

**CITY COUNCIL SPECIAL MEETING  
NOVEMBER 28, 2017 – 6:30 P.M.  
IONA COMMUNITY CENTER**

**PRESENT:** Mayor Brad Andersen, Council President Dan Gubler, Council Member Rob Geray, Council Member Dan Garren, Council Member Kathy McNamara, City Clerk Shara Roberts, and Public Works Director Zech Prouse.

**ABSENT:** Chief of Police Karl Bowcutt and City Attorney Dale Storer.

**VISITORS:** Marvin Fielding.

**Approval of Engineering Services for Water System Improvement Project:** Mayor Andersen opened up the meeting by explaining the selection committee would be going over the ranking documents for the Engineering Services proposals for the Water Tank Project for a second time to provide clarification. He summarized by explaining the first time the rankings were completed on November 21, 2017 there appeared to be a mathematical error in regards to the total sum of rankings which could have resulted in the incorrect firm being selected. Initially, it was thought Forsgren and Keller tied by the lowest sum of rankings, but the committee then selected Forsgren Associates based on who received the most #1 rankings. At completion of the meeting, himself and Council Member Geray noticed a mathematical error of one in regards of the total sum of the rankings, and felt scheduling a follow up meeting to notify the rest of the selection committee of the error was important. Mayor Andersen asked if anyone else from the selection committee had any other comments.

Council Member Garren explained he was under the impression based on the discussion he remembers the selected firm was going to be based off of the summation of rankings, which makes the math error important as it changed the outcome. The intent of this methodology was to keep biases out of the overall outcome. However, he expressed he listened to the recording from those meetings and asked Clerk Roberts to do the same. His overall summarization of the meeting matched with hers. Mr. Hendricks laid out very clearly in the beginning of the meeting the firm who received the most #1 rankings would be the firm the Council would begin negotiating a contract with. He outlined those same ground rules at the closing of the meeting. Somewhere along the line the selection committee instructed Clerk Roberts to do the summation of those rankings. Based on Mr. Hendricks directions, the firm who received the most #1 rankings is Forsgren Associates, and that process should be honored.

Council Member Geray expressed he also listened to the recordings and during minute sixteen he discussed the methodology of the lowest combined score of the rankings. His vision was to take the lowest total ranking to provide a better overall consensus of the group, such as a game of golf. This would have helped alleviate the issues of a split panel. He further expressed he didn't have an issue using the most #1 rankings as the second criteria only after they were under the impression there was a tie between Forsgren and Keller on the total lowest combined score of the rankings. Additionally, the Council never documented what the methodology process would be for ranking firms in the Design Professional Services Resolution even though Idaho State Code indicates a procedure for how they are to be ranked should be outlined. As a result, the selection committee is at a stage of disagreement on how the firms should have been ranked. From his

perspective, it should be awarded based on who received the lowest combined score of the rankings.

Council Member Garren agreed with Council Member Geray's methodology as it does provide more of a broadened consensus. However, Mr. Hendricks was asked by the Council to lead them through this process and he outlined the procedure clearly on the front end and on the back end. The selection committee wandered somewhere in between, and they need to respect the process put in place by Mr. Hendricks. From his perspective, it should be awarded based on who received the most #1 rankings.

Mayor Andersen expressed he went back and listened to the recordings from the meeting on October 25<sup>th</sup>, 2017 when the Council was working on finalizing the Request for Proposals (RFP) document. It was discussed during that meeting if one of the committee members gave a firm zero points it would result in them being knocked out of the competition. At that time, he thought the agreement was to not award based on total points, but further on in the meeting it is stated to go by who received the most #1 rankings. He agrees with Council Member Geray the criteria should have been formalized so the selection committee wouldn't be in the problem they are now.

Council President Gubler referenced the Design Professional Services Resolution which was passed by the Council in 2015, and stated it doesn't outline exactly the procedures. However, from his perspective it does imply the firm which receives the highest total points is the entity the City beings negotiating a contract with.

Council Member Geray disagreed and shared from his perspective it discusses ranking which is what matters because points just serve as a means to an end to establish a ranking. Especially, when all the engineering firms didn't receive a fair shake in the evaluation process because Council Member McNamara gave one engineering firm zero points.

Council Member McNamara expressed she had her reasons and didn't feel she needed to justify her evaluation.

Council President Gubler expressed the reason why points were used as part of the evaluation process is because that is what is recommended by the federal guidelines or required to establish the #1 ranking. Whichever firm received the highest points is the firm ranked as #1.

Mr. Hendricks explained the RFP which was published by the City indicated the proposals would be reviewed and ranked based on the four (4) twenty-five (25) point categories, and the City's resolution alludes to that same process. He discussed this with City Attorney Dale Storer who agreed the selection committee needs to follow the process according to the resolution and the published RFP. He recalls brief discussions about the tabulation of the rankings with the firm with the lowest score being selected, but he doesn't recall it ever being part of the process. However, the City does reserve the right with their published RFP document to reject any all proposals and start the process over. In closing, the motion which was made was accurate with the criteria of the process he outlined.

A representative from Keller Associates expressed they have submitted a lot of proposals over the years, and he has typically seen it done one of two ways. Either you take the total sum of the points and choose the highest ranking, or you take the total sum of the rankings and go with the lowest score (i.e. like a game of golf).

A representative from Forsgren Associates expressed he has never seen proposals based off the lowest total sum of the rankings.

Mayor Andersen thanked them for their input because it does show there are two different opinions on how to finalize the data, but the Council made the mistake of never formalizing their chosen process. In closing, with what Mr. Hendricks and the City Attorney's explanation and perspective, plus the formal motion which was already made he feels the selected firm should remain Forsgren Associates.

Council President Gubler suggested adding as an item of business at a future meeting to revisit the Design Professional Services resolution for the future to establish a more formal process since this has been a learning experience for the Council.

Meeting adjourned 6:54 p.m.

COUNCIL APPROVED: December 19<sup>th</sup>, 2017

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Brad Andersen, Mayor

ATTEST

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Shara Roberts, City Clerk