

## **Transcription of Section of Meeting of Oconee County Board of Commissioners 2/26/08**

**Lee Becker:** Mr. Chairman, Members of the Commission. I'm Lee Becker from 1050 Scott Terrace here in Oconee County.

Mr. Chairman, I want make sure I understand the procedures for the Rocky Branch bid decision that is before the Board of Commissioners. I understand that you will make available tomorrow all the nine bids submitted in response to the Request for Proposal of November 16, 2007.

**Chairman Melvin Davis:** That is correct.

**Becker:** You had originally said that they are going to be on the web. I understand that they are not going to be on the web but they will be in Ms. Lindsey's office.

**Davis:** I don't know how much is involved in placing that...

**County Administrative Officer Alan Theriault:** Mr. Becker, they are voluminous. I don't know if I could get them all on the web. They would all be PDF. They would have to be scanned. I would have to find somebody to do it. They are certainly available. We will do our best to try to get them on the web. I doubt if we can get them all on there.

**Commissioner Jim Luke:** Can you put a synopsis of the bids, money and the important detail on the web? Is there a possibility of doing that?

**Theriault:** We might be able to take snippets from each one. I don't think it would give a clear picture. We'll do our best.

**Becker:** Will you also make available the rankings of the nine proposals by the committee that was headed by Mr. Parker. Is that correct?

**Theriault:** Yes

**Becker:** I don't need to submit an open records request for those?

**Theriault:** No sir.

**Becker:** OK. And, as I understand it, the review process for the bids specified in the Request for Proposals..Request for Proposal of November 16, 2007, is now complete. Is that correct?

**[Pause]**

**Davis:** November 16?

**Becker:** November 16, 2007, was the date of issue of the RFP. I'm just asking, is the review process for that complete?

**Theriault:** To the best of my knowledge, it is complete. I don't anticipate any further reviews taking place that I am aware of.

**Becker:** OK. So this Board does not intend to appoint another committee to evaluate the proposals. That's correct?

**Davis:** We've had a recommendation from our committee.

**Becker:** OK. And that the committee that was headed by Mr. Parker and reported tonight completed the review following the procedures that were specified in that Request for Proposal of November 16, 2007, including rating the nine proposals on the criteria specified in the Request for Proposals. Is that correct?

**Davis:** To my understanding, that is correct.

**Becker:** OK. Mr. Chairman, is it not correct to say then that under these circumstances, that the committee chaired by Mr. Parker is the Selection Committee that is specified in the Request for Proposal on..of November 16, 2007?

**[Pause]**

**Davis:** Mr. Becker, why don't you get to the bottom line of what you are asking.

**Becker:** That is my question. Is that the committee that reported tonight the Selection Committee that is specified in the Request for Proposal of November 16, 2007?

**[Pause]**

**Davis:** The committee, the review team recommended the firm of HFF, HSF.

**Becker:** The RFP says that there will be a Selection Committee that will review the bids, using the criteria set forward in the bids, and I'm asking if you can that the committee that reported tonight was that Selection Committee?

**[Pause]**

**Theriault:** Yea. To be honest with you, Mr. Becker, I'm going to be blunt. You've got a game plan worked out in your mind and I'm really hesitant to a question that I'm not really completely understanding what you are asking. I think superficially I can easily say with some degree of

reservation that the committee that reported tonight was part of the committee that reviewed the firms that were short listed. If that is what you are asking.

**Becker:** Well, I mean, I'll just say it again. The Request for Proposals specifies that there is a committee called a Selection Committee that will review the pro..the bids using the criteria spelled out in the RFP. I'm asking you if the committee that reported tonight was that Selection Committee.

**Theriault:** I would say, Mr. Chairman. I will take responsibility.

**Davis:** I would too and I would say this. Mr. Becker, this is public comments. I invite you at any time to come and sit down with myself, with (County Attorney) Daniel (Haygood), with Alan, with any of the commissioners and let's discuss this. I'm not...I don't know where you are going. I don't know what you are driving at. I think we have...But I do invite you to come and sit down with us at any time any issue that you may have. You know, to...Again, I don't know where you are going with this. I think we have a good recommendation from our committee, from the committee that did the review of...I didn't sit in on those discussions. I have confidence in their capabilities, their knowledge. We have a list here that we can look at and the Board can make a decision based on the public comments we have at our next Board meeting regarding the proposal that has been made to us.

**Becker:** OK.

**Commissioner Don Norris:** Mr. Chairman, may I make a suggestion. If Mr. Becker is going to be this fine and grind it this fine, why don't he submit them to Daniel and let Mr. Haygood give you an opinion.

**Becker:** I wanted the opinion of the Board. I think I have the opinion.

**[Norris attempted to interrupt.]**

**Becker:** I'm satisfied? Pardon?

**Norris:** We follow our attorneys opinion.

**Becker:** I'm satisfied with the answer I received. Thank you very much. Thank you Mr. Chairman for your offer.

**Note:** The winning bid was put on the county web site several days later. No summary of the other bids was ever put on the web.

I asked these questions of Mr. Davis because County Attorney Daniel Haygood, in a letter to me of February 13, 2007, that he copied to the state Attorney General, said I had mischaracterized the review process in my complaint to the Attorney General about the secret bidding process.

I had stated in my complaint that the Selection Committee specified in the RFP was conducting the evaluation and that the meeting should be open to the public.

Haygood said in his letter that Precision Planning Inc. was conducting the evaluation “as part of its contract with the County.”

I informed the Attorney General of the answers I was given at this meeting of the BOC. Ultimately, the Attorney General sided with the County by saying “the meetings of the Selection Committee are not meetings” covered by the state’s Open Meetings laws.

Haygood was not present at the meeting of 2/26/2008.