



## **EXECUTIVE COMMITTEE MEETING**

**Tuesday, March 8, 2016**

**6:30 p.m. at the Steakhouse Restaurant,**

**1239 US Route 302, Berlin, VT**

(Directions Attached)

### **AGENDA**

1. **6:30** Public Comment
2. **6:35** Adjustments to the Agenda
3. **6:37** Amicus Brief Participation\* (attached)
4. **6:52** Approval of Non-Competitive Procurement of Bookkeeping/Finance Manager Services due to Exigent Circumstances \* (attached)
5. **6:57** Possible Executive Session - Personnel [1 V.S.A Chapter 5, §313(a)(3)]
6. **7:00** Adjourn

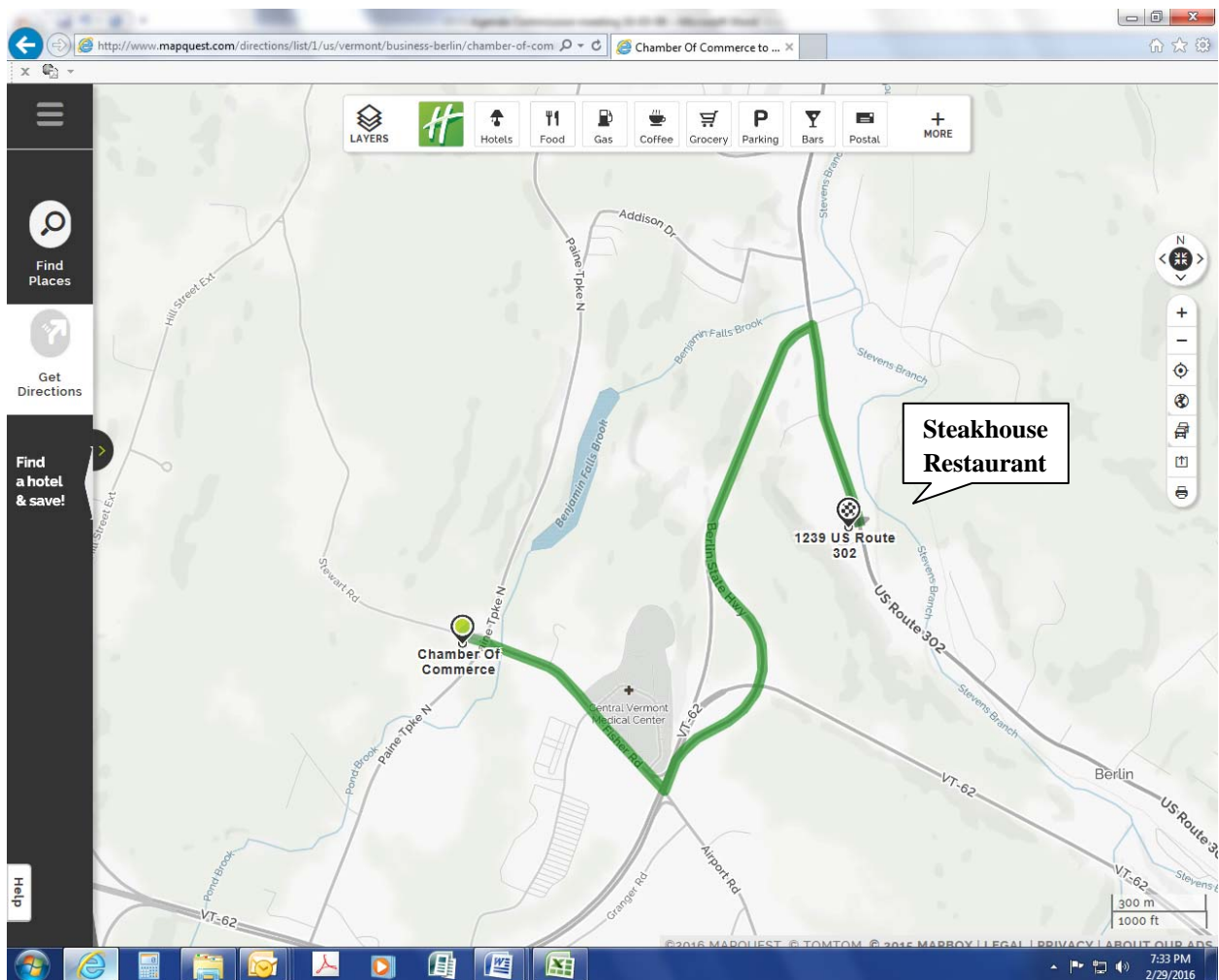
\*Denotes anticipated action item

**NEXT MEETING: Monday, April 4, 2016 at 4:00 p.m.**

## Directions to the Steakhouse Restaurant

- Take exit 7 off I-89.
- Go thru 3 sets of traffic lights. Always staying in the right lane.
- After going under the 3rd set of traffic lights bear to the right at the fork in the highway. (Sign reads "Montpelier exit only")
- Follow the road to the bottom of the hill.
- At the bottom of the hill turn right at the traffic light onto US Route 302 east.
- Go to 2 more sets of traffic lights.
- Turn right into the Burger King/Vermont Lottery entrance at that 2nd traffic light.
- Upon leaving the highway take a quick left and proceed along the front of the Lottery building.
- The Steakhouse is the next building beyond the Lottery complex.

This map shows the route to travel from the Commission's usual meeting location at the Central Vermont Chamber of Commerce to the March meeting location at the Steakhouse Restaurant.





## MEMO

Date: March 3, 2016

To: Executive Committee

From: Bonnie Waninger, Executive Director

Re: Amicus Brief – Draft Press Release

---

At its February 29 meeting, the Executive Committee requested that I draft a press release related to CVRPC's participation in an Amicus Brief on the Act 250 case at Exit One in Hartford. The Environmental Court, which ruled in favor of the applicant, said the language in the applicable region's Regional Plan was not specific enough to grant decision in their favor.

The brief references the case's facts as they are relevant to Act 250 Criterion 10, conformance with the Regional Plan. However, its arguments center on three main policy points:

- Permitting processes should be guided by well-developed plans;
- A whole plan is relevant and provides context for specific statements it contains; and
- Regional and local plans provide perspectives from different approaches.

## **DRAFT PRESS RELEASE**

Should local and regional comprehensive plans be required to have zoning-level language? The Central Vermont Regional Planning Commission (CVRPC) doesn't think so. It supports having community-vetted plans that guide, and provide context for, permitting decisions. "Without those plans," says XXXX, CVRPC (officer), "the difference between what communities and regions are aiming to create and the tools they use to get there will erode." To help maintain the difference between plans and zoning, CVRPC is participating in a Friend of the Court brief with several other regional planning commissions.

The Superior Court case in question -- related to a proposed development near the I-89 Exit 1 interchange -- addresses how a plan is interpreted in Act 250, and potentially in Section 248, the Certificate of Public Good process used for energy and telecommunication facilities. At issue is whether the Court erred in how it interpreted the applicable regional plan.

"While this case is not in Central Vermont, the Commission believes it has statewide ramifications for local and regional planning," commented XXX Commissioner XXX. As a Friend of the Court, CVRPC doesn't argue in support of the facts of the case for either party. Its brief provides the court with information and context for making a decision. "The brief references the case's facts as they are relevant to Act 250 Criterion 10, conformance with the Regional Plan, but it focuses on policy arguments about planning and its history to support the court in making its decision."

The brief's arguments center on three main points:

- Permitting processes should be guided by well-developed plans;
- A whole plan is relevant and provides context for specific statements it contains; and
- Regional and local plans provide perspectives from different approaches.

"The Legislature established regional planning in the 1960s to give all towns a voice when a particular development has impacts that extend beyond the town in which it is located. Regional plans are created through the consensus of member towns, and they represent the shared vision and principles of those towns," said Bonnie Waninger, CVRPC Executive Director.

The Central Vermont Regional Planning Commission represents the 20 municipalities of Washington County and Orange, Washington, and Williamstown in Orange County. For information about CVRPC and a copy of the Central Vermont Regional Plan, visit [www.centralvtplanning.org](http://www.centralvtplanning.org).



## MEMO

Date: March 3, 2016

To: Executive Committee

From: Bonnie Waninger, Executive Director

Re: Approval Request for Non-Competitive Procurement of Bookkeeping/Finance Manager Services due to Exigent Circumstances

---

### **Staff requests Executive Committee approval to:**

- 1) implement the “Procurement by non-competitive proposals” provision of CVRPC’s Procurement Policy to hire bookkeeping/financial management services through ~July 8, 2016, and**
- 2) have the Chair or Vice Chair sign a contract for the above mentioned services prior to the Executive Committee’s April 4 meeting.**

### Background

CVRPC conducted a hiring process for a Finance and Office Manager. Of the three paper-qualified candidates, one withdrew due to salary expectations, one was excluded after reference checks, and the third withdrew last week when offered a position that better fit the candidate’s needs. CVRPC will advertise the position again this week. However, a hiring process takes 2-3 months to complete, and CVRPC will be without bookkeeping services as of April 1<sup>st</sup>.

### Procurement Requirements

CVRPC’s Procurement Policy requires that “For those purchases above \$10,000, CVRPC shall use either a sealed bid or a competitive proposal process.”...Procurement by non-competitive proposals may be used only if it is determined that either the small purchase, sealed bid or competitive proposal process is not feasible, AND one of three other circumstances applies:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. After solicitation from a number of sources, competition is determined inadequate.”

The timing to complete a competitive proposal process precludes its use. A competitive procurement process allows for at least 21 days and customarily 30 days (recommended) between advertisement of a Request for Proposals/Bids and selection of the contractor. Contract signing can take 1-2 weeks more. Using a competitive proposal process would not permit overlap between CVRPC's Office and Grants Manager and the contractor - overlap that is necessary for the contractor to understand CVRPC's financial processes, data storage, and data management. In addition, the delay resulting from competitive solicitation may affect payroll continuity and bill payment.

#### Implementing Non-Competitive Procurement

Staff proposes using a modified procurement process consisting of:

- Contacting 2-3 individuals or firms that have the requisite skills for the work, and assessing their interest in providing temporary services;
- If one or more are interested, developing a brief scope of work outlining the duties required and expectations (ex. work to be completed in CVRPC office);
- Soliciting cost proposals from interested parties; and
- Determining which party is the best fit and completing a contracting process prior to March 28<sup>th</sup>.

The Executive Committee would need to affirm the contract at its April 4<sup>th</sup> meeting unless a special meeting were held.

The estimated cost for 16 weeks of contracted bookkeeping/finance management service, at 30 hours per week, is between \$27,000-\$50,000, depending on hourly rate plus overhead and profit charged. CVRPC's current personnel cost for 16 weeks of service at 30 hours per week is ~\$18,000-\$43,000 (salary/benefits only and salary/benefits/overhead).

**Staff requests Executive Committee approval to:**

- 3) **implement the "Procurement by non-competitive proposals" provision of CVRPC's Procurement Policy to hire bookkeeping/financial management services through ~July 8, 2016, and**
- 4) **have the Chair or Vice Chair sign a contract for the above mentioned services prior to the Executive Committee's April 4 meeting.**