

## **Don't blame your commissioners - they were blind sighted**

Monday, March 24, 2008

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On Monday, March 17, at the meeting of the Legislative Body, County Commissioners tried their best to up hold their elected duties in regards to awarding a contract for the County Debris Removal. However, due to a biased presentation of the bids by Mayor Linville, they were left totally blind sighted.

A couple of weeks ago, Mayor Linville advertised for bid the county's debris removal. The bid package submitted to contractors was a mere copy of the City of Lafayette Debris Removal Project prepared by Professional Engineering Services (PES). There was no acting engineer for the project and PES' name had been removed from all bidding materials.

At his own discession, Mayor Linville presented 4 of the 7 bids to the commissioners; identified only as "A,B,C,&D".

The bid totals presented were results of the Mayor adding quantities to cubic yard line items and adding no quantities to the price each line items. (Example: quantities were not added for cost of each stump removal) Adding the quantities resulted in Ward Construction who was the lowest bidder at day of opening (Wards total bid at day of opening was \$57) being moved to third place and Asplundh who was in 5th place at day of opening being moved to lowest bidder (at day of opening, Asplundh's total bid was \$10,754.). Several Commissioners have stated that in the past, bids had never been voted on in this manner. Commissioners had always been given the opportunity to review all data; bid specs, amounts, name of contractor, contractor's credentials, ECT... They way it was presented to them with no more than a five minute discussion, led the commissioners to believe that were doing what was best for Macon County.

I, Bobby Ward, Owner of Ward Construction (a local contractor located in western-end of Macon County) attempted to address Mayor Linville at the meeting, explaining: The bid package was submitted to contractors with no quantities listed. Ward Construction contacted Mayor Linville numerous times up until the opening of the bid inquiring about quantities and addendums. Linville instructed Ward to bid, "As is -- with no quantities". This being said puts me in mind of the Gunsmoke episode where Festus asked Doc, " I wonder if the who wrote the reading, can read the writing he wrote?"

The bid specs clearly state that should a bidder in preparing his bid find anything necessary for

the construction of the project that is not mentioned in the specs, he shall notify the engineer so that such items may be included or corrected. Ward continued trying to explain that a contractor structures his bid based on quantities. Costs are placed either high or low pending on the quantities. The Mayor's defense was that it should not matter if the quantities are 100 or 1,000; the price submitted is the bid price. Quantities added by the Mayor had no physical data to support them and he only added quantities to five of the ten line items!

This caused all contractors' bids to be totally restructured with both a biased and a bogus total. Commissioners thinking that were voting in favor of the true lowest bid resulted in a Pennsylvania Contractor named Asplundh being awarded the Macon County Debris Removal Contract.

I have made requests to the Mayor to obtain a copy of the bid tab (a printout of each bidders price per line item). He has refused to release this item that is public record. At the bid opening Asplundh did not even qualify in the top 4 lowest total bidders. This confuses the other bidding contractors about the criteria that the Mayor had set forth for the Commissioners to vote on.

Mayor Linville has gone on record with local media sources stating that the debris removal contract is a "done deal" and would not be brought before the commissioners again.

The Macon County Government Website directly states the following is the role of the Macon County Mayor: "The Mayor leads not by authority given by law, but by the authority given through respect of the County Commission and the various offices representing Macon County. The general public thinks the County Mayor is in charge of the whole county. This is simply not true. The County Mayor must listen to all people and all groups; the general public, the County Commissioners, the elected county officials, county employees, business leaders, the Chamber of Commerce, industry prospects, officials from State of Tennessee and the U.S. Government, representatives of local businesses, officials from neighboring counties, etc.

He or she must carefully weigh what everyone is asking for, and he or she must be a leader in making sure the right things happen, in a fair and honest manner, to insure the continued growth and prosperity of Macon County and its citizens.

If myself, or any another, qualified local contractor had been awarded the contract; Macon County would have benefited in several ways; both the employment and sales tax. Persons who work and live in Macon County will spend their money in Macon County. It is important to remember when hiring a local contractor: the State will pay 12.5%, the County will pay 12.5%,

and FEMA will pay 75%. Hiring a local contractor will place approximately 40% back into the county. Based on the awardees pricing, Asplundh cannot pay local contractors a competitive wage. Their bid is structured using their own equipment and employees; reminding you these are not locals.

Per Mayor Linville's radio announcement, Asplundh is scheduled to begin work in the Williams Community on Monday, March 24th. The bid spec states that the project can be stopped or terminated at any time for any reason or no reason. Based on the above and following information, I would like to urge all concerned Macon County citizens to contact Mayor Linville and their county commissioners to request a "Special Call Meeting" (Commissioners names and phone numbers can be obtained from The Macon County Government website or your local news source.) A "Special Call Meeting" will give your commissioners the opportunity to review all data this time.

Bid Specs of the County's Debris Removal Project for citizens and commissioners to consider are:

The Contract will be awarded to the lowest responsible bidder. (Ward Construction was the lowest bidder at the day of opening)

Quantities and Measurements indicated in the bid agreement form are for bidding and contracting purposes. (Reminder—there were no quantities in the bid package).

In case of discrepancy, the correct total bid will be considered to be the sum total of amounts bid for all items in the PROPOSAL. The correct amount bid for each item will be considered to be the correct product of the quantity listed in the Proposal for the said item multiplied by the unit price bid.—This supports Ward Constructions being the lowest bidder at day of opening.

Award of contracts: the contract will be awarded to the lowest responsible bidder. (Local Contractor, Ward Construction was the lowest bidder at the opening.) The owner will award the contract to the company that best meets the urgent needs of the county.

Guidelines set by FEMA to be considered; FEMA suggests the following:

It is important to hire local contractors; if possible.

Stimulate the local economy by using local contractors.

State and local governments are encouraged and EXPECTED to pre-qualify local or regional debris removal contractors. (The commissioners were not given the opportunity to do this.)

FEMA's Debris Removal Provisions Checklist states:

Requirement that all contract amendments and modifications be placed in writing. (Mayor Linville did not place the quantity changes in writing)

To ensure reasonable debris removal costs, debris removal contracts are to be awarded based on unit price. (Ward Construction had the lowest total price at the bid opening.)

FEMA's Avoidance Checklist:

DO NOT Award a debris removal contract on a sole-source basis. (The only basis that the commissioners were given was biased totals created by Mayor Linville)

DO NOT Sign a contract until it has been thoroughly reviewed by your legal representative. (The commissioners were not given this opportunity)

Thank you,

Bobby L. Ward

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Owner – Ward Construction  
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