

**Open Work Session
New Vendor Complaint Form
February 6, 2018**

Mr. Nick Rice, Purchasing Agent, came before Council. He said the idea behind this Vendor Complaint Form is to document any issues Departments may have when doing business with a vendor. He said he stresses the fact that, no matter if it is a big or small issue, to document it because then they will have written record of issues going forward. He said the main use of the form is for doing future business with a vendor if they decide to bid on a project. He said, if it is a formal bid, it is open to all vendors to bid, and, if a vendor decides to bid on a project, turns out to be the lowest bidder, and the County has documentation of poor past performance, they have the ability to not award the contract to them based on the documentation. He said he does stress to the Departments they must have this filled out and have documentation. He said, just the fact of saying the last time they worked with the Vendor they did not perform well is not an acceptable form of documentation for poor past performance. Mr. Joe Holloway asked if Mr. Rice will supply a copy of this to the vendor, to which Mr. Rice responded, one of the most important things is, when a Department comes to him saying they are having an issue with a vendor, and he gives them this form to fill out, he usually lets the Department start out by working with the vendor to see if they can resolve the issue. He said, if not, he will step in, and he tends to find out that going higher up in the company is when he actually gets matters resolved. He said he does not supply this form itself to the vendor, but he finds it important to let the vendor know the County is having issues with them. He said a lot of times they will find out the Department has not actually told the vendor they are having issues; they are just unhappy with the work they are performing. Mr. Hall asked if this is a revision of an existing form, to which Mr. Rice responded, no, this is a completely new form. Mr. Joe Holloway said, with Mr. Taylor and Mr. Wilber sitting in the room, he will ask his next question. He then asked, if a vendor knows the County has this complaint report, and they decide they want to see it, can they request it through the Public Information Act, to which Mr. Taylor responded, yes. Mr. Joe Holloway clarified, in other words, if they are not getting called on, or not getting bids, and they are wondering why, they can access this. Mr. Rice responded, with that being said, if they decided to not award to a vendor based on past performance, that would be open right away, to which Mr. Joe Holloway asked if they would furnish this to them anyway? Mr. Rice responded, not the form itself. He clarified, they could, but, generally, if he is not awarding to a vendor, and he is awarding to the lowest and most responsible vendor, they are going to want to know why he is not awarding to them if they were the lowest. He continued, he would then say they were deemed non-responsible based on past performance, and he would have to, at that point in time, supply them with the documentation they have. He said, with that said, yes, this would be used in that circumstance. Mr. Joe Holloway clarified, so Mr. Rice is saying they would not have to go through the Public Information Act to get it, to which Mr. Rice responded, no, he would supply them with the reason why they did not go with them. Mr. Cannon asked if there is any opportunity for the vendor to change their ways. He said, in a sense, this could blackball a vendor for ten years. He asked how the County would then know that maybe they had changed companies, to which Mr. Rice responded, he would say it would be on a case by case basis. He said, in his world, he does not want to use this. He said he always wants to go with the lowest and most responsible vendor, and does not want to deem them non-responsible. He said he has only done it once in his career, so it has to be significant reasons why they are not, and he would say, at that point in time, if a Department comes to him and says these are the issues they are having, it is done by a case by case basis. He clarified, it is not something where, if they do not award to the vendor once, they will never award to them again. He said there is no policy that says how they would go about handling that. Mr. Cannon asked, if this Vendor Complaint Report is filed in January, and another RFP comes out in September, he is assuming this Vendor Report goes with whoever is reviewing the RFP, it goes to them,

and it is put on their desk when the bids come in, to which Mr. Rice responded, there are two different ways to evaluate. He explained, there are bids which are done by lowest, and those are evaluated by himself. He said they are strictly the lowest cost that is the main criteria, and there is really nothing else. He said, when it comes to RFPs, there is an Evaluation Committee, and that is done by criteria they put forth in the proposal for the Evaluation Committee to evaluate. Mr. Cannon said, if the vendor does not know he had this problem, this could keep going to the Committee time after time, unless someone might say, for example, that person does not even own that company any more. He asked how they would get away from that, to which Mr. Rice responded, any time they are not awarding to someone based on these issues, that would be told to the vendor. He said RFPs, in general, when they do evaluation criteria, has not been awarded just based on low cost, but awarded based on best value. He said he does a debriefing with every vendor that is not awarded in those circumstances, and tells them why because it is only fair at that point. He said either they are going with the lowest amount, or they are going off of some evaluation criteria. He said, if it is evaluation criteria, he actually sits down with the vendor and explains to them the process, and where they fell in those categories. Mr. Cannon said he appreciates Mr. Rice taking this initiative. Mr. Hall said this is a good form, and he thinks it is very important they do add it to the vendors, to which Mr. Rice responded, document, document, document. Mr. Hall said he is surprised they have not been doing it in the past, to which Mr. Rice responded, if the Department does not have the form, he always says, if someone has a conversation with a vendor verbally, always follow up with an email so they have a document trail, but this at least specifies what they did. He said they submit it to him, he keeps it on file, and that way, if someone is calling him and asking about a vendor, or if they have had issues, it is just nice to have that information readily available. There was no further discussion.



John T. Cannon, President



Larry W. Dodd, Vice President, District 3



Ernest F. Davis, District 1



Marc Kilmer, District 2

John B. Hall, District 4



Joe Holloway, District 5

absent

Matt Holloway, At-Large



Laura Hurley, Council Administrator