



## Procurement Standards Board Minutes Special Called Meeting February 22, 2023

Members attending Ms. Kelly Flannery, Chair, Mr. Wallace Dietz, Dr. Cynthia Croom; Mr. Larry Turnley, Mr. Roger Ligon, Ms. Shannone Raybon

Others present: Ms. Michelle Hernandez Lane, Procurement Division; Mr. Christopher Wood, BAO; Ms. Jerval Watson, Business Development, Ms. Macy Amos, Legal

### **Chairman Kelly Flannery called the meeting to order.**

Questions were made by the Board regarding the waiver requests. Discussion between board members followed. Specific questions were asked regarding the charge of the board and the test for consideration of whether to grant the waivers.

Board chair noted that this is the first such request that has been presented to the Board for consideration.

The Purchasing Agent was asked to present the waivers received. The Purchasing Agent noted that two waivers were received which are impacted by the Metro Code provision in question. One additional waiver was received regarding the participation of a subcontractor for whom a standing member of Council is employed. The purchasing agent noted that she had been advised by Legal that waiver was not to be considered by the Board since it does not fall under the subject portion of the Procurement Code rather under section 2.222 of the MCL.

### **1<sup>st</sup> Action:**

**Kimley-Horn and Associates, Inc.** – Waiver Request for RFQ #324254; East Bank Central Waterfront Design

A motion was made to approve the waiver request on the condition that Kimley-Horn honor the separation of the employees engaged in varying work for Metro and not share project data. Robust discussion among the Board occurred. A representative of Kimley-Horn discussed the merits of the waiver request

***Motion to approve this waiver request was made by Wallace Dietz and properly seconded. The motion passed with five in favor and one opposed.***

**2<sup>nd</sup> Action:**

**Perkins Eastman Architects** – Waiver Request for RFQ #324254 East Bank Central Waterfront Initial Development Area

Discussion regarding the prior contract participation in question was had by board members. The Purchasing Agent explains prior contract participation. The Perkins Eastman representative discusses the merits of the waiver request.

***Motion to approve this waiver request made by Wallace Dietz and properly seconded. The motion passed with four in favor and two opposed.***

The board discussed that given the language of the Code requirement, that the two requests presented don't appear to require a waiver request given that the "matters" were different, therefore not creating a conflict. The Board noted the need to develop regulations, and baseline standards and procedures regarding waiver requests. The March 1<sup>st</sup> meeting will be cancelled to allow time for staff to prepare these for the next board meeting agenda.

**Adjournment – Ms. Kelly Flannery, Chair**

Respectfully submitted,

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Jessica Angulo

**APPROVED:**

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Kelly Flannery, Board Chair