
Proposed Contract with Milone and Macbroom

email: "kloveless@lexrich5.org Kenneth Loveless"

Wednesday, August 14, 2019 at 12:37:06 PM Eastern Daylight Time

To: email: "mrharris@lexrich5.org Michael Harris"

Hello Dr, Harris,

Hope you are having a good day!

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I request replies well before the next board meeting.

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Ken Loveless

email: "mrharris@lexrich5.org Michael Harris"

Wednesday, August 14, 2019 at 4:12:31 PM Eastern Daylight Time

To: email: "kloveless@lexrich5.org Kenneth Loveless"

Cc: email: "rgantt@lexrich5.org Robert Gantt" , email: "csmelton@lexrich5.org Christina Melton"

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Dr. Michael R. Harris

Chief Planning and Administration Officer

School District Five of Lexington & Richland Counties

O: 803-476-8121 F: 803-476-8006 E: mrharris@lexrich5.org

email: "mrharris@lexrich5.org Michael Harris" Wednesday, August 14, 2019 at 5:24:32 PM Eastern Daylight Time

To: email: "kloveless@lexrich5.org Kenneth Loveless" , email: "rgantt@lexrich5.org Robert Gantt" , email: "ewhite@lexrich5.org Ed White" , email: "jhammond@lexrich5.org Jan Hammond" , email: "ngardner@lexrich5.org Nikki Gardner" , email: "michaelcates@lexrich5.org Michael Cates" , email: "bhutchison@lexrich5.org Flora Hutchison" , email: "csmelton@lexrich5.org Christina Melton"

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email: "michaelcates@lexrich5.org Michael Cates" Wednesday, August 14, 2019 at 6:33:39 PM Eastern Daylight Time

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To: email: "ngardner@lexrich5.org Nikki Gardner" , email: "jhammond@lexrich5.org Jan Hammond" , email: "mrharris@lexrich5.org Michael Harris" , email: "RGantt@lexrich5.org Robert Gantt" , email: "michaelcates@lexrich5.org Michael Cates" , email: "EWhite@lexrich5.org Board Member Ed White" , email: "bhutchison@lexrich5.org Beth Hutchison"

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Can the section that Michael Cates quotes possibly be correct? These services do not fall under any of the quoted permissible items under this policy and are on a contract and not fee basis. If this is the case and they are relying on this policy, it certainly appears that advertisements for proposals under state law will be required. Do we know if anyone on our procurement staff signed off on this before we proceeded? Thanks Ken Loveless

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email: "michaelcates@lexrich5.org Michael Cates" Wednesday, August 14, 2019 at 9:21:36 PM Eastern Daylight Time

To: email: "kloveless@lexrich5.org Ken Loveless"

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I answered you back, Michael Cates. This does not fit Item F because it is on a contract and not a fee basis. Fee means that we pay for continued services billed with a mark up. This is a lump sum contract agreement and does not meet the spirit of the exemption. We are without the law on this.

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All, One of the salient take-aways from a recent accreditation report was that there is little coordination within our district's intra-administrative functions. In other words, the right hand does not know what the left is doing. We need to use this as a teachable moment. Certainly in order to meet the letter and intent of Code Exemption 6F, the requirement is that the board must approve by majority vote the need for the inquiry or solicitation prior releasing the actual invitation to the vendor. That must be done as an open vote after debate during a board meeting. This course of action was not taken.

Was there consultation and approval by district procurement personnel before the action was taken? I have not been apprised that there was. Does anyone know?

This is only one example in the reasoning for my constant refrain that we need to openly discuss the way we do business. Events such as these weaken the organization and send the wrong signals to potential vendors.

Let's own up to it, learn from it and do better.

Thanks

Ken

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Date: Wed, Aug 14, 2019 at 9:28 PM

Subject: Re: Proposed Contract with Milone and Macbroom

To: Michael Cates <michaelcates@lexrich5.org>

Cc: Nikki Gardner <ngardner@lexrich5.org>, Jan Hammond <jhammond@lexrich5.org>, Michael Harris <mrharris@lexrich5.org>, Robert Gantt <RGantt@lexrich5.org>, Ed White <EWhite@lexrich5.org>, Beth Hutchison <bhutchison@lexrich5.org>

I answered you back, Michael Cates. This does not fit Item F because it is on a contract and not a fee basis. Fee means that we pay for continued services billed with a mark up. This is a lump sum contract agreement and does not meet the spirit of the exemption. We are without the law on this.

On Wed, Aug 14, 2019, 9:21 PM Michael Cates <michaelcates@lexrich5.org> wrote:

I believe Dr. Harris answered the question. From his response it appears the district did not have any other party make a proposal and made the decision as allowed in Code Exemption 6F. I sent that section of the manual a little earlier today along with the link to the procurement manual.

Michael Cates
School Board Trustee
District Five of Lexington & Richland Counties
803 518-4567
michaelcates@lexrich5.org

On Aug 14, 2019, at 9:00 PM, Kenneth Loveless <kloveless@lexrich5.org> wrote:

All, since Robert Gantt is copied with all my emails to anyone I contact in district administration, I believe we should all know what my questions are. We did not ask any other party to make a proposal, am I correct? Thanks Ken

----- Forwarded message -----

From: **Michael Cates** <michaelcates@lexrich5.org>

Date: Wed, Aug 14, 2019, 6:33 PM

Subject: Re: Proposed Contract with Milone and Macbroom

To: Michael Harris <mrharris@lexrich5.org>

Cc: Ken Loveless <kloveless@lexrich5.org>, Robert Gantt <rgantt@lexrich5.org>, Ed White <ewhite@lexrich5.org>, Jan Hammond <jhammond@lexrich5.org>, Nikki Gardner <ngardner@lexrich5.org>, Flora Hutchison <bhutchison@lexrich5.org>, Christina Melton <csmelton@lexrich5.org>

I believe this is the section Dr. Harris is referring to

6. POLICY AND LEGAL SERVICES to include, but not be limited to:
- a. Attorney services (subject to Board approval), court recorders, expert witness services, bond rating services and costs associated with issuance or refinancing of bonds
 - b. Certified Public Accountants (subject to Board approval)
 - c. Legislative consultant (subject to Board approval)
 - d. Financial advisors, investment management, brokerage services (subject to Board approval)
 - e. Insurance coverage, both primary and reinsurance
 - f. Other professional services obtained on a fee basis (subject to Board approval)

The full manual can be found at <https://www.lexrich5.org/cms/lib/SC01916806/Centricity/Domain/2706/DistrictFiveProcurementManual.pdf>

Michael Cates
School Board Trustee
District 5 of Lexington & Richland County

On Aug 14, 2019, at 5:24 PM, Michael Harris <mrharris@lexrich5.org> wrote:

FYI

Board Members:

Please receive this email as information pertaining to my response(s) to questions regarding the Professional Services Contract with Milone and MacBroom, Inc.

Thank you.

----- Forwarded message -----

From: **Michael Harris** <mrharris@lexrich5.org>
Date: Wed, Aug 14, 2019 at 4:12 PM
Subject: Re: Proposed Contract with Milone and Macbroom
To: Kenneth Loveless <kloveless@lexrich5.org>
Cc: Robert Gantt <rgantt@lexrich5.org>, Christina Melton <csmelton@lexrich5.org>

Mr. Loveless:

Thank you for the email.

My response(s) to your questions are as follows:

1. We did not advertise for proposals in the State publication SCBO or elsewhere.
2. We did not receive any other proposals for professional services.

*In this particular case, we followed the School District Five **Code Exemptions** as found in the Procurement Manual.

The specific area of focus was Section #6 - Policy and Legal Services, Item F.

Information can also be found on Page 2 of the Code Exemptions Section.

Thanks

On Wed, Aug 14, 2019 at 12:41 PM Kenneth Loveless <kloveless@lexrich5.org> wrote:

Hello Dr, Harris,

Hope you are having a good day!

I have a few of questions. First, did we advertise for proposals in the state publication SCBO or elsewhere? Could you email me a copy of the Advertisement for Bids? Second, did we receive any other proposals. If we did, would you be so kind as to send me a copy of those And, If we did not, are we treating Milone and Macbroom as a sole source solicitation?

I request replies well before the next board meeting.

Thanks

Ken Loveless

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Dr. Michael R. Harris

Chief Planning and Administration Officer

School District Five of Lexington & Richland Counties

O: 803-476-8121 F: 803-476-8006 E: mrharris@lexrich5.org



Dr. Michael R. Harris

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