

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
APRIL 30, 2007- SPECIAL MEETING

The Board of Commissioners of Transylvania County met in Special Session on Monday, April 30, 2007 at 5:30 p.m. in the large courtroom of the Transylvania County Courthouse.

Present: Chairman Jason Chappell, W. David Guice, Daryle Hogsed and Lynn Bullock. Commissioner Kelvin Phillips was absent due to sickness.

Also present were County Manager Artie Wilson, County Attorney Jeanne Hall, Finance Director Gay Poor, and Soil and Water Specialist Jeff Parker.

The meeting was called to order by Chairman Chappell. There were four people signed up to speak but deferred to speak at that time.

Mr. Chappell explained that the purpose of the special meeting was to review the findings of the recent review of the three bids received for the Freeman River Bank Stabilization Project. The County Manager explained that due to the confusion surrounding the subject on Monday night he asked the Finance Director to meet with Faye Lawrence and Jeff Parker to review the bids and make sure all bidders met the specifications. This information was reviewed with the Manager on Wednesday and further reviewed with the County Attorney on Thursday. The results of the review indicated that Adams Construction did not submit the required information noted in the bid package, Moore and Son omitted one of the items noted (listing of key personnel- who will perform the work) and Cantrell Construction had submitted all required information. It was further noted that not all of the bid packages contained all information and some packages omitted certain pages. In addition staff had not properly reviewed the bids to make sure they were in compliance with the requirements noted in the bid package. Based on staff findings, staff suggested the options available to the Board of Commissioners were to rescind Monday night's bid award to Moore and Son and reject all bids, or award the bid to Cantrell Construction or to another company.

At this point The Chairman allowed representatives from the public to speak to the issue. Mr. Bo McCall addressed the commissioners and spoke favorably in support of Adams Construction. Mr. Mason Sexton of Moore and Son then addressed the commissioners and questioned the key personnel item that staff indicated that had been omitted from their bid. He submitted information to the commissioners for their review. After this Mr. Sammy Galloway asked about the experience required and Mr. Jeff Parker responded by indicating there was a requirement for an experienced qualifier noted in the advertisement. **At this point due to the issue surrounding the definition of "Key Personnel", Commissioner Guice made a motion for a fifteen minute recess to allow the Attorney to see if she could find the definition of key personnel. The motion was seconded by Commissioner Chappell and unanimously approved.**

After the fifteen meeting recess, the meeting was called back to order. During the recess Commissioner Bullock had to leave due to a family emergency. The Attorney indicated that she was not able to find a clear definition of key personnel in the construction context. **The Commissioners then discussed the options available to them and after a lengthy discussion the motion was made by Commissioner Chappell to rescind the action taken Monday night and reject all bids. Commissioner Guice seconded the motion.** Commissioner Hogsed indicated that he felt that the bid should be awarded to Cantrell Construction since they had met all the requirements. Both Commissioners Chappell and Guice indicated they understood Commissioner Hogsed's position but due to the problems with the bids they believed the best thing would be to reject all bids. **Commissioner Guice then called for the motion which passed 2 to 1 with Commissioner Hogsed voting no.**

Chairman Chappell apologized to the three bidders for the loss of time this caused them due to problems with the bidding documents.

Mr. Adams then addressed the commissioners and said he had no problems of giving the project to the third bidder. He had problems with his bid being thrown out when he felt he could do the job.

Commissioner Guice made a motion to adjourn and was seconded by Commissioner Hogsed. The motion passed unanimously.

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Arthur C. Wilson, Jr.
County Manager