ADDENDUM NO. 1
9 September 2022

Request for Quotations No. 001-2022
RULES OF PROCEDURE
Opening Date: August 17, 2022 Time: 5:00 P.M.

This addendum is hereby made a part of this Request for Quotations No. 001-2022. The following information resulted from the pre-bid conference on September 7, 2022. The questions and answers provided below are not a transcription of what was said at the conference, but rather are paraphrased questions and the considered responses upon reflection, by the Council. Please submit the bid accordingly.

Clarifications/Changes:

Based on questions at the pre-bid meeting, the following clarifications and changes have been made to the Request for Quote. A REVISED Request for Quote will be distributed to all parties and will be made available on the Zoning Board website, noted above.

SCOPE has been modified in response to questions to clarify the requirements. In the revised version it appears as follows:

1. SCOPE: Howard County Council, Maryland, acting as the Zoning Board, (the “Council”), seeks a qualified firm (the “Contractor”), to furnish services including review of the Zoning Board Rules of Procedures and propose revisions. Overall the objectives are:
   1.1 Update and revise the Zoning Board Rules of Procedure; and
   1.2 Create Rules of Procedure for the Hearing Examiner within the Zoning Board Rules of Procedure to reflect the recent legislation (CB77-2021) that provides for a Hearing Examiner to assist the Zoning Board in performance of its duties.

CONTRACTOR’S QUALIFICATION Section 3.1 was modified to include the clarification that the legal work is related to zoning AND LAND USE and contested cases.

INSURANCE Section 10.1.1 was reworded as follows to clarify “other similar coverage sufficient to the Council”

10.1.1 Commercial General Liability Insurance: Combined Single Liability limits of $1,000,000 each occurrence and $1,000,000 aggregate naming “Howard County Council, Maryland, its officials, employees, agents and volunteers” as Certificate Holder and as Additional Insured, or other similar coverage sufficient to the Council. Automobile Liability Insurance: Combined Single Liability limit of $1,000,000 any one accident.
SPECIFICATIONS: 17.1 SCOPE OF WORK has been modified in response to questions to clarify the requirements. In the revised version it appears as follows:

17 SPECIFICATIONS:

17.1 SCOPE OF WORK:

17.1.1 The Contractor shall review the existing Zoning Board Rules of Procedure and the current revised draft Rules of Procedure that govern the Howard County Zoning Board and its Hearing Examiner. The Contractor shall propose necessary and recommended revisions to the Zoning Board Rules of Procedure, as well as identify any amendments to the Howard County Code and Howard County Zoning Regulations that are necessary to accommodate the proposed revisions to the Zoning Board Rules of Procedure.

17.1.2 The Contractor shall submit a draft version of the Zoning Board Rules of Procedure incorporating proposed revisions, supported by a Memorandum of Law that explains the need for the modifications and identifying revisions that are necessary (as required by CB77-2021) or recommended, differentiating necessary from recommended.

SPECIFICATIONS: 17.1 SCOPE OF WORK has been modified to consistently refer to “Zoning Board Rules of Procedures.”

Questions/Answers:

1. **Question:** How will existing land use cases be handled by an attorney who is also the contractor?  
   **Answer:** Currently everyone who has shown an interest in doing this work has a conflict like this and may have concerns regarding whether this would be prohibited. The work product of this procurement will include a draft revision of the Zoning Board Rules of Procedure. That draft will be subject to modification by the Council sitting as the Zoning Board, which will be aware of any potential conflicts disclosed by any bidder, and any draft the Zoning Board adopts as proposed rules will be subject to public comment and further amendment prior to ultimate adoption. Accordingly, it is anticipated that any potential conflict need not have any adverse effect on the final rules the Zoning Board may choose to adopt. However, counsel to the Zoning Board did recommend that private practice attorneys who are handling such cases review ethical rules of conflict to determine whether there may be other considerations to take into account.

2. **Question:** How will the contractor conduct public outreach?  
   **Answer:** This had not been discussed but the Banneker Room or C. Vernon Gray Room could be made available and Zoning Board staff can assist in that process, including advertising any public focus groups.

3. **Question:** An attendee asked if he would be conflicted out of existing cases or taking new cases.  
   **Answer:** Any attorney selected to do the work would be responsible for their own compliance with the Maryland Attorneys’ Rules of Professional Conflict, including as to rules regarding conflicts. The Council sitting as the Zoning Board has sought advice for its own benefit with respect to whether other work in which bidders may be engaged should preclude the Board from contracting with such bidders.

4. **Question:** Is there is a potential conflict for the Hearing Examiners?  
   **Answer:** Having a contractor with expertise in this area and who understands the existing Rules of Procedure would likely be beneficial to the Board in this procurement. All bidders will need to determine for themselves if they have a conflict that precludes them from bidding and the Board will obtain its own advice regarding whether any potential for conflict of interest would make a particular bidder’s selection problematic. See also response to Question 1 and 3.
5. **Question:** Is it realistic to expect a vendor to create a draft for the Council members, hold meetings with County employees, hold meetings with the public and get all comments back by December 1st?

   **Answer:** If the vendor is able to send a draft at the end of November, it could be distributed to the Zoning Board. It is then the responsibility of the Zoning Board to provide feedback to the vendor.

6. **Question:** Can the Board clarify the scope of the work?

   **Answer:** The intent is two-fold. The contractor selected should start with CB77-2021 and look at the Zoning Board Rules of Procedure that might be impacted by that legislation. The contractor should also provide an updated revised version of the Zoning Board Rules of Procedures. The contractor should, in drafting proposed revisions to the Rules of Procedure, consider the Hearing Examiner’s rules of procedure, with a focus on any potential conflicting provisions, and should also consider any feedback provided by the Council, County employees, and the public. The intent is for the contractor to take a hard look at the Zoning Board Rules of Procedure, in particular the changes required or recommended in light of enacted of CB77-2021.

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**Attachments:**

REVISED Specifications RFQ No. 001-2022

All other specifications, terms and conditions remain the same.