

**TERM OF COMMISSION:** September Session of the August Adjourned Term

**PLACE OF MEETING:** Hearing Room One, Boone County Courthouse

**PRESENT WERE:** Presiding Commissioner Don Stamper  
District I Commissioner Karen M. Miller  
Assistant Prosecuting Attorney John Patton  
Deputy County Clerk Michelle Malaby

The regular meeting of the County Commission was called to order at 9:30 a.m.

**SUBJECT: Open Bid Number 76-06SEP94, Photocopier for Prosecuting Attorney’s Office**

Responses to the requests for quotation were opened as follows:

Check Office Equipment Co., Inc.	Columbia, MO	\$7,800
Da-Com Corporation	Columbia, MO	No Bid
Data Comm, Inc.	Jefferson City, MO	\$8,984
Ergonomic Business Environments, Inc.	Columbia, MO	\$3,830 or \$4,189
Hirlinger's Office Equipment	Columbia, MO	\$7,373.55
KOPI	Jefferson City, MO	\$8,738.10
Mirex Corporation	Columbia, MO	\$8,130 or \$7,073
Modern Business Systems	Columbia, MO	\$7,721
Quality Reprographics	St. Louis, MO	No Bid
Z.B.M. Inc.	Jefferson City, MO	No Apparent Price

**SUBJECT: Approval of Economic Adjustment Assistance Grant for McBaine Levee Repair**

Commissioner Stamper reported a letter from the U.S. Department of Commerce, Economic Development Administration, advises the Commission of award of an economic adjustment assistance grant in the amount of \$762,000 or 75 percent of the total project cost, whichever is less, for repair of 10 levee breaks and related topwash and sidewash repairs to the McBaine Levee.

Commissioner Stamper moved that the County Commission of the County of Boone accept, approve and authorize the Presiding Commissioner to sign, an economic adjustment assistance grant in the amount of \$762,000 or 75 percent of the total project cost, whichever is less, from the U.S. Department of Commerce, Economic Development Administration, for repair of 10 levee breaks and related topwash and sidewash repairs to the McBaine Levee, pending approval by legal counsel for the Commission, Assistant Prosecuting Attorney John Patton.

Commissioner Miller seconded the motion. Motion passed unanimously. Commission Order 354-94.

**SUBJECT: Award Bid Number 57-05JUL94 Juvenile Justice Center Telephone System**

Commissioner Stamper stated the County requested bids for wiring and a telephone system for the Juvenile Justice Center. Upon receipt of responses, the Department responsible for analyzing the bid determined the apparent low bidder and another bidder failed to respond to two areas of the bid request. No dollar amount was given by the low bidder on a section of the bid. A member of the Department telephoned the low bidder and asked them to state a price. Commissioner Stamper asked BT Services representative Mike Peek what additional price information did he provide to Circuit Court Manager of Technical Services Nancy Griggs?

Mr. Peek replied the price of a 7324 telephone set and (unintelligible).

Commissioner Stamper asked was that pricing in their original bid response?

Mr. Peek replied no.

Commissioner Stamper stated subsequently the pricing was included in the bid tabulation. The difference between the low bid and the next low bid on the base bid for the telephone system is a little over \$700. The Commission became aware of the situation through questions from other vendors and reviewed the matter. The Commission has two options: reject all bids and request new proposals or award the bid to the second low bidder, GTE. It is not the practice of the Commission to allow additional prices to be provided after a bid is opened. A bid response can be clarified.

Towner Communications representative Joe Falco asked how is GTE the second low bidder?

Commissioner Stamper replied the tabulation provided indicates they are the second low bidder.

Mr. Falco asked what was their price?

Commissioner Stamper replied the comparison he is basing his statement on is without voice mail. The tabulation indicates GTE's bid for phones, voice mail, and two year maintenance is \$13,760.49, BT Services' bid is \$13,020, and Towner Communications' bid is \$14,422.

Mr. Falco asked how did they arrive at the price of \$14,422?

Commissioner Stamper replied they added the base bid of \$8,937 and voice mail at \$4,985 for a sub total of \$13,922, then subtracted \$400 for trade-in and added \$900 for the second year of maintenance.

Mr. Falco asked if there is a response to his letter dated August 29, 1994?

Commissioner Stamper clarified, regarding the fact that Towner Communications bid a larger voice mail system than specified?

Mr. Falco stated there were no specifications regarding the size of the voice mail system. All that was stated was they would start with 15 mail boxes. In the first meetings with Ms. Griggs and Juvenile Justice Center Supervisor Kathy Lloyd, they indicated how they want voice mail to operate. That is why he chose to bid a four port system. He provided pricing on a two port system after the bids were opened. When award of this bid was last discussed, the Commission stressed they are looking at what growth will cost. The two port voice mail system proposed by the other two vendors will probably cost three times as much to expand to a four port system in a year or two, than it would now.

Commissioner Stamper stated voice mail is not considered an essential part of the system. It is a luxury. The basis of discussion today are the documents presented to the Commission at the bid opening. The Commission is limited in its ability to take additional information after a bid is opened.

Mr. Falco asked is the Commission looking strictly at the telephone system in awarding the bid?

Commissioner Stamper replied the Commission is looking at what was presented by the Department on August 22, 1994. The three lowest bids range from \$13,020 to \$14,422. Questions arose about whether the apparent low bidder was allowed to submit additional information which led to the low bid amount.

Mr. Peek stated because the people who evaluated the bid are not present, it does not make a lot of sense to go on into a deep discussion. They submitted their proposal based on their interpretation of the specifications provided. They thought the specifications indicated either a 24 button phone or a 16 button feature phone.

Commissioner Stamper stated that was not an irregularity the Commission questioned. It was different than the other proposals, but it did, in a minimal way, meet the specifications. The issue is the additional information BT Services was allowed to provide after the bid was opened. Had BT Services' bid been evaluated without that information, it would not have met the specifications because BT Services did not respond to areas. Commissioner Stamper asked Mr. Patton if that is correct?

Mr. Patton stated apparently the County called BT Services and requested clarification and permitted BT Services to supplement its bid--changing the numbers. He thought it increased the amount, but apparently it reduced--

Commissioner Stamper stated it increased the amount bid by BT Services, but their bid was still below the next lowest vendor. Everyone would like to have that opportunity. The question is, had BT Services responded to the section originally, would they have been the low bidder? That is unanswerable at this point. It is difficult to consider BT Services bid.

Mr. Peek stated he would like to clarify they called to ask whether those evaluating the bid needed additional information. Ms. Griggs responded--GTE bid the 7324 telephone with (unintelligible). Mr. Peek stated they replied that was overkill, the 7310 meets specifications. Ms. Griggs asked if BT Services would provide a price on the 7324 telephone with (unintelligible). BT Services responded, "If you are requesting that pricing, we will give you that pricing."

Commissioner Stamper stated that request should not have been made on behalf of the County. BT Services' response as it was opened should have been considered.

Commissioner Miller stated this is very unfortunate. Hearing all these different stories, but not having been there makes her uncomfortable. She does not know exactly what took place. It is costly to reject all bids and request new proposals. She does not feel strongly about either option.

Commissioner Stamper stated while he can empathize with the apparent low bidder, their bid should not have been included in analysis of the responses as meeting specifications. It is unfortunate the County representative called and asked for additional information. That is the County's problem. The County will try to solve that problem internally. It is his preference the Commission award the bid to the second low bidder. He is not convinced further competition will lower the price. The second low bidder is also the vendor who is providing the wiring. It makes sense to tie the wiring and telephone system together. If Commissioner Miller objects, award of the bid can be postponed until Commissioner Vogt returns.

Commissioner Miller stated Mr. Peek is saying the system he bid met the specifications, then the standard changed. Otherwise she agrees with Commissioner Stamper. She would like to have that clarified.

Commissioner Stamper invited Mr. Peek to respond.

Mr. Peek stated he can try. The telephone they bid has twelve dual function keys. They can perform 24 different functions. He believes the specifications called for a 24 button set. Mr. Peek read several specifications and stated the telephone they bid can meet the specifications. If they are saying it does not, he disagrees.

Commissioner Miller asked Commission Stamper if he understood the Department to be referring to a 24 button phone not a switchable phone?

Commissioner Stamper replied yes. He does not need to get into that aspect, except to say one phone is of one quality and another phone is a different quality. The Commission's intention was to request the higher level quality through the specifications. It is his understanding only one vendor bid that way. There was a lack of clarity on behalf of that vendor, not necessarily on what the County desired.

Commissioner Stamper moved that the County Commission of the County of Boone award the telephone system portion of bid number 57-05JUL94 to GTE in the amount of \$13,760.49.

Commissioner Miller seconded the motion.

Mr. Peek stated he would like the record to reflect that he protests the award.

Commissioner Stamper stated the Commission is awarding the bid in this manner on the basis of the Commission's interpretation that the second lowest bidder met all specifications in the time parameters set forth in the bid. Motion passed unanimously. Commission Order 355-94.

**SUBJECT: Reports from Commissioners**

Commissioner Miller reported the Road and Bridge Advisory Committee granted a variance to a neighborhood which is trying to bring their roads up to current standards in order that they might be accepted for County maintenance. The variance allows a 30 foot road width. Part of a road is on a dam. The County does not want to be responsible for the dam. An agreement will be made with the neighborhood association for them to accept responsibility for the dam. There was a presentation on culverts. The County adopted the City of Columbia specifications and subsequent revisions on culverts. They only allow aluminum culverts now. The County may or may not accept that revision.

**SUBJECT: Public Comment**

Jeff Barrow asked if the Commission is extending the deadline on submission of comments regarding subdivision regulation revisions.

Commissioner Stamper stated the Commission will accept written comments up to the last minute. The Commission is not delaying deliberation of the revisions. The first Commission worksession on the revisions will be held in about seven days.

Mr. Barrow asked if he could look at the comments.

Commissioner Stamper advised Mr. Barrow to contact Administrative Coordinator Rebecca Jackson. She will provide access.

Commissioner Miller replied there are 26 sets of comments.

The meeting adjourned at 9:55 a.m.

Attest:

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Don Stamper  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Linda Vogt  
District II Commissioner