

TERM OF COMMISSION: August Session of the August Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District II Commissioner Linda Vogt
Deputy County Clerk Michelle R. Malaby
County Counselor John Patton

The regular meeting of the County Commission was called to order at 9:35 a.m.

SUBJECT: Discussion of Asphalt Procurement

Commissioner Stamper added the item to the agenda, postponing the prepared agenda, stating Richardson & Bass Construction Company requested a meeting with the Commission to discuss asphalt procurement by Boone County.

Chip Estabrooks, President of Richardson & Bass, presented and read a letter to the Commission. Mr. Estabrooks stated in 1993, the City of Columbia requested bids on hot mix asphalt for a five year period, with the price to be adjusted each year according to a Producer Price Index from the Bureau of Labor Statistics. Pace Construction Company and Richardson & Bass responded. Pace submitted the lowest bid. The City authorized purchase from both companies. Richardson & Bass declined a cooperative purchase agreement with Boone County, believing it was not equitable for the City and County to share the same prices in all circumstances and, understanding, based on conversations with Boone County Public Works Department representatives, that the County would be requesting bids on hot mix asphalt. In 1994, Richardson & Bass requested Boone County bid hot mix asphalt for the year. The Public Works Department advised they would take the request into consideration. In the fall of 1994, Boone County paved Roemer Road, which is less than one mile from Richardson & Bass' Creasy Springs asphalt facility. He contacted Public Works Director Stan Elmore to discuss the economics of purchasing asphalt from Pace Construction Company and hauling it twenty miles to Roemer Road. In 1995, Boone County was again requested to bid hot mix asphalt for the year. Richardson & Bass informed Boone County, and its other customers, of improvements made at the Creasy Springs facility and of their new price structure. Their prices were adjusted because their ability to produce asphalt increased four fold. At the request of the City of Columbia, Richardson & Bass submitted a letter dated July 14, 1995 reflecting its new price structure. The prices were also extended to Boone County. On July 26, 1995, he contacted Assistant Public Works Director Frank Abart to request that Boone County purchase hot mix asphalt from Richardson & Bass. Mr. Abart requested they submit a letter allowing Boone County to cooperatively purchase from the City of Columbia bid. Richardson & Bass complied with the request. Mr. Abart then advised Richardson & Bass that Boone County could not purchase hot mix asphalt from Richardson & Bass because of a decision by the County Counselor and that hot mix asphalt would be rebid in 1996. The County continues to purchase hot mix asphalt from Pace Construction Company in Callaway County. Doing so is not efficient.

Commissioner Stamper stated he understood the 1993 City of Columbia bid was awarded to Pace Construction Company as the low bidder.

Mr. Estabrooks replied the City historically authorizes purchase from both suppliers. The City purchases from the most economical supplier for a specific project.

In response to a question from Commissioner Stamper, Mr. Estabrooks estimated they supplied half of the hot mix asphalt purchased by the City in 1995.

Commissioner Vogt commented the County accepts the lowest bid submitted and purchases from that supplier unless they are unable to supply the product.

Mr. Estabrooks replied he understood the County selects the lowest and best bid. Pace Construction Company is located twenty miles away. The lowest and best bidder would be Richardson & Bass because of the economics of hauling the product.

In response to a question from Commissioner Stamper, Mr. Estabrooks replied he contacted Boone County about purchasing asphalt prior to the asphalt season--probably in March, 1995.

Commissioner Stamper stated in 1992, the Public Works Department advised the Commission it would be advisable to participate in the City of Columbia's hot mix asphalt bid. The Commission ultimately agreed. The County requested bids from contractors for some overlay projects. In 1995, the Department initiated a bid for asphalt. It appeared to him that bidding asphalt would undercut the low bidder in the City of Columbia bid and he questioned the ethics of doing so. Therefore, the Commission directed the Department to request bids for hot mix asphalt independently in 1996.

Mr. Patton stated he was asked if the County could buy hot mix asphalt from Richardson & Bass when the new price sheet was distributed in July. The answer was no. The County is purchasing asphalt under a cooperative purchase agreement with Pace. Richardson & Bass declined to participate in a cooperative purchase agreement with the County. The County does not have a contract with Richardson & Bass. He did not feel the County could unilaterally change the bid specifications two years later without requesting new bids. He does not participate in decisions on when to rebid products in order to obtain better prices. The County typically bids annual term and supply contracts in the Spring of each year. If the County wants to purchase from Richardson & Bass it needs to let a bid for the product.

Acting Public Works Director Frank Abart, who recently arrived at the meeting, stated it is difficult for the County to buy needed quantities from Richardson & Bass without a contract. He understood the County would request bids late this year or early next year.

Mr. Patton stated in regard to the City having purchase agreements with both bidders, it is his understanding the low bidder is the prime supplier. The second low bidder agrees to be a back-up supplier. The problem is because Richardson & Bass declined at the time of bidding to allow cooperative purchases by the County, the County can not take advantage of purchasing from them as the back-up supplier and remain in compliance with competitive bidding requirements.

Mr. Estabrooks stated the City bid requested a delivered price. They did not believe it was acceptable to offer the same price as offered to the City because of the haul distance to remote locations in the County.

Repetitive discussion ensued.

In response to a question from Commissioner Stamper, Mr. Abart replied County asphalt projects are well over fifty percent complete for the year.

Commissioner Stamper requested guidance from Mr. Patton. Mr. Patton replied if the Commission wants to, it can rebid the item. According to statute, the County cannot purchase \$1,000 of asphalt more than three times in a 90 day period without requesting bids. Whether it is justified at this point in the season is a business and ethical decision the Commission must make.

Commissioner Stamper asked if the County rebids asphalt, what position is the County in concerning potential litigation from Pace?

Mr. Patton replied he cannot speculate on that. The County did not obligate itself contractually to purchase asphalt under the cooperative agreement for a period of five years. The vendor agreed to offer the prices they offered to the City to the County, through a cooperative purchase agreement, for a period of five years.

Purchasing Director Beckie Jackson commented escalator prices are supposed to take effect in April. The price changes occurred in July, 1995. That presents a problem in itself.

Mr. Estabrooks stated there is no reason for the County to lock in with one supplier. There will always be a price differential. It will never be most economical to buy from only one supplier due

to transport costs. The County also needs to establish a criteria to use to determine when it is economically feasible to use a supplier.

Commissioner Stamper how long would it take to rebid hot mix asphalt?

Mr. Abart replied thirty to sixty days.

Commissioner Vogt stated the County must have a fair bidding process. Because Richardson & Bass' situation has changed does not mean the County can stop in the middle of its process. She looks forward to accepting their bid in 1996, but is not interested in bidding asphalt until then.

Commissioner Stamper proposed the Commission request the Public Works and Purchasing Departments initiate a bid for the balance of 1995 and 1996. By the time the bid is awarded, the asphalt season will be over.

Ms. Jackson stated she would be concerned with entering into a contractual agreement for a budget year which has not been approved.

Bill Eckhoff, owner of Richardson & Bass, stated things change a lot in five years. It is too long to commit to a supplier. He lives in this community and wants it to be a good place to live, so he decided to build a modern, environmentally clean, facility.

Commissioner Stamper restated his proposal and Commissioner Vogt restated her disagreement.

David Dalton of Richardson & Bass stated if the County is not committed to remain with the City supplier for the five year period, the County could make a change now. While the County needs to maintain a fair bid process, it also needs to be fair to County taxpayers.

Commissioner Stamper stated with two Commissioners present he has majority rule. He offered Commissioner Vogt the opportunity to postpone action until Commissioner Miller returns.

Commissioner Vogt restated her position.

Commissioner Stamper moved that the County Commission of the County of Boone direct the Public Works and Purchasing Departments to request bids on hot mix asphalt for at least the remainder of 1995 and 1996.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 434-95.**

SUBJECT: Name Unnamed Road

Don Abell, Department of Planning and Building Inspection, stated the request is to name an unnamed, public road, partially maintained by the County, Coyote Hill Road. The road begins on the west side of Ridge Road, approximately one mile north of State Highway 124 and runs in a westerly direction for one quarter mile. The road then continues into Howard County. The section of road was overlooked when the County assigned road names for the Emergency 911 system.

Commissioner Vogt moved that the County Commission of the County of Boone name an unnamed road Coyote Hill Road. The road is located in S34-T51N-R14W and S3-T50N-R14W, beginning on the west side of Ridge Road, approximately one mile north of State Highway 124 and running in a westerly direction for one quarter of a mile before entering Howard County.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 435-95.**

SUBJECT: Request for Funding for Forensic Investigation Seminar

Prosecuting Attorney Kevin Crane and Administrative Coordinator Bonnie Adkins were present. Mr. Crane stated his office periodically requires the service of a forensic dentist. Mr. Crane gave examples of cases when they have used such services. Dr. Russell Harrison is a dentist who works in Jefferson City and Columbia. He has not charged the County for his services. The County provided \$951.12 for Mr. Harrison to attend training in 1990. The cost was split between the Sheriff's Department and Prosecuting Attorney's office. Dr. Harrison has informed them of the seminar for which funding is requested. Tuition is \$175. Air fare is \$258.21. Dr. Harrison is not requesting funding for lodging. Mr. Crane proposed the cost be paid from the Prosecuting Attorney Training Fund. Another alternative is a premier course on forensic dentistry conducted by the armed forces in Maryland. The tuition cost alone is \$600.

Commissioner Stamper moved that the County Commission of the County of Boone authorize payment from the Prosecuting Attorney Training Fund of reasonable expenses associated with the attendance of Dr. Russell Harrison at a seminar on forensic investigation.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 436-95.**

SUBJECT: Revise Boone County Bid Policy

Ms. Jackson provided a revised policy to the Commission increasing the level at which sealed bids are requested to \$3,000. The state legislature authorized the increase during its last session.

Commissioner Vogt moved that the County Commission of the County of Boone revise the Boone County bid policy to increase the amount at which written bids are requested to \$2,999. Sealed bids will be required for purchases of \$3,000 or more. The revision shall be effective Monday, August 28, 1995. (Revised bid policy attached.)

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 437-95.**

SUBJECT: Discuss County Clerk's Conference

County Clerk Wendy S. Noren stated she is planning for 250 people to have a dinner in this building the night of September 13, 1995 in connection with the Missouri Association of County Clerk's conference to be held in Columbia this year.

Commissioner Stamper and Commissioner Vogt agreed it is a great idea.

SUBJECT: Budget Revision: 1994 Invoice for Remodeling at Public Works Facility

Commissioner Vogt moved that the County Commission of the County of Boone authorize the following budget revision:

<u>Organization</u>	<u>Account</u>	<u>Account Title</u>	<u>Transfer From</u>	<u>Transfer To</u>
2045	91200	Buildings & Improvements		\$910
2045	23000	Office Supplies	\$910	

Explanation: To cover bill from Hoods for \$910 for carpet in the Public Works Department Design and Construction Division office. The bill was overlooked in 1994.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 438-95.**

SUBJECT: Authorize Use of Courthouse Grounds

Commissioner Stamper moved that the County Commission of the County of Boone approve an application for a permit for organizational use of the Boone County Courthouse grounds by the Mid-Missourians for Single Payer Health Care on Tuesday, September 19, 1995 at 5:30 p.m.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 439-95.**

SUBJECT: Budget Amendment: Boone Retirement Center Land

Commissioner Stamper provided a first reading of the budget amendment as follows:

<u>Organization Account</u>	<u>Account Title</u>	<u>Increase</u>
1190 91800	Non-Departmental--Land	\$745,000

Explanation: Establish budget to purchase 17 acres from B & E Investments for construction of a new Boone Retirement Center. Existing fund balance resources will be used to cover this budget.

SUBJECT: Approve Central Bridge Rezoning

Stan Shawver, Director of the Department of Planning and Building Inspection, reported the Commission previously approved a review plan for Central Plaza, a new office facility for Central Bridge Company and Richardson & Bass. A condition of approving the review plan required a stormwater study. The study found the tube under Prathersville Road, a County maintained road, is undersized and needs to be enlarged. This property is not contributing to drainage problems south of Prathersville Road. Required plans have been provided.

Commissioner Vogt moved that the County Commission of the County of Boone approve final rezoning of 7.61 acres located at 1451 E. Prathersville Road M-LP (Planned Industrial) owned by Central Bridge Company.

Commissioner Stamper seconded the motion. Motion passed unanimously. **Order 440-95.**

SUBJECT: Open Bid 94-22AUG95, Site Furnishings

Responses to the request for quotation were opened as follows:

<u>Company</u>	<u>Location</u>	<u>Bid Price</u>
Adirondack Direct	Long Island City, NY	No Bid
Allsteel, Inc.	Aurora, IL	No Bid
Blockhouse Co., Inc.	Red Lion, PA	No Bid
Bowlus School Supply, Inc.	Pittsburg, KS	Bid
Check Office Equipment Co., Inc.	Columbia, MO	Bid
Columbia Office Supply	Columbia, MO	No Bid
Concepts for Business, Inc.	Lenexa, KS	No Bid
Connor Business Systems	Manchester, MO	No Bid
Custom Information Services, Inc.	Holts Summit, MO	No Bid
Intermetro	Wilkes-Barre, PA	No Bid
Latest Products Corp.	Syosset, NY	No Bid
Mayline Company	Sheboygan, WI	No Bid
Meridian, Inc.	Spring Lake, MI	No Bid
Mirex Corporation	Columbia, MO	No Bid
Missouri Vocational Enterprises	Jefferson City, MO	No Bid
Nevers	Minneapolis, MN	No Bid
Peter Pepper Products, Inc.	Compton, CA	No Bid
Shuler Business Systems, Inc.	St. Louis, MO	No Bid
Tab Products Company	St. Louis, MO	No Bid

SUBJECT: Open Bid 95-22AUG95, Computer Equipment

Responses to the request for quotation were opened as follows:

<u>Company</u>	<u>Location</u>	<u>Bid Price</u>
Alltel Supply, Inc.	Norcross, GA	No Bid
Cabletron Systems	Rochester, NH	No Bid
CDW Computer Centers, Inc.	Buffalo Grove, IL	Bid
Computerland	Columbia, MO	Bid
Computer City Contract Marketing	Fort Worth, TX	No Bid Continued . . .
Dataport Technologies, Inc.	St. Louis, MO	No Bid
Electronic Support Systems, Inc.	Bridgeton, MO	No Bid

Information Products, Inc.	Independence, MO	No Bid
Quest General Corp.	Pompano Beach, FL	No Bid
Specialized Systems, Inc.	Cedar Rapids, IA	Bid
Xerox Corp.	St. Louis, MO	No Bid
ZBM, Inc.	Jefferson City, MO	No Bid

SUBJECT: Open Bid 96-22AUG95, Wireless Microphone System

Responses to the request for quotation were opened as follows:

<u>Company</u>	<u>Location</u>	<u>Bid Price</u>
Crazy Music	Columbia, MO	\$1,485
Newark Electronics	St. Louis, MO	\$ 705.63
Kansas City Audio-Visual	Kansas City, MO	\$1,497
Music Inc./Sound Solutions	Mexico, MO	\$2,255.40
SMS/Jed's	Columbia, MO	\$ 545
Tech Electronics, Inc.	Columbia, MO	\$1,850
Towner Communications Systems	Columbia, MO	\$1,895

SUBJECT: Reports From Commissioners

Commissioner Stamper stated there have been complaints about the volume of noise coming from the Balloon Festival. There is a requirement that noise levels from activities other than the Fair not exceed a level of 50 decibels beyond 300 feet from the property. Director Shawver visited the site and found the noise exceeded the allowed level by about 25 percent. Balloon Festival organizers have been advised to turn down the sound. He suggested Director Shawver work with the Fair Board to position their stages to minimize the problem.

The meeting adjourned at 11:01 a.m.

Attest:

Don Stamper
Presiding Commissioner

ABSENT

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner