

MINUTES

REGIONAL AIR QUALITY COUNCIL

Thursday, May 3, 2007

RAQC MEMBERS/ALTERNATES PRESENT:

Jim Scherer, *CHAIRMAN*
Dennis Arfmann, *Hogan and Hartson (via Phone)*
Theresa Donahue, *Citizen (via Phone)*
George Gerstle, *Colo. Dept. of Transportation (alternate) (via Phone)*
Doug Lempke, *Colo. Dept. Public Health & Environment (alternate)*
Sue Sandstom, *City of Aurora*

RAQC MEMBERS/ALTERNATES NOT IN ATTENDANCE:

Randy Ahrens, *City & County of Broomfield*
Jim Martin, *Colo. Dept. Public Health & Environment*
Russell George, *Colo. Dept. of Transportation*
Dave Sladek, *The Clayton Group*
Melanie Worley, *Douglas County/DRCOG*

OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Sara O'Keefe, RAQC; Sarah Anderson, RAQC; Sarah Sullivan, RAQC; Steve McCannon, RAQC; Jerry Dilley, RAQC; Jeff Kimes, EPA; Kurt VanPortfliet, Instrument Sales; Gary Parsons, Instrument Sales; Rebecca Cales, Transportation Solutions; Mike Weadley, McCoy Sales; John Niemi, McCoy Sales; and Kevin Brown, Engine Control Systems.

The meeting was called to order at 3:10 p.m. by Chairman Jim Scherer. A quorum was not present until 4:00 p.m. (via phone).

Approval of Agenda and Minutes

Approval postponed until June 7, 2007 meeting.

Informational Items

Chairman

None.

Executive Director

Ken Lloyd informed Council that he spoke with Jim Martin, Executive Director of CDPHE. Mr. Martin indicated that he will be recommending to the Governor that he reauthorize the RAQC's Executive Order.

Committees

None.

Public Comment and Discussion

None.

Program Updates

Diesel Program

Steve McCannon informed Council that, due to the shift in the scope for the diesel projects from school bus fleets to local government and private fleets in 2007 and 2008, the RAQC was unable to use the current RFP for diesel retrofit equipment. The RAQC issued a new RFP on April 24, 2007. Steve gave Council the background information regarding how the RFP and bid process was prepared. The RFP was modeled after the Clean Yellow Fleets RFP that was prepared by Denver Public Schools. Staff also involved FHWA, EPA, CDOT and CDPHE in the development of the RFP.

Steve reviewed the general requirements, scoring requirement and review team for the RFP. There is a mandatory pre-bid conference scheduled for May 4. Staff will provide a vendor award recommendation to Council on June 7.

John Niemi, McCoy Sales, expressed concern that the scoring was not quantifiable and was inappropriate. The focus should be on pollution reduction.

Kevin Brown, Engine Control Systems, provided the Council with a handout outlining McCoy Sales/Engine Control Systems' concerns regarding the RFP. It is their opinion that the RFP has no objective criteria and emphasizes vendor experience and presentation of that experience as the most important factor rather than emissions reductions. He also expressed concern with the language which states "protests will be dismissed if based upon judgment of PAT/RAQC." He informed Council of the pitfalls of a "winner takes all" bid and suggested multiple awards might be the route to follow.

Mr. Brown summarized that McCoy/Engine Control Systems is requesting Council to direct the RAQC staff to withdraw the current RFP and re-issue when converted to objective criteria and pre-determined criteria; to direct the RAQC to insure that a minimum 50% of score of the revised RFP to be based upon price and cost effectiveness of technology; revise vague language contained in the bid (irregularity acceptance, right to reject, right to conduct vendor negotiations); to decide what type of bid is desired; and to review the RFP prior to re-release.

Kirk VanPortfliet, Instrument Sales and Service, expressed his surprise at McCoy/Engine Control Systems' concerns. He believes the RFP clearly outlines the requirements, timelines, and terms and conditions for modification.

He also indicated that section II.C.2 of the RFP clearly states “Any official interpretation of this Solicitation must be made by the Council/Proposal contract listed above. Contact with any other Council personnel regarding this RFP is grounds for elimination from the selection process.” He stated that McCoy Sales/Engine Control Systems acted outside of the bid process and asked the Council to eliminate them from consideration.

Ken Lloyd stated the comments from McCoy Sales/Engine Control Systems are unprecedented and inappropriate. The project is definitely a demonstration project because it has not been done before with local government fleets. He also emphasized that quality equipment and customer service is the most important aspect of the project because the RAQC’s local government partners cannot afford for their equipment to be out of service due to issues related to the retrofit equipment.

Jim Scherer stated the process has been set up correctly. Council agreed that the current process is appropriate since a number of agencies were involved in the development. Jim further stated that discussion of the RFP at this meeting is inappropriate for Council consideration. Staff will bring the PAT recommendation to the Council at the June meeting for consideration and approval.

Approval to Contract for Financial Auditing Services

Ken Lloyd explained that the firm that has been conducting the RAQC’s audits has significantly increased their fees. As a result, staff prepared an RFP and submitted it to 14 firms. Three proposals were received and reviewed by Sue Sandstrom, Misty Howell and Ken Lloyd. Based on reference checks, interviews and pricing the review team is recommending that Council approve contracting with John Cutler and Associates for 2006 with an option for up to four additional years.

Dennis Arfmann moved to approve John Cutler and Associates for the 2006 auditing services, with the option to continue services into the future. Seconded by Theresa Donahue. Motion passed unanimously.

Program Updates

Summer Ozone Program

Sara O’Keefe gave Council an update on the Summer Ozone Program activities. On April 25, a workshop titled “Ozone Matters” was held. There were approximately 40 people in attendance. As an outcome, Sara O’Keefe and Sarah Anderson have made ozone presentations to Clean Cities Coalition, Transportation Solutions Community Council and DRCOG’s municipal Public Information Officers group.

Sara O’Keefe informed Council that the 2007 Mow Down Pollution event is being held as a web-based virtual event. This format allows additional vendors to participate and provides more time for the public to participate. In addition to the vendor discounts, participant can receive rebates from the RAQC, funds provided through the StEPP Foundation, for the purchase and for recycling

the old mowers. To date 50 electric mowers have been purchased. 9News ran a story the day before the event was kicked off and Channel 7 ran a story on May 2.

The *AirWaves* radio contest was launched in April. The winners will be selected the week on May 7 and the spots will be recorded at KBCO in May.

Paid media will be used from June 18 – August 12 with approximately 2,000 time slots, which is slightly less than in 2006. The bill boards will be up from June 4- August 26 and pump toppers, donated by Suncor, will be used during July.

Sara O'Keefe indicated that an RFP for post campaign research was issued on April 24 and is due May 21. Four firms have expressed interest. Staff will provide a recommendation to Council at the June meeting.

Overview of PM2.5 Control Measures

Tabled until June 7, 2007 meeting.

Informational Items

Members

Doug Lemke provided Council with an update on the newly confirmed AQCC members.

He also mentioned that Martha Rudolph is the new Environmental Programs Director for CPDHE.

Adjournment

There being no further business before the Council, the meeting was adjourned at 4:30 p.m. The next meeting will be on Thursday, June 7, 2007.