

BOARD OF BIDS AND CONTRACTS DECEMBER 8, 2016

3. OBLIQUE IMAGERY FLIGHT -- APPRAISER'S OFFICE

FUNDING -- APPRAISER'S OFFICE

(Request sent to 23 vendors)

RFP #16-0088 Contract

	The Sanborn Map Company, Inc.	Pictometry International, Corp.
Neighborhood 4 way, 3 inch N5	\$111,600.00	\$150,660.00
Community 4 way, 9" C5	\$80,561.52	\$46,170.00
Tiles- standard jpg 3"	\$53,404.32	\$3,720.00
Tiles- standard jpg 9"	\$14,753.88	\$3,420.00
Mosaics- 9" individual	\$500.00	\$342.00
Mosaics- 9" combined	\$500.00	\$156.00
Mosaics- 3" individual	\$500.00	\$744.00
Mosaics- 3" combined	\$500.00	\$744.00
Software implementation/licensing	\$14,500.00	\$5,478.00
First year maintenance and support	included	included
External media device with files pre-loaded	included	\$199.00
Training	included	included
Grand Total	\$276,819.72	\$211,633.00
Hosting of imagery	\$500/month	included
Annual software maintenance and support	\$2,900.00/year	included
Additional Flights	at pricing listed	at pricing listed
Disaster Response Program	\$12,140.00*	included
No Bids	Apollo Mapping	Facet Technology Corporation
	Blue-Chip Unmanned Aerial Solutions, LLC	Wilson & Company, Inc., Engineers & Architects
	BCA Powder Coating & Fabrication	Surdex Corporation
	United Geo Technologies, LLC	GeoSpan Corporation

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On the recommendation of Kimberly Bush, on behalf of the Appraiser's Office, recommend to **accept the overall low proposal from Pictometry International, Corp. (Pictometry) in the amount of \$211,633.00 and establish a contract for three (3) years with three (3) one (1) year options to renew.**

A review committee comprised of Mike Borchard, Nancy Delgado and Chris Morlan- Appraiser's Office and Kim Bush-Purchasing, reviewed the responses. Pictometry is the current vendor providing these services and has provided satisfactory service and deliverables throughout the relationship with the county.

Directive #11-043 from the Director of Property Valuation, pursuant to the provisions of K.S.A. 79-505, requires that digital images used as part of the appraisal inspection processes must not be more than 6 years old. To maintain the efficiencies realized in the previous 16 years, these images will have to be acquired again, prior to "leaf-on" conditions in 2017.

The purchase of these oblique imagery updates will not only ensure accuracy and efficiency in achieving Appraiser's Office objectives but will also keep the office in compliance with Kansas State Statutes. These images can be very useful to other departments including Planning, Law Enforcement, Public Safety and GIS. Departments with access to the existing oblique imagery include the Sheriff's Office, Emergency Management and the City of Wichita.

Submission of Pictometry's response to the RFP also included their standard contract, as well as several objections to the county's standard terms and conditions. The Office of the County Counselor attempted to work with Pictometry's legal counsel in an effort to resolve these issues prior to this purchase moving forward. These efforts were unsuccessful and it is the opinion of the County Counselor's Office that there are several provisions of Pictometry's standard contract that have the potential to render the county legally vulnerable.

Note - *Estimated based on the rates listed in Sanborn's RFP response, the minimum estimated cost for one mission (about 50 square miles).

Questions and Answers

Linda Kizzire asked: "If we are going to have a possible legal issue, why are we going to use them?"

Chris Morlan(Project Leader - Appraiser's Office) answered: "We've been doing business with this vendor for quite awhile. This is a standard contract that we agreed to last time, and I don't know why things have changed this time. This is incorporated into our appraisal system currently. The majority of Kansas counties use this vendor. I've checked with several of my peers and their counties has not had any issues. I cannot address legal issues."

Tim Kaufman asked: "Do we routinely check the contract with the low bidder/vendor before we award the bid?"

Joe Thomas answered: "We usually start that process before because we want to ensure that there are no hindrances before entering a contract with them."

Tim Kaufman asked: "Well it looked like the recommendation was Pictometry. Has that recommendation changed?"

Joe Thomas answered: "No. The recommendation is still Pictometry. We wanted to let it be known that there is a conflicting state statute requirement that Mike said had to be met versus the legal risks."

Misha Jacob-Warren(Assistant County Counselor) added: "I went back and forth with Pictometry's legal counsel and we exchanged three (3) drafts. Instead of using our standard Terms and Conditions, as is often the case with technology agreements, we used the vendor's standard Terms and Conditions. Technology agreements are different in terms of intellectual property protections and things of that nature. The items that we could not agree on, based on the opinion of the County Counselor's Office, were (1) there is no termination provision that allows the county to terminate this contract in the event that we need to (2) the limitation of liability is very low. We do not own the images, which I'm not sure is standard practice in the industry. I know it is common and standard practice for Pictometry and (3) they will not incorporate the RFP in the response as part of the contract, which we often do because that is what they have placed their bid on and we use that as the scope of work in determining whether or not they fulfilled their agreements. They were unwilling to give on any of these provisions, so that was the reason for the opinion. Whether or not to go with this vendor is not a legal decision, we just wanted you all to be aware."

David Spears stated: "I'm going to listen to Legal Counsel's advice and my opinion would be that we table this until our legal department is satisfied. If our legal department is not satisfied, I will not be voting to approve this. I will make the motion that we table this item."

Bid Board unanimously agreed to table this item.