

MANAGEMENT SERVICES COMMITTEE
McHenry County Government Center
2200 N. Seminary Ave., Room 104-1
Woodstock, IL 60098

MINUTES OF TUESDAY, DECEMBER 11, 2007

Chairman Hill called the Management Services Committee meeting to order at 8:25 a.m. The following members present: Chairman Tina Hill; Yvonne Barnes; Pete Merkel; and Mary Lou Zierer. Barbara Wheeler; Marie Chmiel and Mary Donner were absent. Also in attendance: Peter Austin, County Administrator; John Labaj, Deputy County Administrator; John Hadley, Facilities Management; Cathy Link, Purchasing; Tom Sullivan and Paul Lerner, IT; Dave Stone, State's Attorney; interested public and the press.

Tina Hill, Chairman
Yvonne Barnes Marie Chmiel
Mary L. Donner Pete Merkel
Barbara Wheeler Mary Lou Zierer

MINUTE APPROVAL

Committee members reviewed the minutes of November 27, 2007. Ms. Barnes made a motion, seconded by Mr. Merkel to approve the minutes of the Tuesday, November 27, 2007 Management Services Committee meeting as presented. The minutes were approved with all members present voting aye on a voice vote.

PUBLIC COMMENT: None.

PRESENTATION: None

NEW BUSINESS:

Bid Protest Appeal Hearing – Walkup Road Junk Yard Cleanup: Chairman Hill announced that this matter before us this morning is pursuant to the County Purchasing Ordinance, in particular, Article 12, Section S12-104. It is an appeal by Anchor Solutions, Vet-Teks, National Association of System Administrator, Liberating Solutions and NASA Education Inc. of the decision of the Director of Purchasing denying the protestors bid protest. The protestors have been properly notified of the time and date of this appeal. The Chairman questioned if there was any objection by Mr. Antonelli, Attorney for the protestors. Mr. Antonelli responded that there was no objection. Committee members were informed that they had received a packet that included the following materials:

- 1) Article 12 – Appeals and Remedies of the Purchasing Ordinance
- 2) December 3, 2007 letter from Peter Austin notifying the parties of the date and time of the appeal
- 3) October 24, 2007 email from attorney for protestors
- 4) October 18, 2007 letter of decision (date erroneously typed as August 2, 2007)
- 5) October 16, 2007 Purchasing Department notes of meeting to reach mutual agreement
- 6) August 14, 2007 letter from protestors' attorney
- 7) August 13, 2007 letter from protestors' attorney (date erroneously typed as July 24, 2007)
- 8) August 6, 2007 memorandum from Dave Stone
- 9) August 1, 2007 memorandum from Dave Stone
- 10) July 30, 2007 memorandum from Dave Stone

Chairman Hill stated that Section S12-104 states that the committee shall consider the appeal and the protestor shall be afforded a reasonable opportunity to state its position. She allowed the protestors to present their position by narration. The Director of Purchasing responded with a short time allotted for rebuttal. This is an informal hearing with no strict rules of evidence. After presentation from both sides, the committee will then debate and decide the appeal. Mr. Antonelli proceeded with his appeal. He stated that clients each were provided bids in response to a Court Ordered clean up of some property owned by Mr. Paul Iverson. The County went out for bid. Mr. Antonelli's clients presented a bid on July 30th. The reason he stated that they are here today is because they believe the Purchasing Department did not follow the McHenry County Purchasing Ordinance. During the bid process the bidders attempted to obtain an address for the property to be cleaned. An address was not provided for the property that would be cleaned up. They had requested this information on a couple different dates, without success. They were eventually provided with the address information from the State's Attorney's office. Mr. Antonelli's client's presented five different bids ranging from \$1 to \$14,900 to the Purchasing Department. He stated that all of the companies are veteran owned and backed by the Department of Labor. He noted that the bids were so low because they were taking a risk that the scrap on the property had value and that is where their value to do the work comes from. He noted that the property still has a certain level of scrap on the property and the clean up is still incomplete. He then noted that two (2) hours after the bid opening, a contract was awarded to an out of County company. The attorney noted that there was no emergency for a rushed clean up and the awarding of the contract looks fixed and they feel the purchasing ordinance process was not followed. He noted that they want to make sure everyone gets a fair shot at these contracts. The attorney requested that the committee members review the documents received and rule whether the department followed the rules. Chairman Hill asked that Ms. Link proceed. She stated that she wanted to make a point of clarification. She noted that the Purchasing office does not make the recommendations for a bid. When bids are received, they are reviewed by the appropriate department and State's Attorney's office. All bids received by the timeline were reviewed by the State's Attorney and Health Department personnel. Upon review, it was discovered that five firms had the same address and principals and one of the references given

was dead. In their opinion, the five bids were considered non responsive since they could not check the references for the clients. A pre bid meeting was held, with recommendations by the Purchasing Department to attend. This meeting was not mandatory, but it was suggested that all representatives attend. After review, the analysis by the State's Attorney alleges bid rigging for five of the bidders. It was discovered that these five businesses are owned by the same persons. All five companies listed the same three references. One of the references is the owner's brother, the second reference did not answer the phone and the address for this individual is the same as one of the bidders and the last reference give was dead. Additional information, regarding the company, and the unique aspects of the bids could have been given to the Purchasing Department. They could have also noted that their profits would have been received from the scrap on the property. After committee debate, Ms. Barnes made a motion, seconded by Mr. Merkel to deny the appeal of the bid protest for the Walkup Road Junk Yard cleanup. Ms. Barnes requested clarification of what the committee would be voting on. Chairman Hill noted that the committee would be deciding whether there was an error in the bid process. Committee members questioned Ms. Link if a decision was made too quickly on the awarding of the contract. Ms. Link noted that a fast award is not unusual and that it depends on the scope of the work to be done. The references were checked and the bids were reviewed by the Health Department and the State's Attorney and the contract was awarded to the lowest responsible bidder. Committee members questioned if the Purchasing Department calls bidders for additional research on a bid. She stated that they do not obtain additional information and it is up to the companies to provide a responsible bid. She noted that if there are questions on a bid, the department will help if needed. Mr. Merkel noted that he has had to review bids for years. He stated he would question why a contractor would not attend a pre-bid meeting. He questioned if the company truly understood the bid request. He noted that based upon the information received he would have been leery to award the contract to any of these five companies as well. Committee members noted that as elected officials they are very aware of appearances of impropriety and the facts of this hearing do not support this. The motion to deny passed with all members present voting aye (Barnes, Merkel, Zierer, Hill)

Resolution authorizing an annual Hyland OnBase Maintenance Agreement: Committee members reviewed a Resolution authorizing an annual Hyland OnBase Maintenance Agreement. Ms. Barnes made a motion to recommend approval of the above Resolution as presented. Ms. Zierer seconded the motion. Mr. Sullivan noted that this and the next six resolutions are maintenance agreements over \$20,000 for annual approval. Ms. Barnes amended her motion to include approval of Resolution authorizing a Websense Enterprise and Security Filtering Support Contract, Resolution authorizing a Telephone Switch FY08 Maintenance Agreement, Resolution authorizing an annual Tier FY08 Maintenance Support Renewal, Resolution authorizing use of Westlaw online Legal Services and a Resolution authorizing multi function peripheral service and supply maintenance renewal. Ms. Zierer amended her second to include all of the above Resolution. The motion carried with all members present voting aye on a roll call vote (Barnes, Merkel, Zierer, Hill)

Discussion – Information Management Planning Committee: Mr. Sullivan informed committee members that he provided a draft document on the formation of an Information Management Planning Committee. It was noted they would like this to be a standing committee that would meet monthly through September, until recommendations are made for the upcoming budget year. The committee would then meet monthly again starting in January of the following year. He noted this committee would prioritize what the Information Technology department does. They would hear the needs of each department and align their needs with the strategic goals and bring the information to this committee for project funding. It was noted that this committee would not be just for the Information Technology Department but would help with understanding the goals among all the departments. Mr. Sullivan noted they are hopeful that this committee to start in the very near future.

OLD BUSINESS

County Seal: Committee members reviewed the latest version for the County Seal. Committee members noted they are closer to the design they had in mind but suggested that the picture of the Government Center be cleaned up so it isn't so "busy". They suggested that the landscaping and some of the "lines" be removed from the drawing. The suggested draft will be reviewed at a later date.

Construction Update: Mr. Hadley thanked committee members for approval to hire a painter within his department. The carpet on the third floor of the Government Center will be replaced with tile. A meeting was held with Judge Sullivan regarding the holding cell near the courtrooms on the first floor. They should be ready to go out for bid in about 6 to 8 weeks.

Campus Plan Update: Committee members were informed that an email has been sent to the County Board members to set up meetings to meet with the KS&A consultants for an update to the campus plan. Mr. Austin requested committee members to reply to the emails sent.

Sound System Update: Committee members were informed that the sound equipment has been received. The Contractor will be coming in this week to measure for microphone placements and review of equipment placement. It is hopeful that the system will be installed prior to early voting.

Administration Office area, relocation of County and installation of cubicles: Committee members were informed that Administration will be increasing their staff by adding a member of the Human Resources staff. This will require the installation of a work cubicle. The front desk will also be refitted with the counter from the Human Resources Department. This space will

be used by the operator. The County Board counter will be moved into Human Resources. This project should begin in mid January.

Animal Control: The kennels have been ordered for the Animal Control facility. They are now meeting weekly to discuss the timeline of the project. It is hopeful that the project would be completed by the end of January.

Chairman Hill reported that the inventory of the items that had been stored in the old Valley Hi Barn has been completed. Out of the 13 pallets, 4 have been cleaned. So far, they have found assessment records and wills from the late 1800's. A complete inventory is expected by mid January. Recommendation for cleaning or disposal will be made at that time.

REPORTS TO THE COMMITTEE

Administrator: Mr. Austin informed committee members that there are concerns about using the old Valley Hi facility because of mold. He noted that a serious investment may be needed to make the facility usable. The house on the property is being looked at for use as well. Recommendations will be reviewed by the campus planners.

Mr. Austin noted that with the installation of the sound system they are looking to get educated on the process for web casting. Meetings will be held, that will include the County Clerk, on how the system would work.

Mr. Austin noted that the Legislative Committee for McCog is looking at two items for their legislative agenda. The first would be the Capital Program with the State and to research the streamlining of web based sales tax legislation.

Art Work Sub-Committee: No report.

Cable Commission: Mr. Sullivan reported that the Cable Commission will be scheduling a meeting in the next couple of weeks to discuss the comprehensive right of way ordinance that is being suggested.

Council of Governments: Tomorrow is the Christmas meeting for those interested in attending. Chairman Hill reminded committee members they have a \$1,000 account to use for meeting expenses if they would like to attend. It was suggested they call to make reservations if interested.

FUTURE TOPICS: None

EXECUTIVE SESSION: None

ADJOURNMENT

The meeting adjourned at 9:32a.m. on a motion by Mr. Merkel, seconded by Ms. Barnes with all members present voting aye.

RECOMMENDED FOR COMMITTEE/BOARD ACTION:

- Resolution authorizing an annual Hyland OnBase Maintenance Agreement
- Resolution authorizing a Websense Enterprise and Security Filtering Support Contract
- Resolution authorizing a Telephone Switch FY 08 Maintenance Agreement
- Resolution authorizing an annual Tier FY 08 Maintenance Support Renewal
- Resolution authorizing use of Westlaw Online Legal Services
- Resolution authorizing a multi function peripheral service and supply maintenance renewal

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