

**4. 2018 STREET APPEARANCE DODGE CHARGER -- FLEET MANAGEMENT**

**FUNDING -- DODGE CHARGER**

(Request sent to 25 vendors)

RFB #18-0038 S/C #8000126846

	Landmark Dodge Inc.	Parks Motors	Davis-Moore Automotive, Inc.
	Unit Price	Unit Price	Unit Price
2018 Street Appearance Dodge Charger	\$25,160.00	<b>\$25,180.00</b>	\$25,708.00
Delivery Date	Must order by May 17 or 18	<b>90 days</b>	10-12 wks
No Bid	Marshall Motor Co., Inc.		

On the recommendation of Joe Thomas, on behalf of Fleet Management, Tom Stolz moved to **accept the bid from Parks Motors in the amount of \$25,180.00**. Talaya Schwartz seconded the motion. The motion passed unanimously.

**Vehicle being replaced:**

3826 - 2012 Chevy Impala      2G1WD5E36C1186871    Points – 16.3    Mileage - 149,836

This is a replacement vehicle for the Sheriff's Office. Surplus vehicle will be sold on Purplewave, Inc.

***Questions and Answers***

Linda Kizzire: Where is Landmark Dodge located?

Joe Thomas: Independence, Missouri.

Linda Kizzire: On their delivery date they don't have a specific number of days or weeks? It just says must order by May 17<sup>th</sup> or 18<sup>th</sup>. So is there an approximate delivery date on that?

Joe Thomas: I think they just responded with the May 17<sup>th</sup>, 18<sup>th</sup> and will have to check into that. I don't remember if they had a delivery date. I'll get that information for you.

Linda Kizzire: Once again I just want to state that Davis-Moore Automotive Incorporated pays \$251,936.31 for that one car dealership. The difference between Landmark Dodge, Inc. and Davis-Moore is \$548.00. Once again I feel that it really is poor service that we are doing to the people in our community that pay taxes not only on their dealerships but their employees pay taxes to Sedgwick County, the owners of the businesses pay taxes to Sedgwick County on their homes and their personal vehicles and I just want that out there. I think that we need to relook at purchasing locally when we can, and Parks Motors they're located in Augusta they pay a lot of Kansas' taxes, no taxes to Sedgwick County, but it's a \$20.00 difference and I really think we need to look at a local option preference.

Tom Stolz: Mike, does this Board have the authority and ability to award this outside of the low bid, according to Charter 68?

Michael Fessinger: I anticipated this, I'm taking a look right now I believe that you can do what you think is best. So if you wish to put forth a substitute motion to take an alternate option you may do so.

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Tom Stolz: Without violating Charter 68?

Michael Fessinger: I do not believe you will be violating Charter 68.

Joe Thomas: Charter 68 states, best value or low bid meeting specification, so I would agree with Mike at this juncture.

Linda Kizzire: I would like to make a substitute motion.

Tom Stolz: We haven't had any motion yet, would you like to make a motion?

Linda Kizzire: I would like to make a motion, that we accept the bid from Davis-Moore Automotive, Inc., in the amount of \$25,708.00.

Talaya Schwartz: I'd 2nd.

Tom Stolz: I have a motion to 2<sup>nd</sup>. Colonel Powell?

Richard Powell: I clearly understand the Treasurer's intent and actually agree with her to some extent of purchasing on local basis. I wonder if today is the proper time and venue to discuss this, even though we may have the ability to do such select the vendor other than the low bid. Are we setting a new standard today that there will be a future expectation of us doing the same thing again and again later on down the road? Or should we look at the all-encompassing direction policy versus a one-time decision?

Talaya Schwartz: I support Linda's motion and I would slightly argue the fact that since they didn't give us a proper delivery date, we could use the 10 to 12 weeks to say that will give us a better approximation of when we would actually have the vehicle. But I do want to make a slight adjustment, Linda stated that it was about \$20.00 difference and it's actually about \$548.00.

Linda Kizzire: No, I said Parks Motors was \$20.00 difference and David-Moore Automotive, Inc. was \$548.00.

Talaya Schwartz: Oh, right between the two of them.

Joe Thomas: Charter 68 states lowest and best bid or best value selection. If you have a protest from Landmark Dodge, Inc., we need to be able and willing to state what that best value selection is. It does set a precedent without a local preference policy. We need to anticipate that you will possibly receive a bidder protest. What do you think Mike?

Michael Fessinger: I got a more definitive answer. I agree with Joe's reliance on the charter you may select the best value selection, given that Davis-Moore Automotive, Inc. has given you an arrival date, we're not certain we have one from Landmark Dodge at least at the moment, I think we could rely on that alone to take the higher bid. But at the end of the day, it's this Board's judgment as to what the best value is and that term is served ambiguously in and of itself, so you could rely on that facet of our charter to take any one of these options.

Tom Stolz: Is it a value to have a vendor close to service these vehicles during their warranty period?

Richard Powell: When it comes to vehicles any authorized Chrysler Dodge dealer is going to service in the same manner regardless of where it was purchased or where the dealer is located. Now there may be some minor differences based on their capacity and response time, but as far as the level of service we would normally make the assumption they would be equal from dealer to dealer to be part of their business as a vendor for Chrysler Dodge.

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Joe Thomas: I agree with Colonel Powell, normally we've never had a problem with these dealers in the past. Missouri dealers are able to use a local dealer for service. The other issue we might run into because this date is not mentioned is that it could be considered a bidding irregularity not that they did not meet the specifications. Then you have the issue of Parks Motors saying if you're going by the date, I've got a cheaper price and you're talking about 90 days versus 84 days. How do you justify Davis-Moore? What is the formula for 6 days being valued at \$500.00 or \$600.00? We have to be very careful, we are getting into grounds that can create protest from all levels if we picked the highest bidder.

Talaya Schwartz: For Joe and Mike, this conversation has come up a lot, here at Bid Board and with BoCC. If we wanted to request to amend the Charter 68 to be able to allow priority for local bidders, would that be doable? Obviously it won't happen today but...

Michael Fessinger: I will have to give you a hard maybe on that just because I haven't looked at that issue. I would hate to have to give you a definitive answer on that. No, Charter 68 is our internal county policy, to an extent we decide what that policy is as long as we don't run afoul to Kansas' law. So I don't have a definitive answer for you on that.

Tom Stolz: Let me step back just a minute. This is an RFB? The B part of that, the Bid part of that gives us some flexibility to factor in that we don't have to automatically take low bid.

Joe Thomas: P is better than the B. This is a B, Bid. P, Proposal gives you more leeway than a Bid.

Tom Stolz: But even Bid we have the Bid...

Joe Thomas: The only language leeway is the differentiation between lowest and best bid because they all meet specification or best value. Now since we didn't necessarily put the criteria, what we considered best value in the bid itself, I guess we can make this judgment here. But you have to justify what is the best value. It would be fair, if we're going to go strictly on the date and we consider this a bid irregularity, to ask Landmark Dodge, Inc. when do you anticipate delivery? Now say they come back and say 200 days then we say the best value in this sense is that we have Davis-Moore Automotive, Inc. or Parks Motors is going to be there so many days less. Does this make sense?

Tom Stolz: Yes it does. But when we put the Bid out we asked for, that was one of the things that we asked for delivery date right?

Joe Thomas: Yes.

Tom Stolz: And provide it?

Joe Thomas: We've had times in the past where we've had a delivery date depended on the order date. They may be depending on the manufacturer based on when they get the order that's another factor. They should of given an approximate date.

Michael Fessinger: And to the Board, I would only just mention one more thing. The Bid Board is constrained more than the Board of County Commissioners, in approving this the Board of County Commissioners has more freedom but I believe Charter 68 language that they can do whatever they think is necessary. So a safer route maybe to take Purchasing's recommendation at this stage knowing full well that the Board of County Commissioners has more degree to exercise their discretion to change that purchase.

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Tom Stolz: Based on what Joe said, I was going to throw a counter motion out there that we accept the bid from Parks Motors. First of all it's part of this Board's job and ultimately the Commission's job to make sure we do the best for the taxpayers and \$20.00 for a true out-of-county but at least a State of Kansas vendor. Who has a very competitive delivery date of 90 days versus 10-12 wks, it's about the same. I don't see any other value difference between these two bids so I would make a counter motion we accept Parks Motors bid, almost a wash on cost and we got a definitive delivery date. I made a motion is there a second for that counter motion? Is that right?

Michael Fessinger: Correct

Talaya Schwartz: I would 2nd the motion.

Tom Stolz: Now we have a counter motion times two.

Richard Powell: I believe that the counter motion is voted on first.

Tom Stolz: So we will vote on the counter motion. Let's vote on the counter motion first.



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