

MINUTES

The Spalding County Board of Commissioners held a Special Called Meeting in Room 108 of the Courthouse Annex, Monday, September 15, 2014, beginning at 5:00 p.m. with Chairman Samuel Gardner presiding. Commissioners Raymond Ray, Gwen Flowers-Taylor, Rita Johnson, and Bart Miller were present. Also present were County Manager William P. Wilson Jr., Jim Fortune, County Attorney, Jinna Garrison, Administrative Services Director and Kathy Gibson, Executive Secretary to record the minutes.

- I. OPENING (CALL TO ORDER)** led by Chairman Samuel Gardner.
- II. INVOCATION** – led by Chairman Samuel Gardner.
- III. PLEDGE TO FLAG** – led by Commissioner Bart Miller.
- IV. NEW BUSINESS:**

Review and Discussion of Information Technology Managed Services Request for Proposals.

William Wilson, County Manager, stated that an RFP timeline has been prepared and a copy was sent to the Commissioners for review. The timeline reflects the activities beginning on June 30th through September 5th taken by the staff with regard to the IT Managed Services RFP.

Mr. Wilson advised that The RFP was developed within the dictates of the County's Purchasing Policy, it was advertised on the website, and it was advertised in the Griffin Daily News. Sealed bids were requested, bids were opened and we are at the point to where an evaluation committee will be evaluating the bids and making a recommendation to the Board of Commissioners for a contract.

Mr. Wilson stated that the RFP was developed by Mike Windham, who is our 800 MHz Communications Manager and he is the first point of contact for minor computer repairs that need to be made. From there it is escalated to Liberty Technology who is our current IT Managed Services provider. The RFP framework was obtained from a RFP used by an out of state government agency that was posted on their website. Our current IT Managed Services Provider (Liberty Technology) was then contacted to obtain the list of services they are currently providing to the County as well as the software and hardware support they are currently providing.

Mr. Wilson noted that not every county facility is on this RFP in that some of the county offices contract their own IT services. The main part of the RFP covers the annex offices where we house the computer system for the tax assessors' office, for all financial accounting, human resources and the fire department. As you know the elected officials have their own systems and they have contracts in place to maintain those systems. Sylvia Hollums has a contract with Expert Computers and the State of Georgia as their computers and printers are provided by the State. The Sheriff's Department has their own in house IT person, they also have Spillman Technology, which is the software they use. The Clerk of Court utilizes Tyler Technology, the Probate Court uses a system that was developed for that court. There are many systems utilized by the county governmental offices.

Mr. Wilson reiterated that the IT Managed Service RFP is ready to be reviewed by an evaluation committee and for recommendations to be made to the Board of Commissioners for consideration on a future agenda. At that time, the Board would vote on a contract for Managed IT Services.

Commissioner Flowers-Taylor inquired as to how Liberty Technology became the vendor to handle the Managed IT services for the County.

Mr. Wilson stated that prior to Liberty Technology handling the Managed IT services, we had an in house IT person, located in the Annex Building. Marvin Brown handled all of the IT services for the annex. The Fire Department's computers were being maintained by fire fighters who had knowledge in the area, but we had no one who actually maintained that system. In 2011, the Fire Department system crashed and all of the computers went down at one time. Liberty Technology was called in to handle that emergency crash of the system and worked through the weekend and into the following week to get the system back up and running and were able to restore most of the data.

Commissioner Flowers-Taylor then asked if IT services was awarded through a bid at the time Liberty Technology received the contract for County services.

Mr. Wilson stated that until the most recent Purchasing Policy was adopted by the Board of Commissioners that professional services were not bid out. All purchase of hardware and software have always been bid out; however professional services were not required to go through the bidding process.

Commissioner Flowers-Taylor then inquired as to who made the decision to award IT services to Liberty Technology at that time.

Mr. Wilson advised that he made the decision to contract with Liberty Technology and he was authorized to do so as it was directly affected the day to day operation of the county. Our history with Liberty Technology started with their immediate response to a system crash and data loss at the fire department.

The County had purchased Gorie Regan software for our time an attendance system and we were experiencing major problems with connectivity with the system and getting the software to work. Mr. Brown, our internal IT person, had been unable to get the software up and running, so again we called on Liberty Technology to assist us with implementing this software and they helped us work through the implementation and that is how the process evolved.

Commissioner Flowers-Taylor then inquired as to who prepared the RFP when we went with Gorie Regan for the time and attendance software.

Mr. Wilson advised that the software was purchased in 2010 when he was not the County Manager. The system was not working correctly when I returned to the county in 2011 and I asked Liberty Technology to come in and get the system up and running as Mr. Brown had not be able to do so.

Commissioner Flowers-Taylor asked that Mr. Wilson look into who wrote the RFP for the contract for the County. Commissioner Flowers-Taylor then asked Mr. Wilson to continue with the history he was relaying to the group.

Mr. Wilson advised that when he returned to the County in 2011, we were paying an IT person who was having to rely on outside vendors and

contracts to maintain the county's computer systems. It was determined outsourcing the IT Services would be more economic than maintain a full time positions and having to outsource services. The board of commissioners voted in 2011 to outsource the County's 2012 IT services for the annex and the other facilities and that is how we have been operating since that time.

Commissioner Flowers-Taylor then asked how much of the \$500,000 paid to Liberty Technology had been for IT Management services.

Mr. Wilson advised that the request had been for the total amount paid to Liberty Technology since becoming our IT Managed services provider. The information provided by the Finance Department was not broken down to include a total for managed services versus the purchase of equipment. Mr. Wilson stated that the list provided to the commissioners includes any and all payments to Liberty Technology. Mr. Wilson also advised that any hardware or software purchases awarded to Liberty Technology had gone through the appropriate bid process as required by the county's purchasing policy. Mr. Wilson further advised that he would break down the list and provide the portion for IT Managed Services if that is the request of the board.

Mr. Wilson reiterated that the Managed IT Services was only for this building, the CI, Board of Elections, 911, Public Works, Fire Department and Juvenile Probation. Equipment was purchased for all departments. All of the equipment was bid out. Since we adopted the Purchasing Policy earlier this year there have been three bids received for all purchases of computer hardware and software.

Commissioner Flowers-Taylor asked for clarification on the Managed IT services and why they weren't bid out in 2011.

Mr. Wilson advised that until the current Purchasing Policy was adopted earlier this year professional services whether it was for engineers, surveyors, lawyers and IT were not bid out.

Commissioner Flowers-Taylor then restated for her understanding that prior to 2011 the county manager did not have to bid out professional services at all.

Mr. Wilson stated that her understanding is correct.

Commissioner Johnson asked for clarification on why we went from a full time employee for IT services to outsourcing the IT services.

Mr. Wilson stated that Marvin Brown was the Information Systems Manager for this building. Mr. Brown handled Human Resources and the software, he handled Accounts Payable and the software, Community Development and their software programs, Tax Assessors. Everything in this building Mr. Brown was charged with maintaining. In 2009, we bid out the computer system and moved from a mainframe (UNIX based) system to a Windows based operating system. In late 2009 that system was purchased and implementation was started in 2010. Mr. Brown's expertise was in the mainframe/UNIX environment not in the Windows based environment.

Mr. Brown did not have the knowledge or expertise, so when we purchased the system we also purchased managed IT services from Dell, Emerald Data and some other vendors who had actually installed the system for Dell. The county paid for hours of service from these vendors to assist Mr. Brown in

the transition and to help him get up to speed with the Microsoft operating system. Mr. Brown experienced problems working in the Microsoft environment, so the county had to continue to budget for those managed IT contracts every year. The managed IT services were being provided from vendors in Atlanta.

During the Budget Process in 2011 it was determined that Mr. Brown was functioning essentially as the report the problem person and the actual IT services were still being handled by the vendors in Atlanta. It was decided, at that time to eliminate the full time position and totally outsource the managed IT services.

Commissioner Flowers-Taylor then asked the rationale for the selection of Liberty Technology for the managed IT service contract.

Mr. Wilson stated that Liberty Technology had been engaged by the county in 2010 when he was not here and Ms. Beams, who was with the county at that time informed Mr. Wilson that she had spoken to the Board of Commissioners the previous year about going to a managed IT service and had contacted Liberty Technology at that time.

Mr. Wilson stated that his familiarity with Liberty, their professional staff, their knowledge of technology and the way that they managed their business, coupled with the fact that he had to call them into the Fire Department on a Friday afternoon when their server crashed. Liberty sent technicians in, they worked through the weekend and into the early part of the next week making sure that operations continued while they fixed the problem. The problems the county had experienced with non-local managed IT and the response given when the Fire Department needed them is why Liberty Technology was contracted with at that time.

Commissioner Flowers-Taylor then asked Mr. Wilson to again break down how much was paid to Liberty Technology in 2011.

Mr. Wilson stated that the request had been for the total paid to Liberty, not what was paid for managed IT services, so the amount for the IT Managed services had not been broken out. He then stated that in fiscal year 2011 the total paid for all services and hardware/software was \$24,242.97, 2012 (\$189,000), 2013 (\$173,000) and 2014 (\$108,000) and FY2015 to date (\$22,000.00). Ms. Garrison has included the Vendor Activity Report and we can go through this report line item by line item and determine how much of these totals was for equipment and how much was for services.

Commissioner Flowers-Taylor asked for clarification on the Purchasing Policy and under informal bids it states that at least 3 informal bids should be obtained for the purchase of materials, equipment or supplies which are estimated to cost from \$10,000 to \$20,000. She asked, prior to adopting this policy, what were the numbers in the informal bid area.

Mr. Wilson stated that he did not recall and he would have to go to the old Purchasing Policy and get back with the board.

Commissioner Flowers-Taylor stated that the reason for the question and her concern is there are a number of items under \$10,000 in different departments where the items were purchased two at a time or three at a time, but in smaller increments than \$10,000. She stated that her concern is that if there are a number of one item to be purchased in a year, why can't the total number of items be purchased at one time.

Mr. Wilson stated that with computer technology changing so quickly and with the items being requested by different departments at different times, it is more prudent to purchase the items as they are needed. He stated that if a department anticipates the need for new computer equipment they budget for the need; however, if the computer, printer or other equipment doesn't have to be replaced, then that money stays in their budget and is not utilized. The practice has been to budget for the items and only purchase the item when it is needed, this practice prevents the department from having to come back before the board to ask for the equipment. If the equipment needs to be purchased there is money budgeted, if it isn't needed then the funds remain in the budget. Mr. Wilson further stated that the purchases were made on an as needed basis, we did not try to circumvent the Purchasing Policy.

Mr. Wilson further stated that every purchase requisition of equipment that is submitted by a Department is accompanied by three (3) bids which are verified by Terri Bass in the purchasing department. Ms. Bass will calculate the 5% local bidder preference and awards the bid to whomever is the lowest including the 5% local preference.

Commissioner Flowers-Taylor stated that during the budgeting process if it is determined that between all of the departments in the County, there will be 20 computers purchased in a fiscal year, why would they not be combined and bid out all at one time. Commissioner Flowers-Taylor further stated that if all of the computers were the same kind of computer it would be easier for the system to be managed or for it to be able to network with the other computers we are currently have in place already.

Mr. Wilson stated that we do not try to purchase all of the computers at one time, we allow the departments to purchase, as the need arises. Just because you have a computer in your budget doesn't mean that you automatically get it July 1, you still have to justify that purchase at the time you make the purchase. He stated that we could bulk purchase like the State and buy computers whether we need them or not, but that is not the theory on which the county operates.

Commissioner Flowers-Taylor stated that she feels that purchasing the computers in this way does not allow the commissioners to keep tabs on how we are spending and what we are spending and whether or not we are being frugal and good stewards of the taxpayers' money because of the way it goes out.

Chairman Gardner stated that he didn't disagree with Commissioner Flowers-Taylor with regard to the group purchasing when it is logical, but from his experience as a department head within Spalding County, you budget items that you anticipate that you may have to replace during that budget year. You are not saying there is an immediate need. When budgeting we would put XYZ in the budget because we knew the equipment was getting old and there is a possibility it would have to be repaired or replaced during the budget year it is more prudent for me to put it in the budget and if we don't have to buy it that is good, it can then be put into the next year's budget. If the item does wear out then you don't have to come before the County Managers or the commissioners and say I'm sorry, I just didn't know it was going to wear out. Chairman Gardner stated from the perspective of a department head he understands what Mr. Wilson is saying.

Chairman Gardner stated that he is in favor of group purchasing on items that can effectively be used as part of a group purchase, but I don't think that we should purchase a hundred XYZ and get a price on a hundred and

find out that we only need 35 during the year then we are going have to pay the vendor because we got a good discount because we said we are buying a hundred.

Commissioner Johnson agreed that it would cost more in the long run.

Commissioner Miller stated that it was a possibility that the technology would be out of date before you could use them.

Commissioner Flowers-Taylor then stated that if during the budget there were departments who expressed a need for a computer at some point you need to look at how many computers could be group together and purchased at one time. If there are 30 people expressing a need or a computer, then you need to find out who really has something that it on its last leg. Commissioner Flowers-Taylor stated that she is not comfortable when she looks at all the individual bids for computers and software and they all don't meet the threshold of having to have a bid made for them.

Commissioner Miller wanted to know why the requirements for a County RFP are different from those for the Tax Commissioner. Commissioner Miller referenced a correspondence he received from Expert Computers stating that: one of the reasons we are not bidding is we do not meet the specific requirements of the RFP that has been released by Spalding County. He wanted to know what the differences were. Commissioner Miller stated that Expert Computers states that they service Butts County and Merriweather County. He wanted to know what the differences are in what would be required by the Tax Commissioner's office and the requirements for the annex offices.

Mr. Wilson stated that one of the differences is that the Tax Commissioner doesn't have an email server, we have an email server. Every computer system is different, although all of them are working on a Microsoft Windows platform there are different hardware and software that is department specific that is contained within the annex, fire department, CI, public works, human resources, and the other departmental systems. We have GFI email archiving, we have numerous anti-spam filters, we use Apple equipment, we use Lenovo equipment, we use CISCO equipment and we want someone who can work on and is a certified CISCO provider because they know more about the CISCO systems. Expert Computers did not indicate which criteria they did not meet and they chose not to submit a bid.

Commissioner Miller agreed, he would like to know what criteria they were saying they did not meet and he would like to know what the difference would be.

Mr. Wilson then stated that what we did was bid out for the services the county is receiving now. We received responses from six vendors who were able to meet the criteria for the services we are currently receiving.

Commissioner Miller asked how many of the responding vendors were from Spalding County.

Mr. Wilson advised that there was one vendor from Spalding County.

Commissioner Flowers-Taylor then referenced the letter from Expert Computers and a statement that this company felt like the RFP letter and Mr. Wilson confirmed that the RFP was based on the services that the county is receiving. Commissioner Flowers-Taylor stated that she thinks that Mike Windham does a great job with the 800 MHz system but she

wanted to know what kind of formal training that he has that would make him a computer expert in these other areas.

Mr. Wilson stated that Mr. Windham does not have to be a computer expert, that he is the first point of contact for the computer user when they have a problem. Mr. Windham will go through the basics with the user, is the computer plugged in? Has the power strip gone bad? Is the mouse plugged in or if the mouse is wireless have the batteries in the mouse been replaced? Is the keyboard plugged in? Is the screen plugged in? Have you turned the computer off and let the system reboot. These are all first line of defense questions. If these items do not get the computer back up and running then the matter is escalated to Liberty and Mr. Windham is the initial point of contact through which matters are escalated.

Commissioner Flowers-Taylor then asked what qualifies Mr. Windham to be able to document in an RFP what the county needs if he doesn't know about IT Managed Services unless he asks the company that provides the services for us. Why wouldn't they tell you the stuff that they do already. Commissioner Flowers-Taylor stated that the company who sent the letter stated that the RFP appeared to be written to accommodate our current vendor and she felt like everything in the process should be crystal clear and this simply does not look right. Commissioner Flowers-Taylor stated that she does not have a problem with us having a managed IT service, but she is uncomfortable with the fact that services currently provided are being provided by the individuals where were Mr. Wilson's employer directly prior to the his coming back to work for the county. Commissioner Flowers-Taylor stated she feels like that is a conflict of interest and then when she hears that it was the County Manager's decision to hire this company that worries her as well. As a taxpayer and as Commissioner, she feels that these concerns should be looked at and make sure that our process is more transparent, it's more justifiable and is more accountable. Those are the concerns that were expressed with the County Manager being involved in the bid process.

Chairman Gardner then stated that Mr. Wilson came to him and stated that with everything that is being said and everything that is going on the he did not need to be a part of the IT bid process any more. He stated that we to need to find someone else in the county or someone else to do it and that is why he sent out the email to the commissioners. Chairman Gardner stated that Mr. Wilson came to him and wanted to remove himself from the process.

Commissioner Flowers-Taylor stated that the conversation was something she felt like he should have realized several years ago; however the individuals he wanted to appoint, Mr. Windham who we know doesn't have the expertise to know whether or not the criteria that someone else provided is correct or what we need.

Chairman Gardner then asked if there was anyone else within the county system that she would like to see put on the committee. Chairman Gardner stated that he was open for suggestions.

Commissioner Flowers-Taylor then stated that she didn't know of anyone, as far as she is aware, we do not have an expert, but we can go an hire an expert when we need someone to do an investigation, we can hire an expert when we need someone to tell us how we need to make the roads curve a certain way, we can hire an expert when we want to put up a 90' flag pole to keep it from falling over so why can't we contract to get an expert in this case to write an RFP for the IT managed services. That way, if the individuals who bid for it, bid on those criteria, then there is no question as

to whether or not they can provide those services and should they get it, it is based on their merits, not because they created the RFP.

Commissioner Gardner stated that it sounds like what you are saying is to spend more money to spend money. Commissioner Gardner then asked if we should use the bid process to determine who we will hire to do the RFP to make sure the RFP is correct.

Commissioner Flowers-Taylor stated that we have not been offered, as a board, the opportunity to discuss this because this has not been offered to us as something to discuss. She stated that we should spend more money to make sure that everything is transparent as we all agreed that it should be.

Chairman Gardner then stated that everything that we have done has been according to our policies and are in compliance with the open records for the State of Georgia. He stated that he doesn't know what else we could do to make it any more transparent.

Commissioner Flowers-Taylor stated that her concerns are the same as the concerns stated by the Expert Computer correspondence that the RFP was written to accommodate the current vendor, based on the services that they provide. There may be something that the county may need that someone else could have provided for this RFP.

Mr. Wilson stated that if the RFP had been written too strictly, we would not have received six responses.

Commissioner Flowers-Taylor then stated that we might have gotten 26 had the RFP not been written so strictly or had it been written differently.

Commissioner Ray then stated, the question is what we are going to do on this RFP. Are we going to hire someone to come in and look at the RFP, do we want to review it in house on our own and then make the judgment as to whether the RFP is valid, if the bids are valid, and then we go from there. Or do we kick it all out and start over?

Commissioner Johnson wanted to know what kind of time we are looking at, what is the timeframe for this decision. I know we are under the gun at this point.

Mr. Wilson stated that the only thing that we are under the gun for at this point is we said that we would have the RFP reviews and present the findings to the board at the meeting on October 6. Mr. Wilson stated that we can throw the whole process out and start over, but there is no indication that you will be satisfied with the RFP written at that time.

Mr. Wilson stated that he had put out a request for an RFP on the County Managers' list serve and asked if anyone had a managed IT proposal. There were 20-30 people who responded and forwarded copies of their RFP's. We took those 20 copies and blended them together then Mr. Windham went on the internet and found an RFP from out of state. He liked the way it was worded, he then put in the services that the county is receiving now on a 24-7, 365 days a year basis, backups etc. and it was distributed to possible bidders.

Commissioner Flowers-Taylor then accused the County Manager of writing the RFP with the assistance of Liberty Technology.

Mr. Wilson stated that he did not write the RFP, Mr. Windham wrote the RFP and that he proofed the copy before it was released for bid.

Commissioner Johnson then asked what she suggests.

Commissioner Flowers-Taylor stated that we should put it on hold and wait to make sure that we get an RFP that would meet our needs and would like to get an explanation from Expert Computers on why they feel that the RFP was written for Liberty Technology. Commissioner Flowers-Taylor stated that she would like in the future for the Board to be notified of RFP's when they are released for bid.

Commissioner Ray stated that during the budget process this year the commissioners discussed this RFP and that is why the RFP was issued.

Commissioner Flowers-Taylor then stated that if the other members of the board do not have a problem with the way this looks, if they don't have a concern about the questions that have been raised by Expert Computers and they don't have a problem with the fact that the person who wrote the RFP for these services was aided in getting their information from one of the vendors who is bidding services, then she has verbalized her concern and she is only one vote. She then stated that if anyone else has a concern that she feels that we should do something different.

Commissioner Ray then stated that he understands that there are issues with the bid and there are issues with the RFP, but that is coming from a vendor who was going to bid and then didn't because they determined that they were not qualified to bid. He proposed that we look at the bids that we have received, since we do have six vendors who have submitted bids for the RFP. We should evaluate the RFP and if it turns out be worthless, we go back in and we redo the RFP and then we rebid. Commissioner Ray stated that he does not believe that any one vendor should have the power to come in and knock out our RFP process and our bidding process because they are unhappy. He stated that the process should have a beginning and a conclusion and once the conclusion has been reached and the facts have been reviewed, then we can negate this RFP if that is necessary and the bidding process can start over if that is necessary.

Commissioner Gardner then reminded everyone that if we continue the process, the bids are opened and reviewed, the recommendation still has to come back before the board before the contract is awarded. Commissioner Gardner reminded the board that the decision is still up to them, the bids have not even been reviewed at this point.

Commissioner Flowers-Taylor stated that what she was hearing is that Commissioner Ray is okay with the way that the RFP was created, you don't feel like there is a conflict of interest because the RFP was created by someone that William assisted in making sure that it was done correctly and this is someone who was William's past employer.

Commissioner Ray then stated that he was not going to allow Commissioner Flowers-Taylor to put words in his mouth. He then stated that every commissioner on the board understands that Commissioner Flowers-Taylor has issues with the County Manager and you try to point out the issues at every possible opportunity. With that being said, if you look for evil and devils around every corner, you are going to think you see it. He stated that he did not believe that Mr. Wilson worked with his previous employer to develop this RFP, he stated that that is an innuendo that you are making to try to prove your point.

Commissioner Ray then said that he believes we should continue with the bid process that we have, if we are happy with it that we use it, if not, then we kick it out. Commissioner Ray further stated that he does not feel at this point in time that anything has been done illegally, that anything has been done immorally or unethically.

Motion by Commissioner Flowers-Taylor to delay the bid process to give the board an opportunity to look at the information regarding the RFP and have someone other than parties with an interest in the bid to make sure that the RFP meets the requirements of the county.

Jim Fortune, County Attorney, then asked Commissioner Flowers-Taylor to clarify if her motion was to table the RFP for an indefinite period of time.

Motion/Second by Flowers-Taylor/Johnson to table the IT Managed Services RFP for an indefinite period of time. Motion carried 3-2 (Ray/Gardner).

VI. ADJOURNMENT

Motion/Second by Ray/Johnson to adjourn at 5:58 p.m. Motion carried unanimously by all.

/s/ Samuel C. Gardner
Chairman

/s/ William P. Wilson, Jr.
County Clerk