

Resolution No.: 16-996  
Introduced: June 9, 2009  
Adopted: June 16, 2009

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the County Executive

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**SUBJECT:** Amendment No. 1 to the Intergovernmental Agreement between  
Montgomery County Government and Northeast Maryland Waste Disposal Authority

**Background**

1. Under County Code Section 48-44(b), the Chief Administrative officer entered into a Intergovernmental Agreement (IGA), on behalf of the County, with the Northeast Maryland Waste Disposal Authority (NMWDA) on June 18, 2007.
2. The NMWDA is a body politic and corporate organized and existing under the laws of the State of Maryland.
3. Section 3-902 of the Natural Resources Article of the Maryland Code provides that the NMWDA's purpose includes, but is not limited to, assisting certain political subdivisions of the State of Maryland in providing adequate waste disposal facilities and facilities for the generation of electricity or other forms of energy obtained from fuels derived from or related to waste disposal facilities.
4. The principal purposes of this amendment are to: (A) extend the term of the IGA to match the initial term of County landfill gas-to-energy projects, which are being performed under this IGA, (B) replace the Director, Office of Procurement with the Director, Department of Environmental Protection (DEP) throughout the agreement, and (C) provide that all funds and contractual issues are managed directly by DEP since the Office of Procurement was not involved in contracting for these services.

**Action**

The County Council approves the attached amendments to the Intergovernmental Agreement between Montgomery County and the Northeast Maryland Waste Disposal Authority.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

**AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN  
MONTGOMERY COUNTY GOVERNMENT  
AND  
NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY**

This Amendment is made this 26 day of May, 2009 between Montgomery County, Maryland, 101 Monroe Street, Rockville, Maryland, a body politic and a political subdivision of the State of Maryland (hereinafter referred to as the "County"), and the Northeast Maryland Waste Disposal Authority (hereinafter referred to as the "Authority"), a body politic and corporate and organized and existing under the laws for the State of Maryland. The County and the Authority are collectively referred to as the ("Parties").

**BACKGROUND**

1. The Parties entered into an Intergovernmental Agreement ("IGA") on June 18, 2007 (hereinafter "Agreement" or "Contract").
2. The term of the Agreement ends on June 30, 2009.
3. The County will pay the Authority for the out of pocket and third party costs and expenses that the Authority incurs to provide services under this Agreement.
4. The purpose of the Agreement is for the Authority to assist the County in planning, developing, and operating solid waste management facilities and programs for the County.
5. The Authority may, with the approval of the County's Project Manager, authorize contractors and consultants to perform services hereunder.
6. The purpose of this Amendment is to: (a) extend the term of the Agreement, (b) replace the Director, Office of Procurement with the Director, Department of Environmental Protection throughout the Agreement, including the attachments, and (c) provide that all funds and contractual issues are managed directly by the Department of Environmental Protection.

**CHANGES**

1. The term of this Agreement is extended to June 30, 2016.
2. **ARTICLE II: TASK ORDERS**, (d) shall read "The Authority must not commence work under any Task Order until the Division of Solid Waste Services has encumbered funding via a Direct Purchase Order for the Task Order and the Chief has issued a Notice to Proceed for that Task Order."

3. ARTICLE XVI: GENERAL CONDITIONS OF CONTRACT shall be amended with the addition of the following sentence: "For purposes of this Agreement, references to Director of Procurement or Director in Attachments "A" and "B" refer to the County's Director, Department of Environmental Protection. This Contract was created as an IGA in accordance with Section 44-48(b) of the Montgomery County Code".

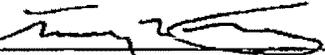
#### EFFECT

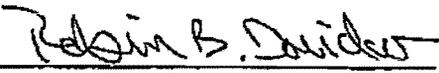
1. Existing provisions of the Contract remain in effect unless specifically changed by this Amendment.
2. This Amendment is entered into prior to the expiration of the contract term.
3. This Amendment is entered into on the date of signature by the Chief Administrative Officer.
4. The Contractor is not to provide or have provided any goods or services pursuant to this Amendment until and unless the Chief Administrative Officer signs it.

IN WITNESS WHEREOF, the parties herein, being duly authorized, have executed this Agreement as of the day and year first written above.

MONTGOMERY COUNTY, MARYLAND

NORTHEAST MARYLAND WASTE  
DISPOSAL AUTHORITY

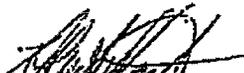
By:   
Timothy L. Firestone  
Chief Administrative Officer

By:   
Robin B. Davidov  
Executive Director

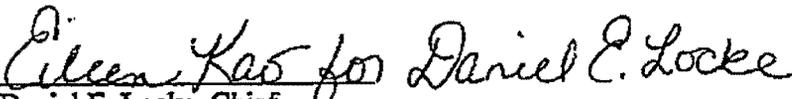
Date: 5/26/2009

Date: 5/26/09

Approval Recommended:

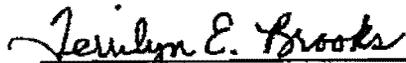
By:   
Robert Hoyt, Director  
Department of Environmental Protection

Date: 5/22/09

By:   
Daniel E. Locke, Chief  
Department of Environmental Protection  
Division of Solid Waste Services

Date: May 21, 2009

Approved as to form and legality:

  
Office of the County Attorney

Date: May 21, 2009