



CWDAC RFQ REVIEW SUB-COMMITTEE – MINUTES

Meeting Type: Regular Meeting
Meeting Location: 2nd Floor Conference Room, City Hall, 288 Central Ave, Dover
Meeting Date: Tuesday, December 15, 2017
Meeting Time: 7:30 AM

PRESENT: Dane Drasher (Chair), Dana Lynch, Sean Fitzgerald, Matt Cox, Norm Fracassa, Ann Legere, Steve Bird, Anthony Blenkinsop (8:45)

1. Meeting was called to order by Drasher at 7:38 am.

2. Approval of Minutes from November 7, 2017

Cox motioned to approve the minutes as presented, Fitzgerald seconded. Vote: 5 in favor, none opposed.

3. Citizens Forum: No citizen input.

4. RFQ Late Submission Discussion

Drasher: We need to discuss how to handle the submission from Chinburg Associates that was submitted at 2:03 pm. I would ask Bird to provide us with the sequence of events that day.

Bird: The deadline for RFQ submittals was 2:00 PM on December 6th. Earlier in the morning on that day, an associate from Chinburg Properties called the Finance Department to confirm that they would be submitting a response by 2:00 PM. At 1:53 PM Legere received an e-mail from Chinburg Properties stating that the person delivering the submittal was on their way and would be there by 2:00 PM and he attached a pdf of the submittal. At 2:00 PM I was in the Finance Department with Legere and we began to open the submittal packages. The late submittal was hand delivered and was time stamped at 2:03 PM. The late package was not opened by Legere.

Cox: In my experience in the field of law, being a few minutes late is not uncommon and not a big deal. They submitted an electronic copy ahead of the deadline. It is a question of degree in terms of timeliness. I think the submittal should be considered to be timely and be accepted to be considered along with the others.

Lynch: It is important to remember that these are not price bids, only qualifications. Being late didn't afford them an unfair advantage. We are trying to provide options for the City to redevelop the parcel. Not accepting a statement of qualifications for being 3 minutes late seems to be limiting our options at a point early in the process. Being late can be a factor when we judge their qualifications.

Fitzgerald: I would like to see as many proposals as possible. It is a problem in terms of fairness.

Drasher: The RFQ document says that all proposals will be considered.

Lynch: We have room for discretion in the process.

Fracassa: I am not happy that we are even having to discuss this. The first impression is not good. Have we received any legal advice on this?

Lynch: I did consult the City Attorney and he characterized this as a minor irregularity. Acceptance of the submittal is legally defensible.

Drasher: There was no unfair advantage gained. Being late will not go unnoticed.

Cox motioned that the submittal be considered timely and that we accept the late submittal, Lynch seconded. Vote: 4 in favor, 1 opposed (Fitzgerald). Motion passes.



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Legere retrieved the envelope and Bird opened the submittal and distributed copies. Members took a few minutes to review the qualifications.

5. Review of RFQ Submittals

Drasher: I would like to have a general discussion on each submittal.

Lynch confirmed with Legere that none of the submittals were disqualified due to not submitting something.

Lynch: There are many unanswered questions on the documents. We should interview all companies.

Committee discussed that the interviews would be done by sub-committee instead of full CWDAC and talked about format of interviews. There would be 20-30 minute presentation, with 15 minutes for questions. Held over two days.

Lynch made a motion to move all six companies to the interview process, Cox seconded. Vote: 5 in favor.

6. Interview Process Discussion

Legere: I will assist in developing questions and setting up interviews.

Members will submit questions to Bird and Legere to prepare ahead of time.

Drasher: We should leave time for them to ask us questions.

Members discussed how a purchase price for each parcel will be determined, but no decision was made.

Interviews will be scheduled for the second week of January. Settled on the 8th and 10th, with 3 each day, beginning at 8:00, with 75 minutes for each.

7. Conflict of Interest Discussion

City Attorney Anthony Blenkinsop arrived at the meeting to discuss conflict of interest. A memo from the NH Municipal Association was distributed and discussed.

Blenkinsop: The public needs to have confidence in your actions. You must not act out of self-interest. The

City has an ethics code to follow. When in doubt step down to avoid conflict.

A general discussion was held with members asking about various scenarios.

8. Next Steps

Members discussed various questions they might ask the companies during the interviews.

9. Adjourn

Drasher declared the meeting adjourned at 11:05 AM.