval to continue to employ SCS Field Services to provide operation and maintenance services for both the Shelton and Ellington Landfill gas systems. He said a procurement process advertising this contract was undertaken. Mr. Bodendorf said mandatory pre-proposal walks at each site were attended by three contractors and ultimately only SCS Field Services submitted a bid proposal.

Mr. Bodendorf said the one submittal was likely because the other contractors were aware of SCS Field Services' experience at the site and the required learning curve would be quite high. He said SCS Field Services has done a good job and management is recommending continuing with them.

Director Adams asked if there are termination and assignment provisions in the contracts. Mr. Bodendorf replied yes, the provision is for a 10 day notice of termination. Mr. Egan noted this contract is for five years because this is an operation and maintenance activity versus a professional or technical service.

The motion previously made and seconded was approved unanimously by roll call.

5. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING AN AGREEMENT FOR CLOSURE OF THE HARTFORD LANDFILL**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President is hereby authorized to execute an agreement with E.T. & L. Corporation to install a landfill cap over approximately 35 acres of the MSW Area of the Hartford Landfill and install a one megawatt solar electricity generating facility on the landfill cap, substantially as presented and discussed at this meeting.

Mr. Bodendorf said management is recommending that CRRA sign an agreement with E.T. & L. Corporation, to install a solar cap over the landfill as they are the contractor with the most landfill closure experience. He said they performed a portion of the Hartford Landfill closure in 2012 and did a good job. Mr. Bodendorf said E.T. & L. Corporation resolved an issue with some of the materials during that closure amicably and with low costs.

Mr. Bodendorf said this job will close the final 35 acres at the Hartford Landfill. He said management continues to bring in soil for proper grading. Mr. Bodendorf said there is a solar component to this job which is about \$3.5 million of the \$11.6 million costs. He said CRRA has signed a Z-REC agreement with CL&P to sell REC's from this project and the Board approved the interconnection agreement for a megawatt solar facility last month.

Mr. Bodendorf said CRRA mainly received proposals for two separate materials for the cap system, either the closure turf or the TPO material. He said the TPO company CRRA had first been in contact with went bankrupt. Mr. Bodendorf said management wanted to keep that as an option in order to encourage better pricing from the closure turf bidder, a strategy which was effective.

Mr. Bodendorf said although the TPO option was the cheapest, management is not recommending that option because of the potential for much higher maintenance and repair costs in the future. He said every piece of equipment used in the closure is first submitted to CRRA engineers for approval.

The motion previously made and seconded was approved unanimously by roll call.

6. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING COOPERATIVE SERVICES AGREEMENT BETWEEN CRRA AND THE USDA ANIMAL AND PLANT HEALTH INSPECTION SERVICES/WILDLIFE SERVICES FOR BIRD CONTROL**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** That the President is hereby authorized to execute an agreement with the United States Department of Agriculture Animal and Plant Health Inspection Services, for the control of nuisance birds at the South Meadows Waste Processing Facility, substantially as presented and discussed at this meeting.

Mr. Egan said this resolution is brought to the Board every year. He said this contract is not bid out and is awarded under CRRA's procurement policies and procedures as a contractor with special capabilities. He said an individual goes to the CRRA facility from one to four days a week to minimize nuisance bird activity using traps, toxicants, pyrotechnics, and firearms.

Mr. Egan said the contractor is effective and due to the landfills' proximity to the airport it is important that CRRA puts measures in place to ensure vector control.

Vice-Chairman Barlow asked if this agreement has termination and assignment provisions. Mr. Egan replied that he did not know. He said CRRA pays for this service monthly and could request that the counterparty end the agreement anytime. Vice-Chairman Barlow asked why this contract is yearly. Mr. Egan replied that is the way the United States Department of Agriculture Animal and Plant Health Inspection Services does contracts.

The motion previously made and seconded was approved unanimously by roll call.

7. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING THE STANDARD FORM MUNICIPAL SOLID WASTE DELIVERY AGREEMENT FOR THE CONNECTICUT SOLID WASTE SYSTEM**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**RESOLVED:** The President is authorized to enter into revenue contracts with commercial haulers for the delivery of Acceptable Solid Waste and Acceptable Recyclables to the Connecticut Solid Waste System, substantially as presented and discussed at this meeting.

Mr. Egan said three years ago CRRA signed contracts with commercial waste haulers for either a three or five year term, most of which were for five year contracts. He said 12 companies signed three year contracts which expire this June 30, 2013. Mr. Egan said this resolution is for CRRA to sign those haulers back up for another two year term in order to be coterminous with the five year contractors. He said the agreements are essentially the same except for some minor administrative changes.

Vice-Chairman Barlow asked if there is a termination provision. Mr. Egan said there is an opt-out price. Mr. Kirk said CRRA commits to taking the waste for two years as long the price isn't raised. Director Adams asked how many companies have the five year agreement with CRRA. Mr. Egan replied 35-40.

Mr. Kirk said two to three haulers bring approximately 85% of the waste and many of the three year contracts are for smaller operators. Mr. Egan said an established tonnage number will be enforced. Vice-Chairman Barlow asked if two one year contracts can be used. Mr. Egan said yes, and said that there may be advantages to using two one year contracts. Vice-Chairman Barlow said he would like the contracts to be for one year.

Vice-Chairman Barlow asked if the fee schedule is tied to the municipal member contracts. Mr. Egan replied yes. He said this is the Tier One short term price.

The motion previously made and seconded was approved unanimously by roll call.

**MOTION TO MOVE DIRECTLY TO EXECUTIVE SESSION**

Director Adams requested a motion to move directly to Executive Session. The motion was made by Vice-Chairman Barlow and seconded by Director Adams.

The motion previously made and seconded was approved by roll call.

**EXECUTIVE SESSION**

Director Adams requested a motion to enter into Executive Session to discuss all coming pending litigation. The motion made by Vice-Chairman Barlow and seconded by Director Adams was approved unanimously. Director Adams requested that the following people remain for the Executive Session, in addition to the Committee members:

Tom Kirk  
Laurie Hunt, Esq.  
Peter Egan

The Executive Session commenced at 11:50 p.m. and ended at 12:27 p.m. Director Adams noted that no votes were taken.

The meeting was reconvened at 12:27 p.m., the door was opened, and the Board secretary and all members of the public were invited back in for the continuation of public session.

**8. REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING FY'14 PROJECTED LEGAL EXPENDITURES**

Director Adams requested a motion to accept the above referenced item. The motion to approve was made by Vice-Chairman Barlow and seconded by Director Adams.

**WHEREAS**, CRRA has negotiated three-year Legal Services Agreements with various law firms for the provision of legal services from July 1, 2011 through June 30, 2014; and

**WHEREAS**, CRRA now seeks Board authorization for projected legal expenditures during the final year of the term of said Agreements;

**NOW THEREFORE, it is**

**RESOLVED:** That the following amounts be authorized for projected legal fees to be incurred during fiscal year 2014:

<b><u>Firm:</u></b>	<b><u>Amount:</u></b>
Brown Rudnick	85,000

Cohn Birnbaum & Shea	55,000
Day Pitney	45,000
Halloran & Sage	1,530,000
Kainen, Escalera & McHale	360,000
McCarter & English	80,000
McElroy, Deutsch, Mulvaney & Carpenter	70,000
Pullman & Comley	30,000
Willinger, Willinger & Bucci	10,000

**Further RESOLVED:** That the President be authorized to expend up to \$10,000 from the Landfill Development Fund Reserve for payment of legal fees incurred in fiscal year 2014 in connection with the Authority’s suspension of its efforts to develop a new ash landfill in the State of Connecticut;

**Further RESOLVED:** That the President be authorized to expend up to \$70,000 from the Post Litigation Reserve for payment of legal expenses incurred in fiscal year 2014 in connection with the Enron Global litigation continuing under the aegis of the Attorney General; and

**Further RESOLVED:** That the President be authorized to expend up to \$10,000 from the Wallingford Project Closure Reserve for payment of legal fees incurred in fiscal year 2014 in connection with continuing Wallingford Project obligations; and

**Further RESOLVED:** That the President be authorized to expend up to \$145,000 from the Mid-Connecticut Project Closure Reserve for payment of legal fees incurred in fiscal year 2014 in connection with continuing Mid-Connecticut Project obligations; and

**Further RESOLVED:** That the President be authorized to expend up to \$65,000 from the Hartford Landfill Closure Reserve for payment of legal fees incurred in fiscal year 2014 in connection with closure of the Hartford Landfill; and

**Further RESOLVED:** That the President be authorized to expend up to \$1,250,000 from the Mid-Connecticut Litigation Reserve for payment of Mid-Connecticut Project litigation-related legal fees and expenses incurred in fiscal year 2014.

The motion previously made and seconded was approved unanimously by roll call.

**ADJOURNMENT**



Director Adams requested a motion to adjourn the meeting. The motion made by Vice-Chairman Barlow and seconded by Director Adams was approved unanimously by roll call.

The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Moira Kenney  
HR Specialist/Board Administrator