

MINUTES
SPECIAL BOARD MEETING
of MCHENRY COUNTY COLLEGE

A Special Meeting of the Board of Trustees of McHenry County College was held on Thursday, June 13, 2013 in the Board Room, Room A217, in Building A on the Campus. In Chair Parrish's absence, Vice Chair Liddell called the meeting to order at 7:00 p.m. When Secretary Jenner called the roll, the following were present:

Mr. Jenner
Ms. Kisser
Ms. Lambert
Ms. Liddell
Ms. Miller
Ms. Walsh

Mr. Parrish and Mr. Wilbeck were absent. Attorney Daniel Curran was present as legal counsel.

PLEDGE OF ALLEGIANCE

Ms. Liddell led the group in the Pledge of Allegiance.

ACCEPTANCE OF AGENDA

The agenda was accepted as presented.

OPEN FOR RECOGNITION OF VISITORS AND PRESENTATIONS

No one signed in to address the Board

RECONSTRUCTION OF PARKING LOTS B & D, RESURFACING OF COLLEGE'S ROADWAY,
Board Report #13-103

Dr. Smith stated that the Special Meeting was called because as the bid process was reviewed, it was realized that there were irregularities in the process. After discussion with the College's attorney, a decision was made to recommend rejecting all the bids received during the process and rebid the project and authority be given to the President or Chief Financial Officer to execute the contracts with the lowest responsible bidder provided the bids do not exceed \$2,332,834.00.

Mr. Jenner asked Dr. Smith to describe the irregularities; she responded that the Illinois Community College Act specifies bid processes. She added that the bid document did not contain the date, time and

place for the bid opening and that the bids were opened by the College's engineering firm, HR Green, with no College representative, either a member of the Board or its designee, present. She noted that the College was in the process of disqualifying the lowest bidder and was going to award the contract to the second lowest bidder. Dr. Smith stated she takes full responsibility for not ensuring that the staff followed the law in doing this. Mr. Jenner stated that he appreciated Dr. Smith's candor and asked why the lowest bidder was being rejected. Dr. Smith responded that when the bid specs were written by HR Green, she asked whether vendors would be pre-qualified. HR Green suggested the College use the Illinois Department of Transportation (IDOT) certification of eligibility process, an extensive process that results in a certificate with caveats on what a contractor can and cannot do, as the "pre-qualification process" thereby reassuring the College that the contractor is capable of doing the work.

Dr. Smith explained that when the bids came in, the lowest bidder's certificate of eligibility had expired, and a note was included to state they had submitted their request for recertification to IDOT. The fact that their certificate had expired made them a non-responsive bidder in the College's opinion. In addition, the expired certificate allowed 1,200 tons of asphalt, and the College's project is close to 8,000 tons. Dr. Smith noted that discussion about this issue was held with the College attorney and with each Trustee. Ms. Miller added that the tonnage is limited based on a company's financial performance.

Dr. Smith stated that six bidders responded; five companies had current certificates of eligibility and no exceptions, qualifying for the tonnage figure. Mr. Jenner asked Dr. Smith to clarify HR Green's role in this process. Dr. Smith replied that the Board retained HR Green to develop the bid specifications, the bid documents, to develop the contract agreement, and working with the College attorney, develop the response forms the bidders would use. Dr. Smith added that the attorney did not review the summary sheet, as it was not part of the bid document. Ms. Kisser asked who creates the summary sheet and Dr. Smith replied that the College creates it. Ms. Kisser presumed that the College has looked into how details were omitted on the summary sheet; Dr. Smith confirmed that she looked into it. Ms. Kisser stated she has no reason to believe that this has happened in any previous bids; Dr. Smith stated that the bids for the sanitary sewer were not opened at the College and Ms. Jennifer Jones, Director of Business Services,

pointed out that that was an emergency situation. Ms. Kisser stated that this was an oversight, not knowingly done, and in the past summary sheets were complete. Ms. Kisser asked what steps have been taken to ensure this does not happen again and Dr. Smith stated she has directed the staff person to make sure they are intimately involved in everything that comes out of that office regarding bid documents. There were no other questions.

Ms. Miller moved to approve Board Report #13-103, Reconstruction of Parking Lots B & D, Resurfacing of College's Roadway and Ms. Walsh seconded the motion. During discussion, Ms. Kisser asked Ms. Miller to clarify that her motion included approving all of the recommendations. Ms. Miller stated that her motion is to approve Board Report #13-103 as written. Mr. Jenner asked if there was a contingency, and Dr. Smith replied that contingency on this project is \$332,000.00, which is included in the total to be approved. Ms. Kisser noted that the Board has already approved moving forward with the project, and that the Board is voting now on rejecting the bids. She noted that approving the dollar amount is not on tonight's agenda. Ms. Miller confirmed that the amount specified in Board Report #13-103 is already approved and costs cannot exceed that amount. Mr. Jenner asked whether the College has the money to pay for the project and Dr. Smith confirmed that fact. The roll was called and all were in favor; the motion carried.

CLOSED SESSION

At 7:24 p.m. Ms. Walsh moved to go into Closed Session to discuss matters covered under the Illinois Open Meetings Act, 120/2(c), Exception #5, *The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.* Ms. Miller seconded the motion. There was no discussion. The roll was called and all were in favor; the motion carried. Closed Session began at 7:27 p.m.

At 8:19 p.m., Ms. Kisser moved to come out of Closed Session and Ms. Miller seconded the motion. There was no discussion. A voice vote was taken and all were in favor; the motion carried. Closed Session ended at 8:19 p.m.

ADJOURNMENT

Hearing no further business, the meeting was adjourned at 8:21 pm.

Patricia Kriegermeier, Recording Secretary

Chris Jenner, Board Secretary