

Beacon Falls Board of Selectmen
 10 Maple Avenue
 Beacon Falls, CT 06403



BEACON FALLS BOARD OF SELECTMEN
Special Meeting Minutes
January 23, 2018
(Subject to Revision)

1. Call to Order/Pledge to the Flag

First Selectman Chris Bielik called the special meeting to order at 5:04P.M.

Members Present: First Selectman Chris Bielik, Selectman Mike Krenesky,
 Selectman Peter Betkoski came in at 5:11PM

Public: Doug Bousquet, Dave Rybinski, Paul Brennan, Jim Carroll, Tom Broesler,
 Newspaper: Citizen News

2. Fire Truck Bid Review – Discussion and Possible Action-

Bielik; gave copies of the report to the Newspaper and the public.

We have be soliciting bids for a new fire truck for the town of Beacon Falls, we have one set of bids that didn't work, 2nd time we received revised bids from the three original bidders and with the second round of bids the town engaged with Jay Lions Consultant of Glastonbury, CT. To provide us with an unbiased report, and an independent review of the three bids. This report was presented first on Friday to a small working group that included the town Finance Manager, Chris Bielik, Jim Carroll, along with the Fire Chief and Assistant Fire Chief. Bottom line is that the independent reviewer took a look at each one and provided us with a qualified opinion if the bids were responsive or any way deficient.

Krenesky; Recess for two minutes: 5:05PM

Back in session: 5:10PM

Bielik; the bottom line is the recommendation is for the Board of Selectman is to throw out all 3 bids for various weakness and failing in the packages that was brought to us. There is a possible way to go forward, on page 8 under future recommendations; I would like Tom Broesler our Finance Manager to explain.

Tom; To purchase, The communities of Houston, TX have a purchasing cooperative, under Texas state law, which permits any municipality within the United States to become a member at no charge. It works like the CT State bid list, solicits bids from various vendors who pay a fee, and then you can negotiate with a vendor, you negotiate for the specific things you may want on the truck. All the vendors provide a price based on the original bidding, and it satisfies our requirements so we don't have to do to a new RFP. They list 12 or 15 different brands of fire apparatus manufactures on the website, you can get together with anyone you want and tell them the kind of truck you need and they will got out to bid. Again cost us nothing to join and it's just two page form to fill out. The only requirement we have a resolution to join, it allows us as a CT municipality to join.

Bielik; the one detail in the process which we are getting answers for is does it need to be passed by the legislation body, meaning the public, or if the Board of Selectmen can act on behalf of the town on it. We are getting confirmation from our town lawyers on this.

Tom; even if we decided to do something else with the purchase of the Fire Truck, it's a good idea to join this. The cost is zero to the town of Beacon Falls. There could be other things we may need to purchase.

Bielik: And it will stream line it for other products to purchase.

The consultant from J. Lyons Fire explained in his experience with this method the time lines would be 6-9 months which would be about the same if we were to give the bid to one of our existing vendors.

I know the board members have all had a chance to look at the report and go through it; does anyone have any questions on the report?

Krenesky; It was the recommendation from Jay Lions to rejects all the bids, But on page 8 he has a different opinion, its say; It's our opinion that the dealer is playing hard ball and unwilling to compromise or negotiate. And regardless of how the package was done, I cannot support it.

Bielik: when we received the bids from KME, one of the things that jump off that the price has exceeded what the town has authorized for the purchase, the only way is to

purchase to make it we would need to make a prepayment of 75% of the contracted price and then we would be a small discount and it would come just barely underpriced. In the opinion of the town attorney the fact that the original bid exceeds the amount it gives the town authority to reject it. It was a unanimous opinion from Friday night meeting it is irresponsible to give a 75% prepayment on a contract delivery before we receive the vehicle. We have the authority to reject that bid based on price. With the report in hand does anyone have any questions before we vote?

Motion to reject all three (3) bids as present for the Fire truck; Betkoski/Krenesky; no discussion; all ayes.

Bielik; waiting for the town attorney on how to join this Houston, Galveston Area Council, and schedule a meeting on how to address that.

Betkoski; we do need to move forward quickly. I know everyone is aggravated let's make sure we make the right decision.

Bielik; Even though this process seem like it's taking a long period of time, it's one of the biggest purchase since I've been around, and we shouldn't rush into it. And you need confidence to move forward when your spending \$850,000.00 and make sure we do due diligence to the citizens of Beacon Falls to get the best possible equipment.

3. Adjournment –

Motion to adjourn the Board of Selectmen special meeting at 5:25P.M.;

Betkoski/Krenesky; no discussion; all ayes.

Respectfully Submitted,

Joann Smith Overby
Board of Selectmen Clerk



J. LYONS FIRE CONSULTANTS

71 Willow Green Lane

Glastonbury, CT 06033

(860) 539-9429

www.jlyonsconsulting.com

jim@jlyonsconsulting.com

WHEN EXPERIENCE MATTERS

January 18, 2018

Town of Beacon Falls
Mr. Joseph Rodorigo, Chairman, Board of Finance
Town Hall
10 Maple Ave
Beacon Falls, CT 06430

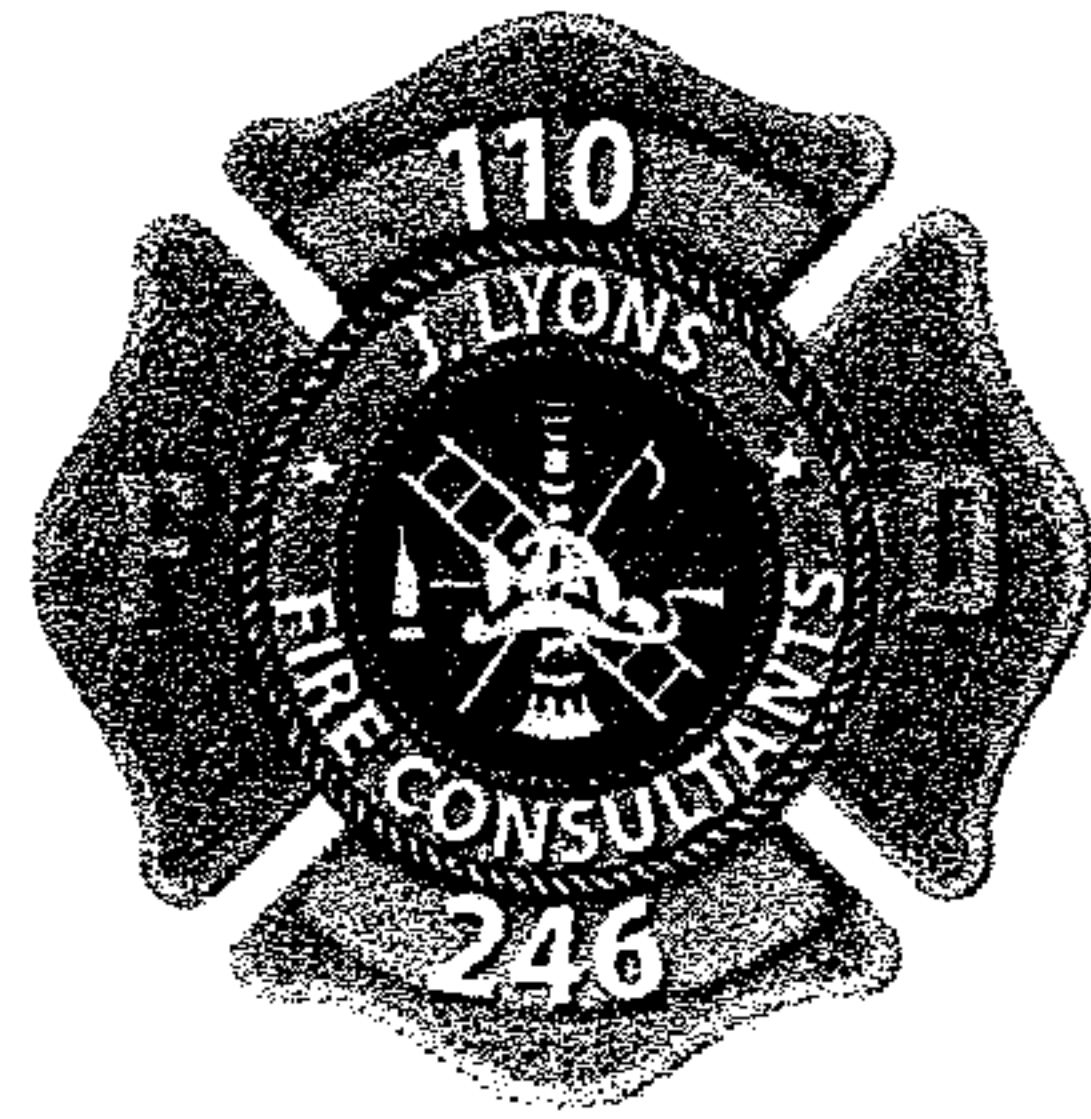
Dear Mr. Rodorigo:

Per our agreement to provide services to the Town of Beacon Falls, to review bid submissions for a new fire apparatus, please find our report below.

Overall Statement on the Towns Issued Specifications:

The town published specification was specific to one manufacture, (KME), therefore making open and competitive bidding challenging for any other manufacture who might want to submit a proposal. By utilizing the specifications of one manufacture, only that manufacture could meet the published specifications 100% without exception. Therefore exceptions to minor design differences should have been anticipated by the town and expected to be detailed by any other manufacture that provided a proposal for consideration.

An example of a minor design difference is where the specification called for a two-piece front windshield and a bidder proposed a one-piece front windshield. This is an exception to your specifications but, they tried to meet the intent of the specification...a windshield was included. No manufacture will change their basic designs of the cab, body or aerial ladder construction to sell one unit. There designs are unique to their individual manufacturing processes. It's like asking Ford to build an exact, detailed GMC product. It's not realistic. For the town to expect multiple bidders to present a 100% compliant bid proposal based off a published specification, that is proprietary to one manufacture, is unrealistic.



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Since our initial meeting on November 3, 2017 the following has occurred:

- Held two additional general meetings with the town finance committee.
- Met with the fire department truck committee.
- Held three extended phone conversations with the Fire Chief.
- Held several phone conversations w/Finance Chairman to provide updates.
- Held one extended phone conversation with an FD truck committee member.
- Held four phone conversations w/representatives of Bulldog Fire Apparatus.
- Held one phone conversation with a representative of KME Manufacturing.
- Received three phone inquiries and two E-Mails from the Rosenbauer Regional Manager.
- Reviewed all submitted proposals.

Approximately 35 hours expended currently.

Rosenbauer:

Presented and represented by:

Rosenbauer New England, LLC. 19 Summer St Brunswick, ME 04011

The proposal layout was confusing at best. Section contents did not entirely match section divider titles making the review process difficult. Several pages had the same page number on the bottom causing confusion. There seem to be no rhyme or reason to the proposal layout.

There were many design differences, which were not pointed out on an exception list as required by the specification package. Most of these were due to the specific design of the Rosenbauer cab, body and aerial ladder and some minor components like switches, handles etc.... Most were minor and would not prevent this product from being utilized for its intended purpose, to carry water, hose, ladders, personal and respond to emergency situations. However length, height, width and other major overall body measurement may not be favorable to the demographic layout of the town roads, residential homes, business district or other challenging areas for an apparatus like this to operate.



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The following are critical items that stood out where we find this proposal not in compliance with the published specifications:

Overall Height Requirement: The maximum overall unladen (unloaded) height requirement was to be a maximum of 137" / 11.5". The drawing as proposed stated, "Overall height is in LOADED condition" and showed a height of 11'-4-1/2". This puts the liability on the town (Fire Department) to load enough equipment, hose, water and perhaps even body weight of firefighters themselves to achieve the desired overall height requirement. It's possible this truck will not fit into the fire station without being outfitted with equipment first. It's incumbent upon the manufacture to propose the vehicles overall height based on it being empty, curb weight, as most agencies do not know the exact weight of the equipment they are going to carry unless they weigh each item and present that information to the manufacture.

Certificate of Insurance and Bid Bond: The required Insurance Certificate and Bid Bond are not current. The bid due date was October 25, 2017. Both documents provided are dated July 26, 2017, 91 days prior to the towns bid due date, possibly being invalid at the time of bid submission. Furthermore, the Certificate of Insurance Liability lists "Beacon Hose Co. #1" as additionally insured not "Town of Beacon Falls". The town is buying the truck and should be the one insured. ***We find both the Bid Bond and Certificate of Insurance Liability to be invalid.***

Training Certification: Rosenbauers own statement of "Training on all Rosenbauer Fire Apparatus is performed by Factory Certified Instructors who hold the following" "EVT Certifications". The certifications for the instructor names, Joseph Cordeiro, which were included in the back of the binder, under section 12 entitled "Training" clearly show that ***all the EVT certifications have expired, in some cases for 3 years.*** This is an example of the lack of detail presented on critical element.

The overall proposal showed poor attention to detail and was not customer friendly to follow and understand. ***We recommend not awarding Rosenbauer the bid based on the above findings, which do not fully comply with your published specifications.***



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WHEN EXPERIENCE MATTERS

Smeal

Presented and represented by:
New England Fire Equipment & Apparatus.
10 Stillman Road North Haven, CT 06473

Much like Rosenbauer, the Smeal/Spartan proposal is unique unto itself. There were many design differences, which are expected, but were not pointed out on an exception list as required by the specification package. Most of these were due to the specific design of the Smeal/Spartan cab, body and aerial ladder and some minor components like switches, handles etc.... Not being detailed and noting the slightest difference on these items does not follow the bid requirements. This questions the competence and detail of those putting together the proposal. There are so many minor differences, all with no exception being noted.

The following are critical items that stood out where we find this proposal not in compliance with the specifications:

Certificate of Insurance: The required certificate of Insurance Liability was not properly completed. The Town of Beacon Falls was not named as an additional insured as required by the bid specification. Additionally the date is incorrect. The dated listed on the certificate is 6/26/2017, 119 days prior to the towns bid opening date of Oct 25, 2017, possibly being invalid at the time of the bid submission.

Pre Payment Requirement: A pre payment of \$285,747.00, due at contract signing, was included when not requested in the bid package. The actual price of the vehicle is \$811,505.00 without the prepayment up front.

Pre-Construction Conference: No provisions are included for a conference at the factory with the engineering dept. An exception was taken and a videoconference at the local dealership was proposed instead. Aerial apparatus are among the most completed vehicles designed today. Nothing takes the place of an in person conference with the engineering department of the manufacture who will ultimately build the truck.



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No option was presented to provide the required factory conference. **We recommend against holding a meeting at a place other than the factory that will build the truck.**

Outrigger System: While the proposal includes the quality of out and down and straight down stabilizers for the aerial, the width exceeds the town's requirements. The town requested a maximum of 14' outside to outside overall width. The Smeal product has a width of 18' outside to outside and **they did not take clarification on this obvious difference. This could have significant impact on the fire departments ability to locate the vehicle in tight areas of town.**

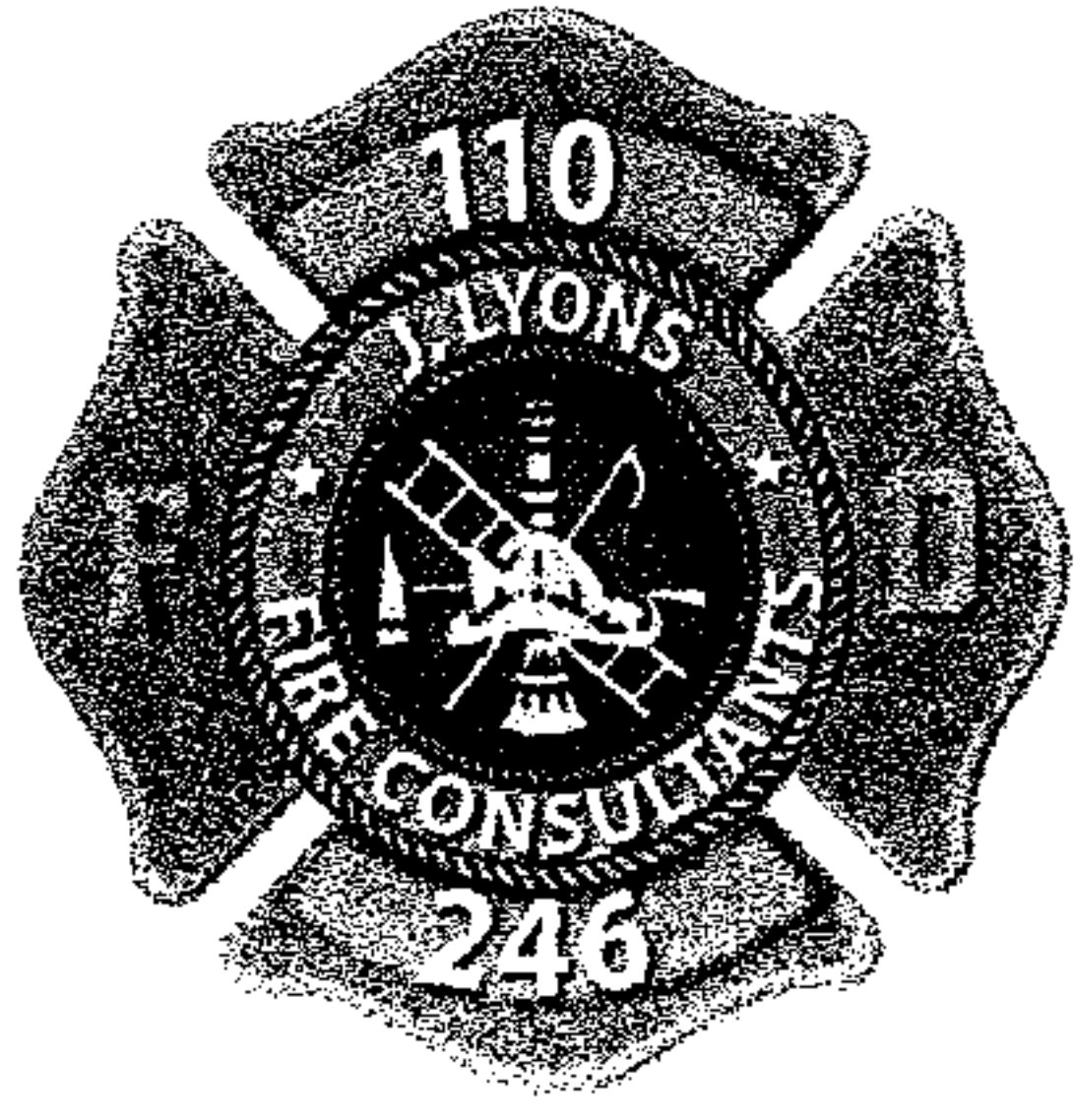
Overall Length: The proposed overall length of the truck is 38'8" / 464". This is 21" longer than the specification requested and could have significant impact on the fire departments ability to locate the vehicle in tight areas of town or even in the fire station. **No exception was taken and not reason given as to why the length could not be within the request measurement.**

Cab: The cab roof material thickness is much thinner than the specification required. No exception was provided yet the compliance area was check "yes" to comply with the published specifications.

Auto Leveling System: Required in the bid specification was an auto leveling system. Smeal/Spartan option this for an additional \$8,166.00. This should have been included with the base bid price.

Hose Load: The requested amount of hose to be carried cannot be achieved on the Smeal product. They claim due to weight restrictions. This is a significant item and, in our opinion, justifies disqualified as the fire department needs a certain amount of hose to meet insurance (ISO) standards and their own department requirements.

The overall proposal showed a **lack detail** to the small thing and a **complete gross disregard for not noting items on an exception list.** Also optioning items as add on's in lieu of including them in the base bid price gives the appearance of being cheap and trying to win the bid based on low base bid price. **We recommend not awarding Smeal the bid based on the above findings, which do not fully comply with your published specification.**



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NOTE: During the review process the dealer, Rosenbauer of New England, was dropped by the manufacturer as their authorized dealer. Rosenbauer appointed New England Fire Equipment and Apparatus Co. (NEFEA) (The dealer who submitted the Smeal proposal) as their new dealer. NEFEA now represents both Smeal/Spartan and Rosenbauer. This raises questions as to the possible stability of the former Rosenbauer dealer. Additionally, there are now *ethical* issues to consider since the former competitor, NEFEA (Smeal), now has knowledge and access to all the Rosenbauer pricing and documentation. The Rosenbauer Regional Manager made several attempts to contact us, all of which went unanswered, trying to convey that the town can save money with Rosenbauer and to work with NEFEA the new dealer. We find this behavior unprofessional and unethical.

We further have concerns about service for the Rosenbauer product by the new dealer, who has only had the product since late November. ***We feel this sudden change in distribution, where one vendor who submitted a proposal now has the line of another manufacture that also submitted a proposal, is justification to invalidate both proposals based on ethical concerns.***

The article below is published on New England Fire Equipment and Apparatus website. www.nefea.com

NEFEA & Rosenbauer America

Monday, November 27, 2017

LYONS, SD(November 27, 2017)? Rosenbauer America announced that New England Fire Equipment and Apparatus will be the authorized sales and service dealer for Rosenbauer America fire apparatus and products for New England. Included in this territory are the states of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont, as well as Westchester County in New York.

NEFEA has been in the fire and emergency industry since 1987, specializing in emergency vehicle sales, refurbishment, and service of fire apparatus and ambulances. Led by James and Karen Feehan, the company employees 38, with 12 experienced sales people. NEFEA operates from their 15,000-square-foot, 14-bay service facility headquartered in North Haven, CT.



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“We are very pleased to welcome New England Fire Equipment & Apparatus to the Rosenbauer family,” said Dave Reichman, Rosenbauer’s National Sales Manager. “Jim, Karen, and the whole staff at NEFEA bring vast experience and professionalism to the Rosenbauer family, and we are confident in their ability in taking care of our customers.”

KME

Presented and represented by:

Bulldog Fire Apparatus. 17 Water Street Woodville, MA 01784

The KME product, as proposed by their dealer, Bulldog Fire Apparatus, meets all the published specifications 100%. The reason is that their proposal matches the town’s published specifications exactly. It’s obvious that both documents came from the same computer specification program and nothing was changed to alter any of the verbiage or technical, proprietary items, to remove those items from the final published document.

However, while the specification itself meets the published specifications and one could argue, the needs of the fire department, the financial aspect of the proposal is in question. Their bid price of \$849,474.00 is contingent upon a pre-payment of \$646,192.50 to be made within ten business days of the contract execution. The balance of \$203,281.50 would be paid upon delivery. Without making the pre-payment the total bid purchase price would actually be \$861,824.00, above the budgeted amount for the truck. Currently the town has indicated they are not willing to entertain prepaying for the truck. The prepayment clause was never discussed prior and was not included in the initial published bid specifications. Based on the financial aspect alone this proposal is not acceptable due to the large upfront pre-payment requirement.

In reviewing the matter with the fire department truck committee and the town finance committee, it was agreed to extend an olive branch to the dealer and offer to enter into a negotiation process whereby the price could be reduced without a prepayment clause. While the fire department removed a number of specified items off the truck, in order to reduce the price, the dealer was unwilling to come to the negotiation table and work with the town.



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The current purchase price, which includes the fire department removing initial specified items, is at \$844,384.00 It's our opinion that the dealer is playing hard ball and unwilling to compromise or negotiate. We feel they are communicating through back channels and not being forthright with the town, the fire department or us. ***Our opinion is if the dealer is unwilling to negotiate in good faith with the town to reach an acceptable financial resolution, then the bid should not be awarded based on the non pre-payment bid amount being above the budgeted amount of the truck.***

Possible Future Purchasing Recommendations:

1. Purchase a Truck off A National Bid List: There are several nationwide national bids that the town can access by becoming a member of a corporative purchasing organization. Once organization is named **HGAC** (Houston, Galveston Area Council). www.h-gac.com. This organization bids out items for purchase by its members. Any municipal government origination is able to join. A membership fee is required. The process is simple. The town would work with a select vendor who has a product listed on the bid table. The town would then work with the local dealer to customize that product from the base price listed to meet the needs of the town. All optional prices are listed with the corporative so all is upfront. Once the truck is outfitted to the town's needs a price is provided and a purchase order issued. The benefit to this purchasing method is that the town can get a truly customized, high quality fire truck and know the prices upfront. Can you save some dollars? Yes. Will it be \$100,000.00? No. You also eliminate the entire local bidding process and all the cost and time that goes with it and you prevent having to purchase a lesser product due to low price.

This is a partial list of fire apparatus manufactures that offer products with HGAC.

Custom Fire

Darley

Emergency One (E-One)

Emergency Vehicles, Inc. (EVI)

Ferrara

KME

Marion

Midwest Fire

Pierce

Rosenbauer

Seagrave

Smeal

Spartan ERV

Super Vac

Sutphen Corporation (Sutphen)



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Below is the listing for the KME based product that you are currently considering on the HGAC website. Keep in mind that this is the "base price" and options to customize it need to be added.

MA01 KME, 4-Door Full-Tilt Aluminum Cab, Formed Aluminum Body, Single Axle, 79' 500# Rear Mounted Telescoping Steel Ladder \$ 685,882.00

2. Tagging onto an Existing Bid: Very common in CT. This is where your town would tag onto an existing contract, that was awarded based on a public bid, for a particular manufacture. The based price would be what the other town paid, plus any changes and cost of inflation if more than a year old.

3. RFP (Request for Price): In lieu of a traditional bid, an RFP allows more control on the part of the municipal agency. It's not driven by price and no purchase requirement is needed to be made. No public bid open is necessary and the town is not opened up to scrutiny by the bidders or public at large as you are simply requesting a price.

Existing Fire Truck to Trade, 1990 Boardman:

As a courtesy to the town we contacted a valued used fire truck dealer. This company buys and sells used fire apparatus and is widely respected in the industry. While the truck being offered for trade is old and not up to current safety standards, there is still some value. The company would not buy this outright due to the age. However, they felt if they listed the truck on their website it might bring \$10,000-\$14,000.00. We offer this for possible reference and consideration in the future.



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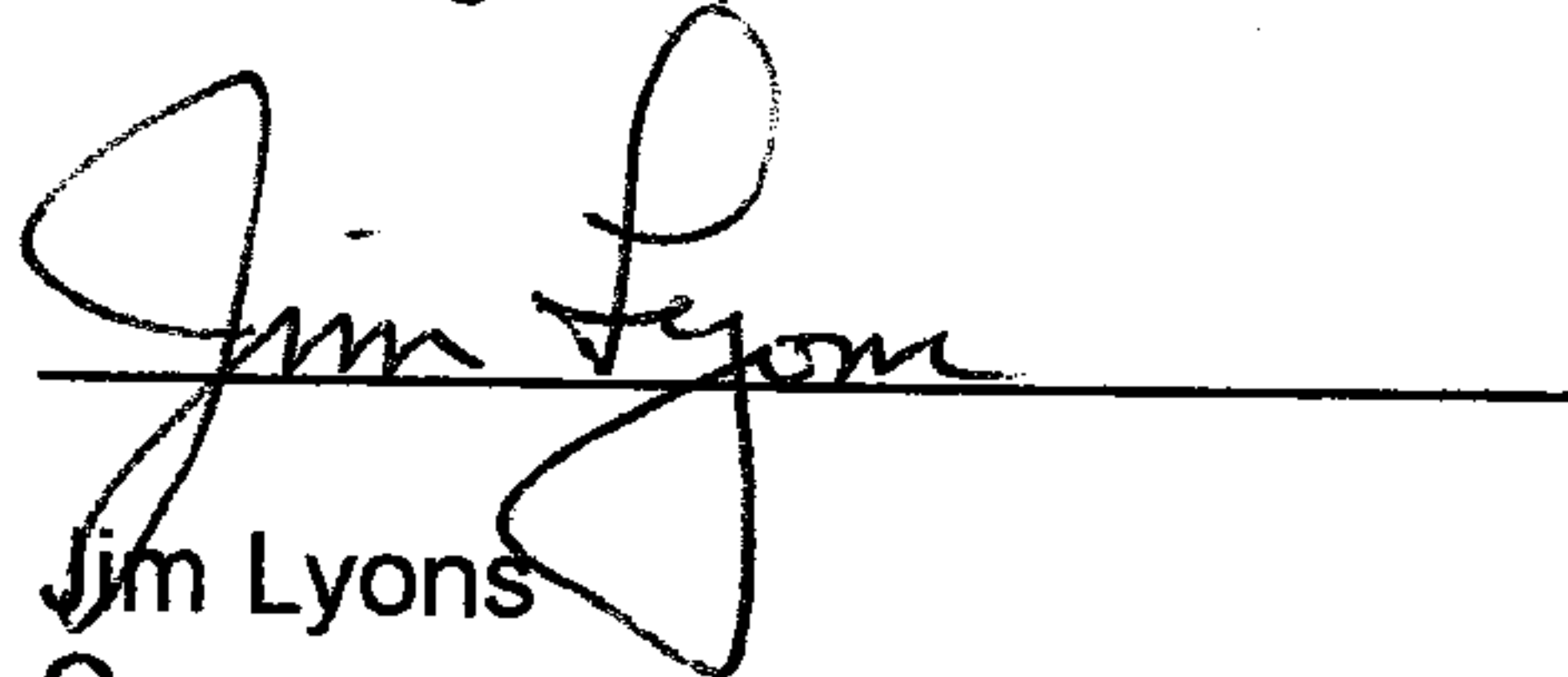
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Final Thoughts:

In our opinion the process was flawed from the beginning. Too much trust and information was conveyed to a selected vendor. The confidence level became extremely high by this vendor and the town using this vendors specification, unedited, only galvanized them to feel they were going to get the deal no matter what. A generic bid specification would have most likely provided more selection from quality vendors and manufactures and produced a wider array of prices and vendors to choose from.

This report concludes our evaluation process of the bids submitted to your town. We greatly appreciate the opportunity to provide our service to you. If we may be of assistance in the future please feel free to contact us.

Best Regards,



Jim Lyons
Owner

J. Lyons Fire Consultants, LLC.