

DAVENPORT COMMUNITY SCHOOL DISTRICT

ACHIEVEMENT SERVICE CENTER
JIM HESTER BOARD ROOM
1606 BRADY STREET
DAVENPORT, IOWA 52803

TUESDAY, JULY 22, 2014
SPECIAL CALL OPEN SESSION
3:30PM

The Board of the Davenport Community School District in the Counties of Scott and Muscatine, State of Iowa, met on Tuesday, July 22, 2014 for a Special Call Open Session. The meeting was held at the Achievement Service Center, 1606 Brady St., Davenport, Iowa, in said District. President Johanson called the meeting to order at 3:35 PM.

On roll call the following board members were present: Directors: Ralph Johanson, Ken Krumwiede, Nikki DeFauw, Rich Clewell, Jamie Snyder and Maria Dickmann. Bill Sherwood participated by phone.

I. ITEMS REQUIRING ACTION

1.01 Unsolicited Proposal from Larrison & Associates

Motion: Director Krumwiede moved the board approve the unsolicited proposal from Larrison & Associates to provide architectural services to build the Central High auditorium and swimming pool. Director Snyder seconded the motion.

Discussion: President Johanson noted that Mr. Greg Larrison and attorney, Dick Davidson, were in attendance and that he would be asking Mr. Davidson to answer a few quick questions so the Board understands its authority and then ask Mr. Larrison for more explanation about his proposal. Looking at precedent, he stated the board generally approves the architect recommended by administration. Johanson requested Mr. Maloney prepare a list of architects used by the district over the last five years. He mentioned that one of those firms was Durant who went bankrupt and that the board has to trust that the people we are working with are the right people. That is a major issue when we choose with whom we will work. He said the board also needs to be very respectful of the administrative process and the administrative recommendations, but he is not suggesting a rubber stamp either. He said it is important that board members be careful not to question the process in the middle of the process and suggest we have a better way. If we want to change it, do it before or after one of the situations. He said he was not suggesting the board not question the administrative recommendations, the board may have a different position, but requesting a do over is generally inappropriate. It puts a lot of people in a really difficult spot. Govey and Larrison have done a lot of work in our district so we are very familiar their work. At the last Committee of the Whole meeting Mr. Larrison had provided us with unsolicited copies of his proposal that had a lot of confidential information in it and Johanson said he felt the need to keep it confidential.

The agenda committee looked at it and decided to bring it forward. Johanson asked Mr. Davidson to explain the board's authority relative to the selection of an architect and CMA. Davidson said both are considered professional services and that the board has complete discretion to hire any professional it feels is appropriate for the situation. He added that state law does not require the district solicit bids nor accept the lowest bid. Johanson asked Mr. Larrison to review his proposal.

Director DeFauw expressed concern that proceeding at this time may have a negative impact on future projects and could imply a lack of confidence in our process and decision making. She said she welcomed Larrison and Associates' interest, but asked if this is setting the stage for even more questions. Johanson asked Mr. Maloney to address DeFauw's concerns. Maloney reported that ordinarily staff makes a recommendation to the board for an architect, but when selecting CSO, they did have an open RFP which was not the normal procedure. DeFauw recommended not changing the process midstream and noted that this is not before the board today with an administrative recommendation to approve.

Johanson stated the board is in a position where we have to lead and the consensus at the COW meeting was to move in a different direction. The process will be discussed later in the agenda, but he said the board has a responsibility to do something with the proposal in hand. As a member of the agenda committee, Krumwiede, said it was awkward that this was brought forward and the rest of the Board didn't see it, but the agenda committee felt it should be brought to the Board to see what Larrison's proposal is about and have an opportunity to discuss it. DeFauw said reviewing this proposal on its own at least opens the door to preferential treatment in our bid process. She is concerned about what is in the best interest of the district and the firms that compete and also noted she is not implying any negative actions on the part of Larrison, just fearful of perceptions.

Director Sherwood said he was confused about how we got to this meeting today with this architect when there was a consensus that the district was going back out for re-submission. He asked why this proposal couldn't have been put in with the others and compared to others that were submitted. Sherwood said the original proposal was to keep CSO and the board voted that down. Then we came back to these three other submissions and decided to consider those and choose from that group. Now we have this thing coming from left field and he asked why it wasn't submitted when we asked for proposals. Johanson said there were four companies originally selected by the committee: SGM, Larrison, Downing and CSO. Sherwood stated this proposal is not unsolicited then. Johanson said this is the essential proposal that was made to the committee. Director Clewell said he appreciated DeFauw's concerns about preferential treatment but the agenda committee did the right thing in bringing it forward. Normally the board would have administration make a recommendation, but in this case, the public expects us to consider this and that the board is responsible for getting this service at the best price.

Director Dickmann said her thoughts align with Director Clewell in that this is a one-time situation and that we will be discussing creating a stream-lined and clear process to choose professional services later in the agenda. Director Snyder expressed he thinks CSO was responsible for the majority of the problem by leaving out important aspects of the bid. He said we are in uncharted waters this time and doesn't think setting a precedent should be a concern and it the board's responsibility to make sure the project gets done.

Director Krumwiede noted the board has tried to be fiscally responsible and Larrison is saying he can do the project for what we want to pay. He understands DeFauw's concerns, but he feels comfortable moving forward. Sherwood said that others did not have the opportunity to make their pitch. Johanson said it is the board's prerogative to select whomever we want. After CSO was fired the board said we have to find a solution and Mr. Larrison has brought forward a solution to our problem. Johanson asked Larrison to present his proposal.

Mr. Larrison made the following comments: Our proposal is really unique and to select it would not be precedent setting. We have done all projects at Central for the past 28 years and have transformed that school and have a strong history. I believe the process was flawed. I work in quite a few districts and it is normal to continue with the architect who is working on the project, and that is what this is. We have been working on this design for 15 years. We put together all costs you used in your budgeting. If you go with an outside committee, you might be in the same position you are now. I believe you should honestly go this way as a service to the community. Larrison & Associates has done hundreds of projects, with no lawsuits. You have every right to be biased toward local architects whether you proceed with us or not. There is great value in the work we do. I applaud your decision to walk away from a bad decision and would like to help bring you back on track. Our history goes back 28 years. We bring a wealth of knowledge to the district and a wealth of history. We have personal and family ties to Central High School. I want simply to continue with the architect who has done most of the work. We are keyed into the project and can move fast and will have the project completed ahead of the deadline. We use simple construction techniques but quality materials. By making it simpler, the cost estimate is \$18 million. We have met with Russell Construction and they agree the techniques create significant cost savings. This project will complement a district of distinction. They will exceed the facilities at West and North. There will be sizzle in this project. We know the aspects of that site very well and are a good fit because of our experience with pools and auditoriums. Our proposal is a fixed fee so that if costs and bids come back higher, our cost won't escalate up. A unique thing we are offering is a phased in design so that you can feel comfortable and be sure we are on the right track. The second phase is to refine the costs. If the costs turn out to not be what we have said the board can terminate and the fee would be 10% of the total fee. We have the full corporation of staff and have kept Mr. Maloney fully informed.

President Johanson asked for questions from the board. Director Clewell asked if they had calculated for the footings and how they would be including energy savings. Larrison responded that they had studied the PE addition on the other side and have looked at the soil results and provided more details concerning the pool and auditorium. Regarding energy savings, he said they follow the process, but their first approach to a new project is to develop a building that requires less utility to begin with, then the systems are much easier to design. Several board members asked Larrison for his opinion about the process. Larrison said he didn't think the community's input had been followed very well lately. There was continued discussion about the role of the CMA. Snyder asked Larrison what were the elements in his design vs. CSO's that would save money. Larrison said the CSO design had a lot of hallways and corridors and his proposal is much simpler and integrated with the existing school. Johanson asked Larrison if this proposal was the same as the one he made to the committee a year and half ago and Larrison responded "not really."

Johanson asked Mr. Gowey to come forward to express an opinion about entertaining an unsolicited proposal and Larrison's ideas. Mr. Gowey commented that he started working with the district in the 1990's. Those projects were decided in a number of different ways. He said that the unsolicited proposal is before you today for a decision and expressed he would have liked the opportunity to present a proposal to board as well. Gowey stated he had found that other communities won't even consider professional services if they aren't local.

Vote:

Ayes: 5 (Clewell, Krumwiede, Snyder, Dickmann and Johanson)

Nays: 1 (DeFauw).

Absent: 1 (Sherwood)

Motion carried.

1.02 Construction Manager Agent (CMA) for Central High Auditorium/Natatorium Project

Motion: Director Dickmann moved that the board approve Russell Construction as the Construction Manager Agent for the Central High School Auditorium/Natatorium Project. Director Krumwiede seconded the motion.

Discussion: Director Dickmann asked if there had been any further soliciting of information and Mr. Maloney explained there had been no formal reconsideration and that this was not needed since the committee has been polled. There was a discussion about the process and Mr. Maloney reassured the board he is satisfied this is the right choice and Clewell said he had been talking with IASB and they indicated that they save money when they hire a CMA. There was additional discussion about the district's history in hiring CMA's and some recent projects include Truman and Mid City High. Maloney said he is a proponent of using CMA's.

Vote:

Ayes: (6) Dickmann, Krumwiede, DeFauw, Clewell, Snyder and Johanson.

Absent: (1) Sherwood.

2. DISCUSSION ITEM

2.01 Acknowledgement of the Administration's Process for Selecting Professional Services

Johanson stated a RFP schedule would not be needed and there is a scoring table that could be used in the future. Mr. Maloney stated that current policy allows administration to make a recommendation or form a committee to make a recommendation. This proposal was developed in response to this project. Director Krumwiede asked about the rubric and Maloney said they may change the rubric a little for different projects so it wouldn't always be the same. Clewell and Snyder asked about including criteria for hiring local and he provided more detail concerning this. Director DeFauw asked how they were going to quantify with the rubric and said she would like to see the measurement by which you are assigning value and to make it less subjective and more quantifiable. Dr. Tate asked what is meant by "local" and Johanson suggested this be a future discussion item. Dickmann

7-22-14 Minutes

suggested adding point or weight value to people who have worked with the district in the past.

ADJOURNMENT

By consensus President Johanson declared the meeting adjourned at 5:40 PM.

Brenda Thie, Administrative Assistant to Superintendent