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2200 Camp Branch Road
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June 18, 2019

Subject: My Public Comment at the 6/17/2019 county commission meeting.

**3 Minute Public Comment
June 17, 2019**

My Public comment is regarding perceived Bidding Irregularities with the David Francis Dirt Spreading Project.

“Dirt convoy could be catalyst for J-Creek tract”, wrote Becky Johnson in the Mountaineer on June 12. There was a public BID OPENING on Thursday, June 6, in this very courtroom by David Francis and another un-named individual, presumably from McGill Associates.

“Four contractors bid on a project to haul, spread and compact more than 3,000 dump truck loads of dirt on a 22-acre tract in Jonathan Creek”, she wrote. “Bids were opened last Thursday in the Haywood County historic courtroom with some of the bidders present.”

[Show pictures].



That was the last time those bids ever saw the public light of day.

Since then, I have made two public record requests from the county, specifically from Bryant Morehead, your county manager, to inspect those four bids, and for the **Bidding Documents - Jonathan Creek Soil Reclamation Project**, which were generated by McGill.

I am told that the county does not have copies of the bids. McGill has possession of the bids. Bryant Morehead, during a meeting with him Thursday, June 13, wondered if those bids were even public documents. I requested that he contact McGill and have those documents scanned by McGill, sent to Candy Way, and have her send them to me by the close of the business day on Friday, June 14.

I've got nothing.

Additionally, when I requested a copy of the Bidding Documents, the document that bidders used to respond to this bid, I was informed that document, which had resided on the McGill website, had been taken down. The county did not have a copy of those Bidding Documents, I was told. What?

This bidding process appears to be in total lock-down, orchestrated by David Francis and McGill, to intentionally thwart any public inspection of these bids.

Why didn't the county make a copy of the bids prior to handing them to McGill? Was this intentional, or simply incompetence?

McGill is presumably analyzing the bids, and will produce a Bid Tab, a bidding tabulation, in which they will determine who the best bidder is. This is in their contract to do this, Bryant Morehead informed me. That recommendation will be submitted to county commissioners for approval.

Why didn't the county analyze these bids?, I asked. Well, according to Bryant, this is not like bidding for a Dodge Truck, it is too complicated for us.

The problem here is that McGill is a vendor, and not subject to a Public Records Request, and the county seems powerless to retrieve these bids and Bidding Procedure from McGill.

McGill does a lot of engineering contracts, and could potentially stand to gain depending on which vendor is finally selected, including but not limited to doing engineering work for the selected vendor.

In order to eliminate even the appearance of impropriety, McGill, a single source engineering company for the county, should be ordered to produce all four bids, and put the Bidding Documents back on their website.

By the way, the last bidder on the David Francis Dirt Spreading Project, Avcon, apparently has never been paid. Why is that? An invitation for another lawsuit?

Since Bryant Morehead appears either unwilling or powerless to extract copies of these bids from McGill, I am now seeking assistance from State authorities to obtain these bids, a procedure I had used in the first bidding process. I'll let you know what happens.

I appreciate your allowing time for me to express my concerns. Thank you.