

MINUTES

COMMITTEE OF THE WHOLE

Wednesday, February 3, 2021 – 4:00 p.m.

VIA TELECONFERENCE PER PA 228 & PA 254 of 2020

Present: Sheldon Matthews - Committee Chair (*Spaulding Twp., MI*), Christopher Boyd (*Saginaw Twp., MI*), Kathy Dwan (*Freeland, MI*), Carol Ewing (*Birch Run, MI*), Kyle Harris (*Dewitt, MI*), Dennis Krafft (*Frankenmuth, MI*), Gerald Little (*Saginaw, MI*), Carl Ruth (*Saginaw, MI*), Jack Tany (*Carrollton Twp., MI*), James Theisen (*Thomas Twp., MI*), Michael Webster (*Saginaw, MI*)

Others: Robert Belleman, Dave Gilbert, Chris Taylor, Kelly Suppes, Herb Spence, Jennifer Broadfoot, Bill Smith, Mary McLaughlin, Norm Bamberger, Peter Anderson, Vanessa Guerra, Travis Brady, Veronica Horn, Suzy Koeplinger, Sue Arceo, Cindy Louchart

The Committee of the Whole meeting was held via Zoom.

As the County Building is closed to the public, the meeting was open remotely to allow participation during the public portion of the meeting.

- I. Call to **order**---*Sheldon Matthews at 4:00 p.m.*
---**Notice given that persons disrupting the meeting would be disconnected**
- II. Welcome---**Roll-call w/location was taken by the County Clerk**
- III. Public comment---**None**
- IV. Agenda

1. **Referral from January 19, 2021 Board Session, re:**

- Discussion of new County Policy #244 “Responsible Contractor Policy” w/ Resolution and revisions to County Policy #241 “Purchasing Policy”
Attachments include:
 - County Services Committee Minutes from September, October, November and December 2020 and Unfinished Business as presented on the 12/15/20 Board Agenda
- ***Dave Gilbert outlined the modifications made to the policies to clarify the information for discussion.***
- ***Brief discussion was held regarding previous Committee of the Whole Minutes as far as approval and posting.***
- ***Commissioner Ruth clarified the discussion points for this meeting include only the Responsible Contractor Policy and Purchasing Policy.***

- *Discussion began regarding awarding of the Construction Manager contract for the new Saginaw County Animal Care & Control Resource Center to either Granger Construction (Lansing, MI) or Spence Brothers (Saginaw, MI). Mr. Belleman clarified that this CoW is being held at the request of the Board of Commissioners to discuss the Responsible Contractor Policy in general, not whether to award a contract to Spence Brothers or Granger Construction; that issue will be discussed and considered at the County Services Committee next Wednesday (Feb. 10, 2021). This CoW meeting is being held strictly at the request of Commissioners to go back and ensure that everyone understands what changes were made to the proposed Responsible Contractor Policy that was submitted for approval in December 2020. We are going through the process of re-introducing that policy so that we can bring it back to the Board in February for possible approval of the policy itself. This meeting is not being held to award any contract specifically under any project to any contractor.*
- *Commissioner Boyd asked for clarification on items in the RFQs that state, in essence, the award has to be based on the criteria set forth in the RFQs and it would appear that whether we approve or do not approve a new Responsible Contractor Policy at a future meeting, that that policy would not apply to the award of the contracts to Animal Control or the Dow projects. Any concerns about the award of the Dow contract as long as they were based on the prior, existing Responsible Contractor Policy would already have been made and this policy could not be utilized retroactively.*
- *Commissioner Dwan stated it was her understanding we were going to be hearing from our attorneys because of the decisions we made in the last meeting where we did not award Granger the job. We awarded one contract using the Responsible Contractor language that we all thought we adopted and then tabled the other one, which is probably inappropriate. She thought we were going to hear about the rectification of that day and what we're going to do in the future. Are we going to rebid both jobs or are we going to vote up or down on Granger based on using the same criteria used for the Dow award?*
- *Dave Gilbert clarified that we are dealing only with the proposed Responsible Contractor Policy today as well as amendment of the existing Purchasing Policy. The decision as to whether the other contract was going to be awarded, and to whom, was going back to Committee and then from there on to the Board. He further clarified that the proposed Responsible Contractor Policy was not previously approved by the Board due to a voting technicality (See December 2020 and January 2021 Board Minutes for full explanation) but that the Purchasing Policy has been in effect for quite a period of time. He suggested that if you change the policy from one award to the other you would be changing the standards.*
- *Commissioner Boyd stated that Policy 244 should apply to both the Dow contract and the Animal Control contract awards and anything we decide on the new Responsible Contractor Policy today or hereafter would only apply to future contracts. Mr. Gilbert stated his recommendation would be that the county use the same standard for evaluating both contracts.*

- *The Controller stated that, although the Responsible Contractor Policy has not been technically approved by the Board of Commissioners, it is the criteria that was applied to both the Dow project and the Animal Control project. If commissioners seek to change the policy before it is formally adopted, then commissioners need to determine whether to go back to square one with both the Dow and the shelter project in order to adequately and appropriately bid it out using the same criteria. If commissioners just move this policy forward, as it was presented to the Board in December, then the county can go ahead with the Dow project and commissioners can address which company to approve as Construction Manager on the shelter project. Commissioners can come back and amend the policy if but in his opinion you don't change the rules of the game mid-stream.*
- *The Controller explained that the standards that were used in prior contracts have been exclusively from the purchasing policy. Further, there is a slight modification of the criteria that we have historically used and we took points away from other categories to create a Health and Safety category. This is new and is a result of our discussions regarding the proposed Responsible Contractor Policy. The process used for the technical proposal, for the actual bids and for the interview has been used historically. What we did was allocate the technical proposal points to create a new category dealing with health and safety. So that was changed administratively and not approved by the Board because we thought it was being approved with the Responsible Contractor Policy. But the RFQs that were mailed out, sent out for both projects, included that new criteria and that is the criteria we used when we awarded the Dow project and that is the criteria we are basing our recommendation on for the shelter project.*
- *Commissioner Krafft gave his interpretation of use of the Responsible Contractor Policy as presented, in that commissioners adopted the policy in December then discovered at a later date that someone had asked for "calling the vote" and we voted on that by mistake. Although the policy was not in effect due to a technicality, these two contracts were reviewed using the new terms of the policy that we thought we had adopted. He is confident that we viewed both of those contracts using the terms of the new policy.*
- *Commissioner Boyd expressed his agreement with Commissioners Krafft and Dwan in that the assumption was that a policy was in effect at the time the RFQs were evaluated, but there are similar standards in the existing Purchasing Policy that would apply: Sec. 6.3.1.1.7, that states when purchasing goods or services whenever possible preference shall be given to vendors located within Saginaw County.*

---Moved by Krafft, seconded by Ruth, to move this matter to County Services Committee meeting on 2/10/2021. Roll-call vote as follows: Yes: Dwan, Tany, Boyd, Theisen, Harris, Ewing, Krafft, Little, Ruth, Webster, Matthews - 11. Motion carried.

**Commissioner Boyd provided suggestions for changes to County Policy 244.*

2. Other Issues of Interest/Concern – Board of Commissioners---**None**

V. Miscellaneous

❖ ***Commissioner Boyd indicated the following issues have been resolved and there is no need for discussion.***

Commissioner Boyd requesting consideration, re:

- ~~Commissioner access to Saginaw County public records~~
- ~~Compliance with Board Rule 4.10~~
- ~~Review of purchasing evaluations on SCACC bidding process~~

❖ ***Commissioner Matthews asks that suggestions be emailed for donation to charities for hams that were not picked up by employees over the holidays.***

❖ ***Discussion was held regarding approval of minutes from previous CoW meetings. County Clerk Guerra advised the retention period is permanent. Minutes back to the closing of the courthouse should be posted on the website as soon as IT makes the upgrades for posting the information.***

VI. Adjournment---***Moved by Ruth, seconded by Dwan, to adjourn. Motion carried; time being 4:55 p.m.***

Note: Upon completion of discussion, only motions to refer to an organized committee or to postpone indefinitely shall be allowed - Article IX, Section 9.5, and 2021 Board Rules.

Respectfully Submitted,
Sheldon Matthews, Committee Chair
Vanessa Guerra, County Clerk
Suzy Koeplinger, Committee Clerk