

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Minutes Report

Monday, January 30, 2017

4:30 PM

Council Chambers

City Council

BE IT REMEMBERED that the regular meeting of the Hattiesburg City Council was held at 4:30 p.m. Monday, January 30, 2017, in Council Chambers at City Hall.

Those present included Mayor Johnny L. DuPree and members of the City Council Kim Bradley, Ward 1; Deborah Delgado, Ward 2 (Teleconference, 4:45 p.m.); Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Henry Naylor, Ward 5. Others in attendance included Director of Administration/City Clerk, Kermas Eaton; City Engineer, Lamar Rutland; Assistant Police Chief, Frank Misenhelter; Director of the Water Department, Chadwick Frierson; Director of Urban Development, Pattie Brantley; City Attorney, Annie Amos; Clerk of Council, Debbie Bernardo; Deputy Clerk of Council, Lisa Luu; media; and the public.

The MEETING was called to order by Council President Carroll.

Council member Bradley asked members of the bid review committee to come forward; Danny Shows of Schaus, LLC, Mr. Rutland and Ms. Waits came to the podium.

Council member Bradley asked Mr. Rutland about the five categories for grading. Council member Bradley said price is simple, but asked what criteria Mr. Rutland uses in companies for their ability to perform; Mr. Rutland replied that people on the team, including their experience and equipment they will use.

Council member Bradley asked Ms. Waits about the criteria she uses in rating companies with regard to personnel, equipment, and technical and financial : she said she looks at resumes and information the companies provide about their financial resources, and makes sure that RFP .

Council member Bradley noted that Mr. Shows rated J5Waggoner 20s across the board and rated Debris Tech lower in the category of personnel, equipment, facilities, technical and financial, and asked him to explain the reason. Mr. Shows said that the difference was minorities: he said FEMA and MEMA require reaching out to minority- and women-owned and local small businesses; he said Debris Tech made no mention in its response and that requested a response. Mr. Shows stated that a two- or three- point difference between the two.

Ms. Waits stated that searched the digital copy of the Debris Tech proposal but did not find mentions of minorities, women or small business.

Council member Bradley asked if J5 Waggoner is designated as a DBE; Ms. Waits responded in the affirmative and said this is a joint venture between Wagner Engineering and J5 GBL (sic). She said J5 GBL (sic) is a minority-owned business; Council member Bradley stated that did not submit the proposal. Ms. Waits stated that the joint venture submitted the proposal, but did include a half-page plan on how would address minority and women-owned and small businesses.

Council member Bradley stated that he would need to research Debris Tech's proposal; Mr. Shows said that did the searches and "dug deep".

Council member Bradley asked the committee members if they knew personally anybody associated with any of the proposals that have been submitted. Mr. Shows said that he knows many of them because he typically competes with them Mr. Rutland stated that he knows Neal Schaffer. Ms. Waits stated that Connie Waits was associated with one company that submitted a proposal; she said she could not remember which company that is.

Council member Bradley stated that J5 Waggoner does not have insurance; he said that J5 has several companies, He asked if the DBE designation appears on the business license for the state of Mississippi; Mr. Shows said typically it is seen on the front page. He said that he did not see it here, but that it became obvious after research.

Council member Bradley asked why Debris Tech was not chosen, when it has the lowest cost and highest points. Ms. Waits responded that does not have minority- or women-owned businesses; she said it will not be reimbursed for services if it hires a company that does not have a plan for using minority- or women-owned businesses.

Council member Bradley said that the J5 Waggoner proposal includes a letter which states that the company was right after the tornado, on the ground working. He said the company was not formed until January 27 and submitted its proposal January 28. He asked who invited J5 Waggoner . Ms. Waits said that other companies also came and that nobody invited them.

Mr. Shows said that he has seen responses. He said he saw their response in 2014. He asked Council member Bradley if the company just started the week before the disaster; Council member Bradley responded in the negative and said the company formed the week after the disaster.

Council President Carroll said he is baffled as to how was rated for past performance with a 20, 20, 17, 19 and 15 when there was no past performance.

Council member Bradley stated that submitted a proposal, but graded Tetra Tec. He said that is disturbing.

Council President Carroll asked Mr. Shows if he found it disturbing; Mr. Shows responded in the affirmative.

Council President Carroll asked if should be removed. Mr. Shows said spent a considerable amount of time discussing this. He said legally, responded to the bid the way asked, and that's how judges them. He said everything put in was spot on. Council President Carroll responded that was about another company. Ms. Waits said that Neal Schaffer and will not do the work either. Council President Carroll stated that Neal Schaffer has existed for a long time; he said J5 Waggoner has existed since Friday, so has no past record of performance, and is using someone else's corporate insurance. He asked if the company does not have its own insurance to try and limit its liability.

Mr. Shows stated that responded the way the RFP asked; he said cannot see through all the layers on who will actually do the work, but that did an unbelievable job putting that RFP together. Mr. Shows stated that Debris Tech outscored by maybe two points; he said recommended J5 Waggoner because of the minority response.

Council Vice President Dryden read aloud a quote from FEMA about Debris Tech which referred to it as the most effective debris monitoring operation in the field and said it could be the model for debris monitoring in the future.

Council member Bradley commented that there are many similarities between Debris Tech and Tetra Tech.

Council member Naylor asked committee members if they still feel that J5 Waggoner is the best. Ms. Waits stated that J5 Waggoner is the best choice for the City's purposes, which she said are to maximize the ability to receive reimbursement for the services provided to the City. She said that Digitech (sic) did not address that at all, and that is the very point that is causing a city in north Mississippi to repay money to FEMA; she said that city did not mention women- or minority-owned businesses anywhere in its documentation. Council member Bradley stated that no money

is being repaid and that can be put that to rest.

Council President Carroll expressed appreciation for the information about procedures provided at this meeting and said he would like to process it a little more. He expressed a lack of understanding about J5 Waggoner's formation as a corporation on Friday, and said it was using data from another corporation.

Mr. Shows said that response to the bid was almost perfect; Council President Carroll responded that the data is using is from other corporations.

Council member Delgado asked if Waggoner is an engineering firm. Subsequent discussion related to formation of J5 Waggoner.

Council President Carroll recognized Jabari Edwards Sr. and Joe Waggoner of Waggoner Engineering. Mr. Edwards discussed formation of this partnership and other partnerships J5 has formed. He said that his companies have so much insurance that sometimes it is overkill; he said the way this joint venture is formed, either one of is covered because are principals. He said that, with regard to using Tetra Tech technology, his past experience is with individuals and he is confident that the team and response will reflect professional services. Mr. Edwards said that he conducts business throughout the state, that J5 is not his only company and that he has been in business 17 years.

Mr. Waggoner said Waggoner Engineering has worked with J5 for the last four years, not just for this endeavor. He stated that the Waggoner program administered almost \$2 billion in Mississippi, Louisiana and Texas after Hurricane Katrina, and that focuses on documentation and protecting interests. Subsequent discussion related to various operations of J5 and bonding and insurance processes for new LLCs.

Brooks Wallace, a civil engineer and owner of Debris Tech, provided background on the company and discussed minority hiring practices. He said he differs from most companies in that he does not use subcontractors; he said the majority of people his company hires are local and about 80 percent are minorities, and of those, about 70 percent are women. He said that he is hearing that his proposal ranked higher than J5 Waggoner; he said he can address the minority issue, but that the City can expect questions from FEMA if a company that ranks lower is hired. Mr. Wallace fielded several other questions from the Council about his company's hiring practices.

Council President Carroll asked if there were representatives of any other companies that had submitted proposals; no other company representatives asked to speak.

A MOTION was made by Council Member Bradley and seconded by Council Vice President Dryden to Take from the Table and continue to TABLE Items 1 and 2.

There being no discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 3 - Bradley, Carroll, Dryden

Nays: 1- Delgado

Abstain: 1 - Naylor

1. **2017-193** Take from the Table and Acknowledge receipt of proposals received January 28, 2017 for Debris Monitoring Assistance for the City of Hattiesburg and accept the proposal of _____ as per recommendation.
 1. Neel-Schaffer RFP
 2. Thompson RFP
 3. J5 Waggoner RFP
 4. Debris Tech RFP
 5. Covington RFP
 6. Caldarera RFP
 7. Barnett RFP
 8. USES
 9. TNT RFP

2. **2017-196** Take from the Table and Approve and Authorize Mayor to execute agreement with Schaus, LLC for consulting services related to the January 21, 2017, Tornado.
 1. Schauss, LLC Agreement

2017-326 Public Comment Sign-In Sheet, 1-30-17.

1. 1-30-17 Public Comment Sign-In Sheet

By unanimous consent, Council President Carroll declared the meeting adjourned at 5:13 p.m., this the 30th day of January, A.D., 2017.