

**Town of Cary RFP Focus Group Report
May 9, 2007**

Summary

Methodology

Focus Group Participants

Focus Group Questions

Revised Draft Standard Procedure 75

Session Transcript

Summary

Following is a summary of reactions to several key issues raised in the Focus Group. Detailed discussions are available in the Session Transcript.

Document Overall

Focus Group participants felt that Cary's revised Standard Procedure was relatively consistent with what they see elsewhere in terms of its being easy to understand and fair to firms. However, because of the Town's use of price as one criterion for selection, the group felt that the Standard Procedure was more difficult and costly to comply with compared to jurisdictions that did not include price as one component of their evaluation. If price were removed from the document, most participants would rank the Standard Procedure an 8 on a 1-9 scale where 9 is the most positive rating; with price as a consideration, rankings on the document overall ranged from 1 to 5 to 6 to 7.

Project Authority

The group complimented Cary for having one of the least political processes and felt that keeping procurement decisions at the staff level—Project Manager, Town Manager—would help ensure equitable treatment for firms and good project results for citizens.

Local Preference

The group did not support adding a local preference criterion to the Standard Procedure since doing so would not necessarily result in a better outcome for citizens. They felt that any beneficial aspects of a firm's proximity could be addressed through existing criterion.

Communications

Most participants agreed with Cary's attempts to create a more level playing field in the revised Standard Procedure by formalizing project communications and found them consistent with what they've seen in other jurisdictions. The group supported the proposal of limiting substantive contacts to writing, taking minutes at pre-submittal meetings, and sharing all written communications with all interested parties.

Interviews

Participants strongly supported staff's interviewing only those firms that had been short-listed for a project. They encouraged the Town to create "the same weather" for each interview by ensuring that: the same panelists sat for each interview for a project; the interviews were scheduled as closely together as possible while still allowing for ample transition time between them.

Price as Criterion

Participants felt strongly that a traditional Qualifications-Based Selection (QBS) process in which price was not one of the criteria used for firm selection was the best and most appropriate procurement process for any government project. Therefore, they did not support Cary's current practice of including price as one factor in the selection process.

Select Other Points

Replace words such as "bid" to help reinforce Cary's commitment to using price as only one of several criteria for selection; replace "cost" with a more accurate word; clarify the Overview.

Include indemnification language and other Town-specific requirements in the RFP so that firms will know of these expectations before deciding to submit a proposal.

Write project scope sections of RFP's as detailed as possible to help ensure receiving a valuable proposal.

Use experienced project managers and ensure proper continuity when staff change.

Offer to debrief firms not chosen for the project.

Get additional feedback on the document from relevant professional associations such as the ACEC.

Methodology

On February 15, 2007, a subcommittee of the Cary Town Council met with staff to review the Town's policies and procedures for procuring architectural, engineering and construction services in light of relevant State laws and concerns raised by some firms that had recently participated in the process. From this meeting came direction for staff to conduct a focus group of vendors who could provide feedback on possible process improvements, particularly in the area of communications.

To ensure the widest mix of viewpoints be represented during the session, staff collected the contacts for all firms that had responded to Town RFP or RFQ during calendar 2006 and combined them into an alphabetical master list. Then, staff randomized the master list using Excel and—starting at the top of the randomized list of 80 firms—telephoned firms in order until the focus group's 15 participant slots were filled. A total of 18 calls were placed.

The two-hour focus group was held on April 20, 2007 at 10 a.m. at Cary Town Hall and was facilitated by Town of Cary Public Information Officer Susan Moran. To ensure accuracy and objectivity in reporting the findings, the session was videotaped and transcribed.

Focus Group Participants

1. Tyson Graves, Arcadis
2. David Brubaker, Chas H. Sells
3. Patrick O'Keefe, Clark-Nexson
4. George Gibson, Mulkey Engineers and Consultants
5. Jim Buck, Michael Baker Corporation
6. Paul Young, DTW Architects
7. John Eich, Stearns and Wheeler
8. Steve Kennedy, US Infrastructure
9. Matthew Crawford, Greenhorne & O'Mara
10. John Wilson, Kimley-Horn
11. David Perez, Terracon
12. Nick Kisley, Kisley Engineering
13. Lauren Bingenheimer, Lappas + Havener

Focus Group Questions

1. How many of you have participated in a focus group before?
2. How many of you have worked for government—Federal, State, Cary?
3. How many of your firms have been hired by the Town of Cary?
4. In thinking about times that you've submitted responses to requests for proposals from the Town, what issues did you have?
5. Do you see any issues with the first two sections of the document, which lay out the legal authority local governments have to develop the type of process laid out in the SOP and why the Town is developing this program? Are these sections clear, complete, and equitable?
6. In terms of Section 3, scope, should the Town include any other types of services in its procedure? Why?
7. With regards to Section 4 and task forces, how do you feel about the idea of having several people assigned to oversee an RFP process for a particular project? Any opinions on the right number of people? Any thoughts on the types of people who should serve?
8. With regards to Section 4 and the requirement that the Town Manager be the one to authorize an exemption based on a staff memo, is this clear? How do you feel about their having to be a memo? How do you feel about the Town Manager having the authority to exempt the project? Would it be helpful to include the referenced Finance policy for projects under 30,000?
9. In terms of the 6 elements we require for any notice (project type, scope, budget and timing, eval criteria, submittal format, and deadline), how well does this give you what you need to determine if you're interested in making a proposal? What else should we include? Are these presented clearly? Does this list ensure equity?
10. How does our using the Internet as our primary tool to let firms know of potential projects work for you? How consistent is that with what you're experiencing with other jobs? Can any of you share any innovative ways that others are getting the word out to you? How many of you have subscribed to our bidders email list, to which we send out updates when a new project is posted?
11. Is Section 4 number 4 on minority participation clear, complete, and equitable? How consistent is this with what you see with other governments? Are there other actions the Town should be taking to ensure that minority firms are aware of the opportunity?
12. Regarding Section 4 item 5—the RFP—and leaving cost out of it for now, how do you feel about the list—is it clear? Complete? How does it compare with what you see elsewhere? What are your feelings on past experience with the Town? Do you have any thoughts you'd like to share with us on this? What are your thoughts on adding local preference as one criterion—pros, cons, issues?
13. Is Section 4 number 6 clear to you? Any issues?
14. With regards to number 7—Pre-submittal meetings—how do you feel about pre-submittal meetings being suggested as opposed to required? Under what circumstances do you feel they should be held? Should the pre-submittal meeting be mandatory (if you don't come, we won't look at your proposal)?

How about the issue of minutes—public records—being taken: what kind of effect does this have on your candor? Are you any more or less likely to ask clarifying questions if everyone else hears them? In the interest of fairness and getting the best result, we plan to share questions and answers we get outside of the meeting with all the firms. What are your thoughts on that? What is a “substantial number of questions”? Who’s recommending to whom? Is it equitable to set up a pre-submittal meeting after the fact?

15. Regarding interviews, how do you feel about this language? Can you suggest any guidelines for determining which firms to interview? What about if the task force meets, shortlists the group to a handful of finalists, and then interviews them—is that okay? And for the interview itself, are there any parameters that you’d like to suggest? What about providing the questions in advance to the firms? What about timing/scheduling of interviews?
16. Regarding bid awards, do you have any issues with the Town Manager’s having the described authority? What do you think of the 5 bid award memo elements: project background, firm backgrounds, evaluation criteria and how they were applied, and fiscal impact? Does this work for everyone? Is it detailed enough? Is there anything else we should include?
17. Since the form of a sample ranking sheet changes for each project depending on the priorities and requirements for that project, would it be better not to have a sample here, just a description and a list of criteria that MAY be included? How would you feel about 1-9 instead of a 1-5 scale? Are there other types of rankings beyond numerical scales that you think would be more helpful? Is this item clear, complete, and equitable?
18. Based on what you’ve seen here today and using a scale of 1-9 with 9 being the best rating, how do you feel we’ve done ensuring that we have a good process for RFP’S and Q’s in Cary?
19. How does our RFP compare with what you experience in other communities—is it: more, less, or about as _____ as they are?
 - Easy to understand
 - Easy to comply with
 - Costly to comply with
 - Fair to competing firms
 - Likely to provide citizens with a good outcome

Standard Procedure 75:
Architectural, Engineering, Surveying and Construction Management
at Risk Services
(April 20, 2007 DRAFT)

Effective:

Supersedes: 7/1/1994

Prepared by: Cheryl Perry, Procurement and Risk Services Manager

Approved by:

PURPOSE:

To provide a process of open competition for architectural, engineering, surveying and construction management at risk services that will result in high quality projects for the Town at a cost-effective price to its citizens.

OVERVIEW:

North Carolina General Statute 143-64.31 states that it is the public policy of the State and local governments thereof, except in cases of special emergency, to select architectural, engineering or surveying services firms on the basis of demonstrated competence and qualification without regard to fee and thereafter to negotiate a contract for a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with that firm, then negotiations shall begin with the next best qualified firm. North Carolina General Statute 143-64.32 authorizes local governments to exempt particular projects from the provisions of GS 143-64.31 in the case of:

“(a) Proposed projects where an estimated professional fee is in an amount of less than thirty thousand dollars (\$30,000), or,

(b) Other particular projects exempted in the sole discretion of the Department of Transportation or the unit of local government, stating the reasons therefore and the circumstances attendant thereto.”

It is the official policy of the Town of Cary to exempt all projects where an estimated professional fee is in an amount of less than thirty thousand dollars and other particular projects from the provisions of GS 143-64.31 (see Finance Policy 112). The reasons thereof and the circumstances thereto are that a policy of procuring these services through a process of open competition is in the best interests of the Town of Cary and its citizens. Therefore, all architectural, engineering, surveying and construction management at risk services contracts of the Town of Cary will be competitively bid and the award of these contracts shall be made on the basis of demonstrated competence and qualification of the firm making the proposal and the fee proposed to provide the services required. There may be other reasons to exempt projects from these statutory

requirements (i.e., expertise in a particular discipline; in-depth knowledge of particular Town operations; prior provision of services for other phases of a project, etc.). In these types of circumstances, exemptions may be granted with approval of the Town Manager by submitting a request for exemption and stating the particular reasons and circumstances.

SCOPE:

All architectural, engineering, surveying and construction management at risk services contracts of the Town of Cary.

PROCEDURE:

1. The department responsible for the request for architectural, engineering, surveying or construction management at risk will assemble a task force of at least three members to assure compliance with the provisions of this procedure.
2. Each particular contract where the estimated fee for professional services is \$30,000 or more must be exempted by specific action by the Town Manager from the provisions of GS 143-64.31. To do so, the department must prepare a memo to the Town Manager requesting an exemption citing the reasons and circumstances (see exhibit). This step is not required for contracts of lesser amounts as there is a blanket exemption in place up to \$30,000 through the Finance Policy.
3. After the exemption has been granted, either a request for Statements of Qualifications (SOQ) or a Request for Proposals (RFP) including qualifications will be developed by the department/task force.

An SOQ may be developed prior to the RFP and is typically utilized when soliciting for very specialized services (i.e., design of a water or wastewater treatment facility, design of a fire station, etc.) A notice of the request for SOQ will be put on the Town's Web site. In order to reach the intended market for services, an advertisement may also be placed in the local newspaper or notice may be sent to professional organization outlets. The notice will typically include:

- a. The type of project to be designed.
- b. The scope of services required.
- c. Any budget and time constraints.
- d. The evaluation criteria.
- e. The form in which the statement of interest and qualifications is to be submitted.
- f. The submittal deadline.

4. GS 143-64.31 requires the public entity to make good faith efforts to notify minority firms of the opportunities to submit their qualifications for consideration in the selection of firms for the provision of these services. The department/task force will send notice to minority firms listed in the State of North Carolina HUB Web site listing or may utilize any other local agency minority certification program listing. The department/task force must keep a record of their efforts and report them to the Purchasing Department with other required documentation.
5. An RFP will be prepared by the department/task force that will measure the competence of the firm in the required area(s) by typically comparing:
 - a. The firm's experience with projects of a similar type and scope.
 - b. The special expertise of personnel who would be assigned to the project.
 - c. The expertise of any consultants.
 - d. The location and availability of the project personnel and consultants.
 - e. Time schedule.
 - f. The proposed cost of the project.
 - g. Specific information relating to the nature of the project.
 - h. A comprehensive statement of work.
 - i. Past performance on prior Town projects.
6. When an SOQ process is used, the Request for Proposal (RFP) will be distributed to only those firms selected by the task force on the basis of the qualifications submitted in response to the SOQ. When the RFP is the sole instrument used, copies will be sent to firms upon request. The RFP should mention the statutory exemption and include a copy of the signed exemption. Any advertisement or notice should also state the project has been exempted from the statutory provisions.
7. A pre-submittal meeting should be scheduled for complex RFP's. All interested parties should be notified and invited. This meeting should be utilized to answer questions or clarify the scope and requirements of the RFP. Minutes of the meeting should be taken and distributed to all interested parties. After the meeting, any additional questions must be submitted in writing to the designated Town representative until a set time period and then answers will be distributed in writing to all interested parties. In the event a pre-proposal meeting is not held, the RFP should state questions must be submitted in writing to the designated Town representative and will be answered and sent to all interested parties. If a substantial number of questions are submitted regarding the proposal, it is strongly recommended a pre-submittal meeting be set.
8. After evaluation of the proposals, the task force may set up interviews with a select number of firms to obtain more in-depth information regarding the submittal and

each firm's expertise and understanding of the project. A bid award memo with the task force's recommendation of their selection will be prepared for the Town Manager for action. This memo will contain, at a minimum:

- a. The nature, scope and history of the project.
- b. The name, location and the length of time in business of each firm submitting a proposal and any other projects undertaken for the Town.
- c. An explanation and/or definition of the criteria used to evaluate the RFPs.
- d. How the task force used these criteria to judge the competence of the firm selected.
- e. Fiscal impact.

The Town Manager may refer award of the contract to Town Council. In this case, a staff report will be prepared for the appropriate Council committee for recommendation and then to the Council for approval and award.

9. Any resultant contract will be executed following the Contract Control Procedures (see Standard Procedure 34). Prior to routing the contract, documentation of the efforts made to secure these services must be forwarded to the Purchasing Department for review.

REFERENCE:

Finance Policy 112 (Finance Policy)
Standard Procedure 34 (Contract Control Procedures)

EXHIBITS:

Example of Ranking Guide
Example of a Request for Exemption memo

Ranking guide for architectural, engineering and surveying services - Sample

Project name: _____

	<u>FIRM #1</u>	<u>FIRM #2</u>	<u>FIRM #3</u>	<u>FIRM #4</u>
1. Number & location of staff available for this job	_____	_____	_____	_____
2. Outside consultant's qualifications	_____	_____	_____	_____
3. Similar experience	_____	_____	_____	_____
4. Project approach	_____	_____	_____	_____
5. Time schedule	_____	_____	_____	_____
6. Project manager's qualifications	_____	_____	_____	_____
7. Project team's qualifications	_____	_____	_____	_____
8. Additional suggestions	_____	_____	_____	_____
9. Cost proposal	_____	_____	_____	_____
10. Reputation of firm	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
TOTAL POINTS	_____	_____	_____	_____

SCORING: 1 = poor 2 = fair 3 = good 4 = excellent 5 = outstanding

(Date)

To: William B. Coleman, Jr., Town Manager

From:

Re: **NCGS 143 Exemption**

NCGS 143-64.31 sets forth a requirement that contracts for architectural, engineering, and surveying services for an amount greater than \$30,000 be solicited without regard to competitive pricing. Staff plans to solicit formal proposals for such services in connection with the proposed _____ project.

N.C.G.S. 143-64.32 authorizes local governments to exempt particular projects from the provisions of N.C.G.S. 143-64.31 at their sole discretion, stating the reasons for the exemption. It is the official policy of the Town of Cary to exempt all projects from the provisions the provisions of 143-64.31 and to procure these services through a process of open competition that is in the best interests of the Town of Cary and its citizens. Award of these contracts shall be made of the basis of demonstrated competence and qualification of the firm making the proposal **and** the fee proposed to provide the services required.

Recommendation: Staff recommends the Town Manager authorize exemption of the proposed _____ project from the requirements of NCGS 143-64.31.

Authorization to exempt project from NCGS 143-64.31:

William B. Coleman, Jr.
Town Manager

Session Transcript

MODERATOR: I'm Susan Moran and I'm the Public Information Officer for the Town of Cary. Thank you very much for sharing your time with us today to give us some feedback on some revisions that our staff has done on an internal document that directs us on how we will do our requests for proposals and qualifications for architectural, engineering and construction services. I know some of you are pitch hitting for others, and we really appreciate your taking the time to be here. For those of you who haven't had time to review the document, it's being circulated now. What we'll be doing is referring to it throughout our time together. These are my cheat notes, if that's okay with you.

I'd just like to touch on a few housekeeping items. First of all, your time is really important to us and we're going to use every minute we have with you, which means we're not going to take a group break in the next two hours. And hopefully, we'll be through in less than two hours, but no group breaks. So if you need to go do whatever you need to do, answer your phones, whatever, please do that as you need to do it. There are water fountains out this door to the right, as well as the men's restroom, and the women's restroom is over here to our left. And on the note of pagers and cell phones, if you could put those on vibrate, that'd be very helpful for us. We understand that you may need to be communicated with, but as we're moving through this material pretty quickly we want to minimize the distractions for everybody else.

You have a copy of the draft revised standard procedure. You also have a giant white piece of paper. Would take a moment now and write your name, first and last, and the firm that you represent on our giant white piece of paper.

PARTICIPANT: With our Town of Cary pen?

MODERATOR: Please, and that is for you to take with you if you like. That means you must tell the truth when you're writing with that pen. This paper will be important to you as we move through the material today because we know how great minds are—they wander. And you're going to be wandering as we're talking about something and then later on it will come back to you and we won't be able to stop and go back. These papers are here to capture those wandering, wonderful thoughts that you're going to have. So write down anything that comes to mind. Or maybe there's something that you don't really want to share because you've got a competitor in the room. If you'll share that with us on the piece of paper, that would be great for us. We will collect those papers at the end and we will include them in our consideration of your remarks. So be careful what you doodle, because they are public record. Watch your doodles. And finally, we've got some refreshments in the back for you. If at any point you want to get up, get yourself some refreshments, please also do that. Any questions about our housekeeping?

I talk very quickly, so slow me down if you need to slow me down. And one other thing about me, I have very poor vision. In fact, those of you at the end of the table are actually invisible, which might be good, I don't know. But what that means for you today is, I'll be going through a large stack of notes—which really isn't that large, it's just the print that's large. And I won't really be able to see your faces for that groovy eye contact thing, so when you want to jump in, just jump in. Okay? That's kind of our ground rules.

So, let's go around the room and let's start by introducing ourselves—first name, last name and your firm's name and what your firm does. Let's start with you.

PARTICIPANT: My name is Patrick O'Keefe. I am with Clark-Nexsen Architecture and Engineering. We are a full service AE firm specialized in commercial, higher ed and government work.

PARTICIPANT: George Gibson of Mulkey Engineers & Consultants here in Cary. We are a full service civil engineering firm.

PARTICIPANT: I'm Matthew Crawford, Department Head of Land Surveying at Greenhorne & O'Mara and we are a civil engineering, land surveying, water, environment, and in other offices some environmental.

PARTICIPANT: I'm Tyson Graves of Arcadis, and we are a civil firm as well as an environmental firm.

PARTICIPANT: John Wilson with Kimley-Horn, civil engineering and consulting, and located in Cary.

PARTICIPANT: Jim Buck with Baker Engineering. We primarily do eco-system restoration and MEPA documents, and the larger Baker organization is a full service transportation firm.

MODERATOR: Sir, did you say MEPA?

PARTICIPANT: MEPA. Yeah, and SEPA.

MODERATOR: SEPA?

PARTICIPANT: Both.

MODERATOR: SEPA and MEPA, great. We were with the Army Corps last night on SEPA and MEPA.

PARTICIPANT: I'm John Eich with Stearns and Wheler. We're environmental engineering firms. [Hi, John] Matt, how're you doing? And we primarily focus on water and wastewater projects.

PARTICIPANT: I'm Lauren Bingenheimer with Lappas + Havener. We're a commercial landscape architecture firm.

PARTICIPANT: I'm Steve Kennedy with US Infrastructure of NC out of Greensboro. And we've also got offices in Charlotte. We specialize in civil, particularly municipal, engineering serving governmental clients.

PARTICIPANT: Paul Young, DTW Architects. We deal mainly with educational and government projects.

PARTICIPANT: I'm Dave Brubaker with Chas. Sells and we're an engineering and surveying firm. We do residential, commercial and municipal work.

PARTICIPANT: My name is Nick Kisley. I'm with Kisley Engineering and specialize in plumbing, mechanical and electrical design.

MODERATOR: Great, and here we have Lana Hygh. Lana is the Assistant to the Town Manager and my partner in the focus group portion of this project, and David Wolk, on my staff from Cary TV, who is recording what we're doing today. And if you've ever been in a regular focus group, you know that, a real focus group, you know that this is a common practice. Why is that important? Why is it important that we record it?

PARTICIPANT: Public record.

MODERATOR: Well, for public record, yes. It's important that the information that we share with the staff members that are working on this project and with our Council is actually what you say, not what I might think you said, or what I might remember that you said. So, hopefully, this will give you a lot of confidence that your time's being well spent because what you say will be transcribed and will be used to its fullest. All right?

PARTICIPANT: I have a question, Susan.

MODERATOR: Yes, please.

PARTICIPANT: To what extent will our comments be attributed to us as individuals or firms? In other words, how anonymous will it be? How candid do want us to be?

MODERATOR: Well, we want you to be...

PARTICIPANT: Excellent question.

MODERATOR: We want you to be absolutely candid because this RFP, while it's an internal document, it is what we use to help make sure that you are treated fairly and that, by treating you fairly, our citizens get the best project. But, we do have your names, and the typical way to do it is to attribute it to participant 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, going around the room from left to right. I can't promise you, however, that your name won't be connected.

PARTICIPANT: How about the video? Will that be shown to a group outside of Public Information Office?

MODERATOR: The video is for our Town Council. It will not be played on Cary TV. However, welcome to government. *(laughter)* It is public record and if someone were to ask for a copy of it and if we still have it as a record, then we would have to give it to them. Other questions about that? Because this is, I want you to know what you're doing so that you can comment appropriately.

All right, let's go on to about focus groups. Raise your hand if you've been in an official focus group like this before. All right, so a couple of you. Well, your experience is going to be very helpful as we move through this process. And as a reminder to you, and for those of you who haven't done this before, focus group research is real research. It's actually an accepted principal and that's why we have all these little formal ways that we're doing it. I know some of you have probably participated in focus groups with Town staff before where you all sit around the table and we kind of ask you your opinions. That's not what we're doing here. I don't have anything to do with this document that we're going to be talking about today. I'm facilitating the discussion because I have training in facilitating these discussions. So it's real research, and part of that is making sure that we got a good representative sample of firms who might be responding to our RFPs and RFQs for architectural, engineering and construction services.

So the way we did that was, we chose calendar 2006 for our sampling frame and we got all the names of all of the firms that had submitted responses to our requests—we had about 80 of those—and we randomized them. And then we started at the top of the list and we said we can hold 15 people; let's start calling. And we only had to call 18 to get 15. So that's how you got here, and based on what I've heard from you, we got a pretty good sampling, yes? All right.

PARTICIPANT: Quick question.

MODERATOR: Yes, jump in!

PARTICIPANT: Was there any consideration for our inviting our industry representatives—ACEC, AIA?

MODERATOR: Nope.

PARTICIPANT: Okay, but just as a point of clarification, I think that one of the concerns that's been brought up is, we put ourselves at risk as firms. One of the reasons we have industry partners is so we can't, and I think, frankly, and would like to go on the record, that some of the feedback you will receive...

MODERATOR: Wait—this comment will be on the record.

PARTICIPANT: Thank you. ...that some of the feedback you receive may not be candid and open because some of us as partners and as vendors to the Town will be concerned about the impact on us based on our open communication. Our industry representatives—ACEC, AIA, ASOA—in my opinion, in our opinion, should have been here today.

MODERATOR: All right. Well, you are here because the Town Council subcommittee that's looking into this issue told us to bring you here, and so you are. Now, that doesn't mean that the Council, after they read the transcript, doesn't mean that they may not also ask us to invite those to another meeting. So thanks for bringing that out.

[David Perez arrived at 10:12 a.m.]

All right, so in a focus group what we want to do is focus on dialogue and conversation and not on debate. So, some of you may have different opinions. We want to all celebrate everybody's opinions, get all those opinions out there—but not among ourselves try to decide if one opinion is better than the other. And I want to reinforce that we are videotaping this for accuracy, so that you can have confidence that what you say is what you said—if that makes sense.

So, I'd like to start out with a couple of just quick questions. Employment: How many of you have been an employee in government before? *(5 hands)* Okay great, keep your hands up. Federal government? *(one hand)* State government? *(3 hands)* North Carolina state government? *(same 3 hands)* Okay, how about Cary government? Any of you former Town of Cary employees? We have so many of them out there in your group.

PARTICIPANT: I'm a current part-time employee.

MODERATOR: With the Town of Cary?

PARTICIPANT: Yes, yes.

MODERATOR: We can change that. *(laughter)* I mean by making you, you know, permanent, of course. How many have actually gotten a job through your firm with the Town of Cary, we hired you. *(11 hands)* Well thank you all for your service to us and to our citizens. We look forward to being able to work with you again.

What we're going to do now is actually get ready to get into the document by hearing any issues you've had with us, or just generally when you've been responding to requests for proposals and qualifications. And again, it doesn't have to be here but our goal is to have the best standard procedure we can have and we want to learn from your experience—not just here, but experiences you have other places. So when you think about issues with responding to RFPs, whether specific or general, what kinds of issues have you all seen? Just throw them out. And I don't even have to write them down because he's writing them down. Any issues?

PARTICIPANT: Price-based selection versus qualifications-based selection

MODERATOR: Can you talk a little bit more about what you mean with that?

PARTICIPANT: Sure, North Carolina has a statute that bases selection for professional services on qualifications, not pricing. And that's an issue that I think, my guess is, most people at the table are concerned about, our firm is certainly concerned about, in that it does, and it has a—as the firm being a constituent of the Town of Cary, not as someone who works for you but as someone who resides in the Town of Cary—we're concerned that, because there's a state statute, this could be at odds with the public policy of the State of North Carolina and it could put the constituents of this Town at risk legally.

MODERATOR: Okay.

PARTICIPANT: And we don't feel that it is in the best interest of the Town, nor will you get the best solution in projects, if that's what you're after at the end of the day.

MODERATOR: All right, so a specific issue that you've had with us or in your responding is when price is considered with qualifications.

PARTICIPANT(S): Correct. Yes. Correct.

MODERATOR: Okay. Other issues. All right, so that sounds like a pretty general consensus. We've got some, some of you are really concerned about that. That's an issue. All right, got that one. What's another issue that you have when you are either deciding to respond to an RRP or actually responding? Yes, please.

PARTICIPANT: In the Town's RFPs—at least up until a year ago, it may still be the case, I believe it is—you insist that in the agreement there be a very, in my opinion, one-sided indemnification clause where the professional, the design professional indemnifies the Town for everything directly or indirectly associated with the project. And that, particularly in combination with price-based selection, is in my opinion a very poor public policy and really works against the Town in many ways.

MODERATOR: Okay, anyone else feel the same way about indemnification?

PARTICIPANT: Yes, in fact, one of the contracts that we signed had that indemnification and in checking with our, the principals in our firm and our counsel, we signed it because in essence our counsel was telling us this thing is meaningless legally. And so, I guess I would submit that I'm not sure that it's serving the Town because I think if it were challenged in actuality in court it probably wouldn't hold as much water as that cup.

MODERATOR: Okay, all right. So indemnification is an issue. What's another issue that you all have either with the Town or with other places with responding to RFPs, or deciding if you're going to go play in that project.

PARTICIPANT: I think a generalized scope of work as opposed to being a very specific scope of work, particularly if it's going to be price-based. You don't know how to base your price if the scope is more general, and so you need a more detailed scope.

MODERATOR: All right, good. Yes.

PARTICIPANT: Kind of as a general point, there's a considerable amount of work out there right now and design professionals balance risks and rewards for pursuing projects. And, there are a number of jurisdictions out there that do not select based on price, do not require such one-sided indemnification, and so the better firms are going to look for those opportunities where their risk and reward equation is better than it would be for the Town of Cary. You will get people to propose, but perhaps you're not going to get the best people proposing. So, my point is that it is, in a sense, a seller's market these days. That could change, but firms can be a little more selective these days and as a result may not propose to the Town of Cary, and you may not be getting the best talent.

MODERATOR: Okay, understood, and that still involves these, some of these issues. Do we have some new issues, some additional issues that might make you go somewhere else instead of the Town of Cary?

PARTICIPANT: I wouldn't say would make us go somewhere else, but some...

MODERATOR: There's some challenge issues.

PARTICIPANT: The challenge for us has been where we've pursued projects that we were not selected for and come to find out the project approach was in some cases a big deal. They wanted to see in the RFP exactly how we were going to kind of implement our design solution—which meant coming up with a design solution—and how we planned to implement it, when that was not specifically asked for. Typically,

you know, RFP responses, depending on what's put out there, can be general or specific, and then to find out that they wanted it very specific with a set bit of information, that would have helped.

MODERATOR: Good, that's very helpful. Some other pieces or elements that challenge you either in Cary or other places when you're looking at taking a job.

PARTICIPANT: I think one of the issues I've seen, here and in other places too, is when you request information, and in some places they are very strict that you have to make the information request in e-mail and all the responses, the question and the responses, are always posted on the Web for everybody. No feedback is ever given to you verbally, which is the way I particularly like it because, I mean, it keeps the playing field low. I know here, for instance, that there have been issues where the staff has talked directly to the firms that are in the running and so the other people that are in competition for that RFP don't necessarily get that information.

MODERATOR: Okay, I'm going to capture that as one on one communications. All right, good. Excellent, this is exactly what we're looking for. Anything else?

PARTICIPANT: I guess I would be a dissenting voice on that.

MODERATOR: We don't have to debate it.

PARTICIPANT: No, no, I'm not.

MODERATOR: An issue for him but a non-issue for you?

PARTICIPANT: I celebrate his opinion.

MODERATOR: Good, excellent.

PARTICIPANT: I view the process of a proposal and developing a project approach as a collaborative approach, and if we have better talent and better ideas I would like to be able to float ideas one on one to staff members and to get feedback and not necessarily want all my competition to be aware of that. I don't know that that works against the Town at all. I think it promotes creativity and innovation. But I certainly respect...

MODERATOR: ...and celebrate...

PARTICIPANT: ...and celebrate his opinion, but I do have a little different view of it.

MODERATOR: All right, that's good. What about some of the rest of you we haven't heard from yet. Are there any other issues, before we move on, that haven't been captured up here that you think are important to just get out on the table now. Yes?

PARTICIPANT: I've had one in a couple of projects that we've done with you that turned out well, but I guess it's an element of my reservations about the fee-based selection process, and that is, our experience—and obviously we've not done a tremendous number of projects for the Town, which we hope to do more—in our experience, we've worked with fairly young, relatively inexperienced project managers. And a consequence of that is that, particularly when you're asked on the front end to develop a fee and then when you actually get into developing the scope of work, at that point you've got a fee out here that's been established, but you're in essence guiding that project manager—which I think that's fine, I think that's one of the benefits of having a QBS process—but at the same time, there was no, there was little continuity between one project manager from an earlier project, which was very similar which we had worked with sort of to educate about some of the nuances of the project. And then you go out again, there's a brand new project manager, no experience with this type of work and so you go through this again. It seems like, and I know that's somewhat problematic for a lot of agencies because there is

turnover in staff, which I think argues for a QBS process, and then you start talking about fee once you've hammered out that collaborative effort on the scope of work.

MODERATOR: Any of the rest of you experience issue with inexperienced project managers or project management teams, in Cary or not in Cary, is that something that you see?

PARTICIPANT(S): Yes.

MODERATOR: All right, good. Anything else we want to get out on the table? We're going to be talking about these and many other issues, but anything else we want to capture here? Does this pretty much cover the big things you see here? Yes, please.

PARTICIPANT: I think that what is not an issue in Cary, but can be an issue in other places, you asked for other places...

MODERATOR: Yes.

PARTICIPANT: ...is the influence of politics on our decision, and credit to the Town because they do invest these decisions in professional staff. < cell phone rang >

MODERATOR: Ooh, someone didn't silence... ...*(repeats participant)* "professional staff", okay.

PARTICIPANT: Yes.

MODERATOR: Excellent. All right, well, what I'd like to do now is turn your attention to the document itself. If you'd pull it out and I'm going to try to follow along here. Our purpose today is to look at this document, and to look at it within the context of your experience, experience with Cary and your experience everywhere, with an eye of making it better—hopefully, the best—remembering it's an internal document the staff uses to guide how staff works with you on projects, to make sure that it treats you fairly, that it encourages you to want to work in Cary, that it gives you confidence in working in Cary, and that, in doing all of that, that we get the best end products for our citizens.

So our focus today is going to be those words on the paper. What we're not going to be focusing on or debating is whether the Town should exempt itself from the State rules, or those kinds of big picture things. We can talk about those at the end if we have time, but what we need to hear from you today is actual reactions to specific things that are in this document. Is that clear to everybody? All right, good.

So, let's get started with the first two sections of this document. The document begins with the purpose and the overview. So my question for you there is—and the question that I'm going to continually ask you throughout our time together is—Are the sections clear? Right? You understand them; they're easy to understand. Are they complete? Do we have everything in it we need to have to serve its purpose? And is the section equitable? Or the sentence, or the point—is it as fair, or as it can be? So C-C-E, I want you to keep that in mind—clear, complete and equitable. Doesn't mean we're not going to be talking about other aspects of it, but ultimately those three points are extremely important to our organization.

So, in looking at the purpose that we establish and the overview, do you agree that they're written clearly? Any issues with clarity there, something that when you read it you didn't understand? Yes, please share that.

PARTICIPANT: The last paragraph under the overview is not clearly written.

MODERATOR: All right, talk with me about what happened there for you.

PARTICIPANT: Okay, well you're really talking about two different topics in the same paragraph, so it ought to be broken up. The first topic that you talk about is projects that are under \$30,000. They're going to be treated in a certain way. And then other projects are going to be treated in a different way.

MODERATOR: Yes.

PARTICIPANT: And so I think it's sort of garbled when discusses those.

MODERATOR: All right.

PARTICIPANT: Also, the term "exempt" is used in two different senses, in fact two opposite senses in the paragraph. In the one case you talk about exempting the Town from the State policy, and then farther on down you talk about, really, exempting projects from the exemption from the State policy. So take a look at that; it could be written clearer.

MODERATOR: All right, good. Others? Others have comments about clarity of these two sections, something that jumped out at you? What about completeness? Have we established what our purpose is? Have we completely established the legal background here that's necessary for the standard procedure? Oh, and let me remind you, or point out for those of you that don't know, state law does not require us to have a standard procedure, but the Town of Cary has had this standard procedure—or its earlier version—for almost twenty years. So, it's been important to us for a long time to make sure that our staff had some guidance to approach firms and projects with some consistency. It's wanting to do better that we've brought you in today to ask about ways to revise it. Any other comments about this section, these two sections? Please.

PARTICIPANT: I don't understand why you go to the effort to describe the different reasons for exemptions and the ways in which you might or might not exempt projects over \$30,000 when in your draft of your NCGS 143 exemption you state that it's the official policy of the Town of Cary to exempt all projects from the provisions, et cetera. I mean, why go through all this description when you just write it off at the end?

MODERATOR: Okay, great, that's very helpful. Yes.

PARTICIPANT: I also think that, you know, because of—again as a constituent of the Town—if legally challenged there is not any reasoning other than "it is in the best interest". It's not complete as to why you are exempting yourself and what reasons are there. And when you compare this to the statute, it provides very slim legal ground to stand on as to what reasoning you are using for the exemption. In fact it is in conflict, in my opinion, of the statute.

MODERATOR: I saw some heads nodding that it's not—that rationale, reasoning is not complete. So other people say that.

PARTICIPANT: It's very generalized, and very vague—the rationale for the exemption.

PARTICIPANT: And if challenged, I would be concerned, again, if there is good reason, if there is—that there's further reason other than in general of it's just in the best interest of the Town—that that be put down in this document, or at least be referred to in another document, such that if a legal challenge were to come there was a more firm ground to stand on.

MODERATOR: You keep bringing legal challenge. Should I be expecting something in the mail?
(laughter)

PARTICIPANT: No!

MODERATOR: Just kidding, I'm kidding.

PARTICIPANT: Not from us, not from us.

MODERATOR: Okay, well the comment is well taken and we appreciate it. Other items, yes.

PARTICIPANT: Susan, in that same last paragraph of the overview...

MODERATOR: I'm so glad I didn't write this document.

PARTICIPANT: ...It seems to me that, and I'm looking at the sentence that says, "Therefore, all architecture... blah blah blah ...will be competitively bid." I really take issue with that particular phraseology when it seems, when you follow that right up with saying that "the award of each shall be made on the basis of demonstrated confidence, qualification," blah, blah, blah, when it seems to me this document is screaming 'we're looking at the price.' And I'm not sure, even if I look at your sheet back there where you're doing your rankings, of course fee goes there down towards the bottom. But I think that's, I think you're just hiding that, that your real concern is, 'what are we going to have to pay for this?' And when you say, when you use words like "competitively bid," that's like I'm coming in to sell you reams of paper, and I'm not—I'm selling you expertise in engineering.

MODERATOR: Okay, good.

PARTICIPANT: That combines with "that we will exempt all projects." I look at that as like the parent that just says 'because I told you so' and there's no reasoning behind it.

MODERATOR: All right, others of you?

PARTICIPANT: Well, you know, kind of to echo your sentiments, is that through the process of the RFP you've kind of whittle it down to the group that you're interested in dealing with, the several firms. And I think we're all concerned that when you get to that process, that is the bottom line because for those that get to that last stage, we feel we can all do the work. So what are you going to do? Are we going to select the one that will cost us the least? I think that's what we're all a little concerned about.

MODERATOR: Okay, and we're going to talk more about that particular issue. Sticking with that concept within the context of these two sections—we've heard about a couple of paragraphs, some sentences, feeling like, 'do what I say and not what I do.' Are there other words, phrases, pieces that seem incomplete to you, that aren't equitable in this purpose and overview?

PARTICIPANT: Susan, you've mentioned 'equitable' a number of times, and clearly this needs to be equitable, it needs to be fair. What I have not heard you mention since we've launched into part of the discussion is, 'Does it encourage the best firms to propose? Does it elicit the best ideas and in the long run the best projects for the Town?' So, I think if we're restricting our discussion to equitable...

MODERATOR: Not restricting it; not restricting it.

PARTICIPANT: Okay, because you gave us C-C-E and I didn't want...

MODERATOR: Yes, well, it's very important to me that we always have C-C-E, but we'll but a 'B' on there for 'best'—how 'bout that?

PARTICIPANT: Absolutely.

MODERATOR: C-C-E-B... is there anyway to make that into a word?

PARTICIPANT: It almost sounds like a bank.

MODERATOR: It does sound like a bank, doesn't it? It's back to money again! All right, remember your white sheets of paper. Got a lot of material to cover. I'm going to move on past these two sections now, but if something comes up, note it on your white sheet of paper and we'll also collect that.

I want you to take a second now and look at scope, which is the third section. It's pretty short. Relatively clear to everyone, what the scope of this RFP is—I mean what this SOP is? Any question about what it covers? (*none*) All right, so let me ask you this: Should it cover more? We have a lot of RFPs that aren't these things, that aren't what you guys do. Should we have the scope of this expanded, so that we treat all RFPs, regardless of type of work, the same? What do you think? What are the pros and cons of that? Let me give you an example. We do an RFP for research services when we do our Biennial Citizen Satisfaction Telephone Survey. We may do an RFP for that service. But there aren't guidelines that we have to follow; we do not have to follow this standard procedure. What do you think? Leave it as it is? Expand it? Why? Why not?

PARTICIPANT: Well, I think if you're going to tie it back to the general statute that your dealing with, the scope of these limited to the things that are covered by the general statute.

MODERATOR: Good point.

PARTICIPANT: And not go beyond that. I mean, obviously people bid on paving streets in Cary. They actually bid on that, but that's not a professional service as covered by the general statute.

MODERATOR: Right. Other thoughts on that? Other opinions on that?

PARTICIPANT: I'm agree with that, although it might be interesting to hear if you knew how the Town, if they do, if they were to solicit, for example, legal assistance. Would they shop for the lowest bid?

MODERATOR: Oh, you know, I'm not sure about that, and we could talk about that offline if you'd like. I'd hate to use up our time on that.

PARTICIPANT: I understand.

MODERATOR: We'll get back to you on that, find out. All right, so, nothing on the scope really there. Let's look at section four, which is really the meat of this standard procedure because it's 'the procedure.' It's got nine sections in it, right? So the first thing that we want to talk about here is this idea, number one, idea of a task force, that the Town will use a task force to develop and evaluate RFPs—kind of like a project management team approach. How do you feel about that? Is that a good thing for you? Does it make it difficult for you? Who should be on the team? What are the qualifications? Let's just talk a little bit about the concept of a team or a task force as opposed to one person.

PARTICIPANT: The task force is your business as long as the task force is qualified and knowledgeable about our disciplines, and we're not speaking to a bunch of people who have nothing to do with what we do who aren't qualified to make decisions about who works for them.

MODERATOR: All right. How about the rest of you? How do you feel about a task force or a team? Yes, please.

PARTICIPANT: Absolutely the way to do it. Other places—well, no need to talk about other places—I would just move for acclimation. This is absolutely the way to do it because you get varying opinions, varying perspectives. I would agree they should be generally qualified, but that wouldn't rule out somebody who would just be, you know, have some common sense. It may be a layperson, but I wouldn't rule that out either, but most of them ought to be technical people. But definitely a task force.

MODERATOR: All right. How about some of the rest of you that haven't talked today? All right, everyone talked when they introduced themselves; that was the wrong thing to say. Does anybody disagree with the concept of a task force? And how big a task force? Is that ever a problem with you? They are a team, there are too many people looking at it? Do you have some feel for that?

PARTICIPANT: I think it depends on the scope of the project, and how many varied disciplines that you're going to have involved. I mean, like, if you've got traffic engineering involved, you've got

construction involved, you've got roadway design involved, all these types of things, then you need somebody from each one of those disciplines in the task force to develop the scope of work. But if it's very limited scope of work—more tailored to one discipline—that obviously you don't need as many people on the task force.

MODERATOR: Do all of you agree with this? Please.

PARTICIPANT: Even then, I would say that, in terms of—I'll just pick architectural because that's what I'm familiar with—it's sometimes helpful to have somebody from the maintenance division on there. And they may not be in that department that is dealing with this, but they're going to maintain whatever that is of a lifespan of that project. So, sometimes it's good to have somebody from the outside who has a reason to be in there.

PARTICIPANT: I would also suggest a representative from the users group, whoever's going to—if it's a building, occupy the building—if it's their facility, then they certainly need to be privy to that.

MODERATOR: So, not just a bunch of engineers, but somebody's going to be sitting in that building. Oh, oh yeah, people like me, yeah, who didn't design this room.

PARTICIPANT: Looking at the document, I think it's written okay because it says at least three members.

MODERATOR: Okay.

PARTICIPANT: So, three or more. So, I think it's fine.

MODERATOR: Sticking to the document, that is good! That is excellent! What job are you bidding on next? Just kidding!

PARTICIPANT: Bidding? Did you say bidding?

MODERATOR: Oh! Yeah, yeah, yeah. *(laughter)* Okay, good, so at least three, that feels good. Is there anybody that should be there all the time? I've heard stakeholder; what about, like, a finance person should always be there. You may say 'no' but is there someone that comes to mind that should always be on there?

PARTICIPANT: Well, the project manager—the Town will have a project manager who will follow through. That person certainly should be on it all the time.

MODERATOR: Okay.

PARTICIPANT: Yeah, because that relationship is going to be critical during the life of the, at least the design life anyway.

PARTICIPANT: That's right.

MODERATOR: Mmm hmm. Anybody else got any thoughts on that, on the issue of the task force? *(none)* All right I want to go on to Item #2, which really has to do with the Town Manager's authority. So, let's take a look at that. Remember if anything else comes to mind about the task force, capture it. Looking at this you can see that the Town Manager has the authority to exempt the project.

PARTICIPANT: I would say, this document says "must be exempted"—that's, I guess that's a policy decision.

MODERATOR: Yes. Well, it all kind of is.

PARTICIPANT: The opinion of this group is probably that it's not in the best interest in the Town.

MODERATOR: Well, assuming that we're going to do it, are you comfortable with the Town Manager doing it?

PARTICIPANT: Well, let me ask a question: Is there no situation where the Town would not want to run a pure qualification-based selection? This doesn't even allow for the opportunity for a qualification-based selection; this says "must be exempted." So there's not even the option to run a qualification-based selection, which I think isn't, it reduces the flexibility of the Town.

PARTICIPANT: (*unclear*)...having something on record co-exempting the project, the Town Manager's putting on (*unclear*).

MODERATOR: Let's hear from you.

PARTICIPANT: Well, help me—it's been a long time since I was in my college English, but I read this as not a mandate, a blanket mandate, but that if a project where the fee was anticipated to be over \$30,000 then it has to be exempted by a specific action in accordance with these provisions, not that it was going to require that all of them be exempted.

MODERATOR: So what you read is what we intend.

PARTICIPANT: So then we need to...

MODERATOR: So, maybe it's here and it's not very clear then there, it's not very clear.

PARTICIPANT: And that's important, because...

PARTICIPANT: And that is not fair.

PARTICIPANT: And I would ask the question, and you probably don't have the data, but how many projects that the Town awarded last year were not, did not include?

MODERATOR: Got no clue there, but I mean it's a good question. Again, dealing with the words, I think the purpose of this was to say that if it's going to be exempt then there's got to be a memo, this gets written, it got to go to the Manager. And the Manager's got to be the one to decide, as opposed to a project manager or the Town Council—it's the Town Manager. So, that's not clear here, sounds like. Go ahead.

PARTICIPANT: I think this may be in conflict with the overview which says, it says right there it's the policy to exempt. So you might as well not even have #2 in here if you're going to blanketly do that.

MODERATOR: Okay, that's great, Tyson. What else?

PARTICIPANT: That's exactly what, well that's what I was saying is that the Town Manager's—all he's doing is making it formal. But it's already been decided, based on the overview, that all projects are going to be exempt. So if the intent is not to do that, then we need to have, you should have language that clarifies that.

MODERATOR: Gotcha! Perfect! This is exactly what we needed to hear from you. Something else?

PARTICIPANT: And again, forgive me for bringing up the legal question, and I would like to state that our firm will not challenge (*laughter*) but I would ask that if the Town attorneys that reviewed this, because clearly as we read this statute, the issue is, a blanket approach to this is clearly in conflict with the intent—now exemptions are allowed, but they are exceptions.

MODERATOR: Gotcha! That point, I've got that point. Yes.

PARTICIPANT: You should read specifically because I printed the general statute and it says, "of the exemptions, other particular projects" and they're very specific that it's a specific particular project exempted, and you have a blanket policy as a town that they're all exempted. And that's... it's...

MODERATOR: And then we have thing where the Manager has to say it's specific. It feels like it doesn't matter.

PARTICIPANT: No, it doesn't matter. *(laughter)*

PARTICIPANT: Well I think, and I don't want to, I don't think we need to beat this legal issue to death...

MODERATOR: Thank you... but we're going to, I feel like...

PARTICIPANT: But there's another element to that I think hasn't come out yet, and those of us that are licensed in North Carolina, there is a specific obligation by our licensing board that we don't participate in competitive bidding for professional services. And the board can actually censure us individually as PEs for doing those sorts of things. And so that element gives me a great deal of...

MODERATOR: Of heartburn.

PARTICIPANT: ...well, yeah, because that's my livelihood.

PARTICIPANT: Exactly.

MODERATOR: You went to school a long time to become a PE, didn't you? Or whatever, and you studied English, and that's a good thing.

PARTICIPANT: And I'll read from the North Carolina Board of...

MODERATOR: Oh, please don't read from the North Carolina Board. I mean...

PARTICIPANT: One sentence...

MODERATOR: Okay, one sentence. All right, read us one sentence.

PARTICIPANT: It validates the point that "the licensee must exercise prudent judgment to determine that an exemption has been properly executed." And I think there's a question whether, is this, if you read the statute, is this properly executed. So this puts us at risk—personally and as firms—to lose licenses, and it puts our business at risk.

MODERATOR: Okay, so let me throw this out. If we didn't have all that policy stuff at the beginning saying it's our policy to exempt, if all that stuff were gone and we had this item #2 that says for something to get exempt it's got to go to the Town Manager, there's got to be a memo, it's got to have this stuff in it and the Manager's got to decide, that would be better?

PARTICIPANT: I think it needs to be a more specific reason on an individual project basis to grant the exemption, as opposed to a blanket statement.

MODERATOR: So when we talk in this section about the Town Manager authorizing an exemption, I'm hearing you say that there should be some detail—this is incomplete—there needs to be some detail guiding staff on specifically making the case for why the exemption is appropriate in this case. Yes, talk.

PARTICIPANT: There are ways for you all to comply qualification-based selection and maybe to get some of the information you want. Now keep in mind during—you put this RFP out, you have a general scope but you haven't gone into the weeds. I know exactly what you want, yet you're holding people to price. I've seen other RPs that are qualification-based selection, but they want to get a feel for the overhead rate for the firm and they ask you to submit a schedule—rate schedule, hourly—to get a flavor for, you know, how efficient the firm is, how cost effective. Now, we're allowed on the QBS to provide rate schedules and it gives the Town the information that it's kind of looking for, because your reliance on the price that's turned in there, I mean, how many change orders and scope (*unclear*), and, I mean those issues...

MODERATOR: I want you to know, I so got the message about (*laughter*). I am so clear on it. Even if we didn't have it being recorded, I would be clear. It's etched, it's etched. And when we finish here at twelve o'clock, if you want to etch some more, I want you to do that. Okay? Because, and that rate schedule thing is something I've never heard of, but...

PARTICIPANT: I'm just taking the approach if you're going to exempt yourself, I mean, well take a crack at complying with QBS. It could work for you.

MODERATOR: Okay, I celebrate that. Anything else about the words that are in this section, before I go to #3. Yes.

PARTICIPANT: Item 2, it says that "to do so the department must prepare a memo to the Town Manager requesting an exemption citing the reasons and circumstances."

MODERATOR: Yes, thank you. Yes.

PARTICIPANT: Then it says, "see exhibit." Well, when I look at the exhibit, there's no reasons or circumstances. It's just saying that the general statutes allow me to do this under certain circumstances.

MODERATOR: Okay. It's incomplete.

PARTICIPANT: That's correct.

MODERATOR: It's incomplete, all right.

PARTICIPANT: Well, there the implication is that it's a done deal.

MODERATOR: Right, yeah. Okay, I'm moving on. (*laughter*) Please come with me to the next section which is "Notice". Feel free to capture anything else we didn't talk about enough times on that piece of paper in front of you. So let's talk about notice for a second. We require six elements to be part of any notice in our RFP—project type, scope, budget, timing, eval criteria, submittal deadline—you see all that. So what I want to know from you is, is that list of six minimum elements, or things, that we would include in a notice, is that enough for you to decide if you want to take the next step? Is that enough? On a scale of 1 to 9, with 9 being absolutely everything you need and one being 'there's not enough here for me to do anything,' where would you put this? And thinking about, you know, other work that you do.

PARTICIPANT: Typically our firm would, depending, you know—a small paragraph on each of those items—we'd chase work...

MODERATOR: You'd chase work?

PARTICIPANT: ...based on limited information like that.

PARTICIPANT: (*phone rang*) Sorry about that.

MODERATOR: That's okay, I haven't heard that tone before—I welcome that; I celebrate it. Yes.

PARTICIPANT: You're doing a lot of celebrating today.

MODERATOR: I am, I am. I'm finding that the best way to deal with costs and lawyers. I'm celebrating your jacket, too.

PARTICIPANT: Thank you. Thank you very much.

MODERATOR: It's very nice, actually.

PARTICIPANT: I would want to know something about the contractual requirements of the Town.

MODERATOR: For example?

PARTICIPANT: Well, this indemnification—that plays right into the risk-reward equation that we all evaluate. So, maybe that overarches everything and it's generally understood, maybe there's a standard agreement that the Town has—but if not, indeed, if the Town wants that indemnification clause...

MODERATOR: If that's going to be in everything, you would like to see it there.

PARTICIPANT: I would want to see it here because that certainly affects our decision going after the work.

PARTICIPANT: And some agencies do include that.

MODERATOR: Do they? You've seen that before?

PARTICIPANT: Yeah, if they have a standard form or contract for engineering services, they'll include that as an attachment.

PARTICIPANT: And they also say if you've got any problems or comments that you can't sign this thing, you need to put it in the proposal.

MODERATOR: Okay.

PARTICIPANT: In addition to that, you want to know the contract type—is it lump sum, is it going to be cost-plus, are you going to run TMI?

MODERATOR: All right, so that's something that would be helpful for you to be making a decision. Good. Anything else that would be helpful for you when we publish that notice? (none) All right, if you think of something, capture it on your piece of paper. I want to turn to how we publish the notice right now and the way we publish our notice is on our Web site. That's our primary way, and we can and sometimes do supplement that. We might run an ad, or if it's something particularly specialized, we might also send the notice out to some firms somewhere else. But generally our minimum standard is going to be on our Web site. How does that work for you? Is that typical of what you're seeing these days? Is that okay? Talk with us about that.

PARTICIPANT: You have a standard date of the month that you publish them?

MODERATOR: No, sir.

PARTICIPANT: Would it be, is it feasible—and I'm not sure if others are doing this yet, but it just occurred to me that we try to have folks that monitor client Web sites for this kind of information—but, would it be possible in the day of electronic information to subscribe to say a list serve that the Town maintains, and that we would get electronic notification that, hey, something in your area has been posted.

MODERATOR: That would be good for you?

PARTICIPANT: Yes.

PARTICIPANT: The State of North Carolina does that.

MODERATOR: So does the Town of Cary. We do it, yes! I'm very happy! So, raise your hands if you know that your firm subscribes to our electronic mailing list service for RFP updates. How many of you know that? (*no hands*) I know that some of your firms aren't subscribers, but I know that some of your firms do—but check. The way you want to do that is to go to www.townofcary.org, which is our Web site. On the left-hand side towards the bottom is a button called "Doing Business". That's where all of our requests for proposals and bids and everything are, and you can sign up right there. And you'll get an e-mail from us every time we update the site. Right now we have about 500 people that are subscribed to that. So please join the crowd. Any other ideas that you have for how... Yes.

PARTICIPANT: Just a quick question.

MODERATOR: Yes, yes. Not supposed to answer questions, but okay.

PARTICIPANT: Can you generally specify the type of service. In other words, if you're purchasing traffic cones, am I going to get an e-mail update finding out about that.

MODERATOR: Not—yes, you will. We haven't gotten specific yet, but we're working towards it. We understand that that is the best way. And we're upgrading our e-mail system over this next year and that will help us do that. Okay? We'll try not to send you a traffic cone one; please make a note of that in the record.

PARTICIPANT: If I can take a step backward...

MODERATOR: Yes, please do.

PARTICIPANT: You know we put the scope of those items... If there's any information that's known, like a current feasibility study, any project information related to the RFP, you should post that as well, because the more information you give...

PARTICIPANT: Link to it online.

PARTICIPANT: Yeah, the group, I mean, you're going to get better proposals—especially if there's preliminary information, feasibility studies.

MODERATOR: That's very helpful. Next time put that on your white sheet of paper because I only have an hour and ten minutes left with you all, so white paper that one. All right, #4. Number 4 speaks to minority participation. Is this clear? And are we doing enough? And are we doing it the right way, in a way that's consistent with how you see it in other places?

PARTICIPANT: It's different than other places, but certainly it's consistent with some. I don't see it as a large issue, personally. Not that it shouldn't be there—it should be there. I think it's up to the Town as to how they choose to create that definition. It seems fair to me.

MODERATOR: Anybody else got a thought on that? Does anybody disagree with that?

PARTICIPANT: The one thing I see that is different than what I've seen at a lot of places, is it's not part of the selection criteria as to how much of a minority participation your going to provide.

MODERATOR: Okay, good. That's a good point. All right, anybody else got anything on this little section. (*none*) Okay, then let's go to #5 which is the RFP itself. I feel like we've already talked about this a lot, but

let's try it again. So, the RFP—this section has multiple elements including statement of work, experience with similar projects—you see them all right there, right? Experience with the Town, where the consultants live, all of that—or where their office is. All that kind of stuff is in there. Is this list complete?

PARTICIPANT: Well, I think that kind of gets into, my question was regarding specific information relating to the nature of the project. I think if phasing is a critical issue on a project, then that needs to be... you know, if that information isn't put forth by the Town and you just happen to get lucky and hit on it in your RFP, then you're good. But if it's a buzzword or something like that that they're interested in seeing and you don't pick up on it, then you've kind of fried.

MODERATOR: Then your approach is not good. Okay. What about the rest of you? Looking at this list, is this list consistent with what you see other places? Is there something that we've left out? What are your feelings on talking about your firm's past experience with the Town? Is that fair game? Is that equitable?

PARTICIPANT: I wrote down here, 'How would a new firm compete that didn't have any experience with the Town?'

MODERATOR: Okay, good question?

PARTICIPANT: I mean, does that one count against them?

MODERATOR: Very good question. I don't know the answer, but that's a good point to bring out. How does this affect new firms? We need to look at how this might affect new firms.

PARTICIPANT: Somewhat related, how are these weighted? Is there as specific weight to these criteria?

MODERATOR: Let's don't talk about the cost one yet. We'll do that separately.

PARTICIPANT: I wasn't going to say that.

MODERATOR: Thank you, Tyson. Let's talk about all the ones except the cost one right now. Let's just look at all the ones but the cost one. And we're going to spend more time just looking at the cost one. Anything else? So, firm's experience, if you don't have experience it might work against you, you got a bad experience, got a good experience... Yes.

PARTICIPANT: I have a comment, and I'll try really hard not to talk about your cost one, but...

MODERATOR: You're going to talk about the law, aren't you? *(laughter)*

PARTICIPANT: Well, no. To the extent that you asked is there enough here, are we missing things—maybe, but I think the point might be made here that there's too much.

MODERATOR: Too much.

PARTICIPANT: And what I mean by that is, and this is where I'll try to be quick, but by having us have to look at costs, that now makes us look tighter at scope. There's a lot more, a much more significant amount of effort, that needs to be put in because of the detail so that we can then make sure that we... We have to go to a much greater length in the Town of Cary to prepare these proposals than we would in other places that are based on qualifications and all the things that are A, B, C that we've done, and that comes into the judgment of 'Do we want to take this on or not?' And are you getting the best firms in a seller's market.

MODERATOR: Gotcha! Got it. Got that. All right. Taking cost out of the equation. If we just had these other things, are those good things or should there be other things?

PARTICIPANT: On the time schedule, are you asking for the design schedule or the project duration?

MODERATOR: I think it would just depend on what was actually, that the particular project. But what I'm hearing you, since you don't know the answer based on what you see here, it might not be complete enough.

PARTICIPANT: Yeah, if you're asking for the design time or the total project time to complete the job—what the engineer estimates is the total time.

MODERATOR: So that needs to be spelled out more clearly here.

PARTICIPANT: Well, in a lot of cases they give you that information as part of the starting time, you know, this is when we need to occupy the building by.

MODERATOR: Right, okay. Yes?

PARTICIPANT: I would like to, I guess, make an observation about age on the comprehensive statement of work. If that's what I think it means, then that's directly related to, I guess, the amount of information that the Town publishes in its solicitation and, again, may have—it does require a bit more effort in putting together your response, depending on how much that's going to be weighted—and it gets back to John's point, that I don't know how that may affect your degree of participation in your process.

MODERATOR: All right, so—anything else there? Capture it on your white sheet of paper if you think about other things, please. Let's talk about cost for just a second, in and of itself. Is there anything about cost, about having it as part of the flow that we haven't already talked about?

PARTICIPANT: By the time an engineer has drafted scope and put together a cost, he or she knows more about that project than the Town does, at least the details of it. And an overly clever engineer can play the game and put in a low cost if he thinks that that will help him get selected, and then showing his assumptions, perhaps some that he knows may not prove out in the future, and set himself up, and the Town up, for change orders down the road.

MODERATOR: I know what those are; those aren't good things. All right.

PARTICIPANT: Good point.

PARTICIPANT: I would say cost of the project is not very clear because what you're talking about is there's a design fee. There's a huge difference between the cost—what the building's going to cost—and what the design fee is. So this is not specific enough.

MODERATOR: All right, that's very helpful. It's not clear. Excellent.

PARTICIPANT: That was my point on the time schedule as well. Is it design time or is it project time?

MODERATOR: Perfect. So we've got—we've heard some clarity issues on this section, some—it sounds like it's maybe too complete...

PARTICIPANT: Adding to the schedule thing, and if the Town has any information, are there, if there are constraints, like when they have to have—that has to be known. I mean because if it's a dire rush, a lot of firms can accommodate you, but we've got to know you need it in six months, not we have a year to do it.

MODERATOR: All right, good. Anybody else on this? (*none*) All right, I want to talk about something that's not on that list but has come up, and you've heard it before, the idea of local preference. What are your thoughts on local preference? And can you even tell me what you think local means today?

PARTICIPANT: Well, Wake County and Raleigh certainly define it, but...

MODERATOR: How do they define it, in your opinion?

PARTICIPANT: Well, for a firm that's located in Queensboro or Charlotte, you have pretty much entire exclusion because they make it clear that, if you aren't located in Raleigh or in Wake County, that you probably are wasting your time. And I can appreciate that; I worked in local government for 30 years. But, obviously, we would prefer that we have an opportunity to present our best case to the agency, irrespective of where we're located.

MODERATOR: Okay. Yes.

PARTICIPANT: I think local preference, I would recommend against it—and this is somebody who has an office nearby—because I think that it really does get back to qualifications. And if somebody is local, it's going to be reflected in their responsiveness and their knowledge in the Town, and it probably does get captured in the other criteria.

MODERATOR: What about some of the rest of you that we haven't heard from on this, any thoughts?

PARTICIPANT: I think if you use local preference it has to be, the ranking has to be very low in order to...

MODERATOR: The weighting?

PARTICIPANT: ...the weighting on it. It would have to be less than 5 percent, 5 percent or less of the total.

MODERATOR: How do you feel about that?

PARTICIPANT: Well, coming from a... I've been at G & O for a couple of years, and we don't have a long history of working for the Town, and we've been a local company for twenty years. So, is there favoritism, is there a local preference? Don't know. I know there's a handful of firms that get lots of work and there's a whole ton of firms that don't. So why is the limitation there?

MODERATOR: That's a really good point. Anybody else want to talk about local preference? Do you have any thoughts on it? Again, it's not part of this standard procedure, but it's something that has come up and I just wanted to take this opportunity to hear from you all about it.

PARTICIPANT: I think that a local preference should rank low, but I also see where it can be advantageous to the Town when you have a knowledge of the personnel and a rapport with them that a lot of times you can expedite something in a way that you wouldn't if you didn't have that local rapport, that rapport with Town personnel. But like I say, I think it should rank low.

MODERATOR: All right.

PARTICIPANT: I think it begs the question, how does that—keeping in mind the objective here is to get the best project for the Town...

MODERATOR: Yes, the citizens.

PARTICIPANT: ...how will a local preference help the Town get a better project? And I agree with John's comments—some of the, 'Hey, we got a meeting, can you be here in five minutes'—the responsiveness and the ability to coordinate closely. But if you're in Raleigh, you can certainly get over here. I don't know if it's helping any. If it is considered, it would be quite low in my opinion as well.

PARTICIPANT: Plus the other elements, when I was in local government, some of the times I thought it was advantageous to have firms that possibly had not worked with us, at least to interact with us in the process so that we could get some infusion of different ideas and new approaches and that sort of thing, at least for consideration.

MODERATOR: All right, well that's great. If you think of anything else with local preference, please jot that down on your white piece of paper because it is an interesting topic for us here. So, #6 is—what I call #6—is the distribution of the RFP. Is that clear to everyone? Are there any issues with that? Do you have an issue with it? Is it clear to you? What does it say to you?

PARTICIPANT: Well, what it says to me is that we have gone through the initial selection process to kind of get down to the number of selected, the firms we've selected to issue the RFP to, so here is that document and here is the understanding of the exemption that is attached to it.

MODERATOR: Ooh, there's that word.

PARTICIPANT: Well, I mean it says it right in there.

MODERATOR: Yeah, I know. That word will be exempted from this afternoon. How 'bout that? *(laughter)* All right, if you see anything with #6 that bothers you, lets capture that and let's go on now to #7—the seventh of the nine procedures, and that's the presubmittal meeting. Lots of things here that interest us, and my first question to you is, how do you feel about presubmittal meetings being suggested to staff members, as opposed to being required for all projects?

PARTICIPANT: I feel like a presubmittal meeting for projects, you know, we're talking maybe about projects that exceed that \$30,000 range...

MODERATOR: Yes, we are.

PARTICIPANT: I think they should be required because—especially when we're doing a competitively bid based proposal—because I know that previous submittals that we have done with the Town of Cary, we have this list of assumptions so that we try to bring it to whoever's reviewing that, to their attention so that they will be comparing apples to apples so to speak, where, and the reason we have some of those assumptions is because we couldn't get some of those questions answered that would have been able to have been answered in a meeting.

MODERATOR: All right, I see some head nods there. So, the suggestion that's on the table that some of us are celebrating right now is that, if it's over \$30,000 there needs to be a presubmittal meeting, period. Does anybody disagree with that?

PARTICIPANT: I guess I'm not convinced that it's, there's an advantage to it. I think that, again, is...

MODERATOR: And we're talking about required of staff to hold, as opposed to mandatory for you to attend.

PARTICIPANT: What I'm saying... No, no, I understand the distinction, but we don't—at least the document doesn't—it doesn't tell me what a complex RFP is.

MODERATOR: Complete, right? It's not complete.

PARTICIPANT: The problem with being so specific here and mandating a meeting versus... I would leave this to the discretion of the staff. And I think complex is close enough to depend, I think everybody in this room would recognize a complex project versus, you know, straight up surveying such and such. I'm okay with this language.

MODERATOR: I'm getting a 'shouldn't be every time; leave it up to the staff—it says complex', and I'm getting a 'you know, if it's over \$30,000 it should be a standard'.

PARTICIPANT: Well, I have to take—he just made a comment, a straight up survey project. I submitted on a number of survey projects with the Town of Cary that were straight up projects that had numerous

questions that we couldn't get answered prior to the submission of the proposal. So that's where I'm coming from.

MODERATOR: So you're having problems experiencing a straight up project. *(laughter)* All right, gotcha.

PARTICIPANT: On the other hand, I think the other thing I would just simply point out is, and I don't know if other folks have this concern, but one of the things that a presubmittal meeting does in my opinion, it does have somewhat of a chilling effect on people's candor in raising questions because they don't want, if they feel like they've got an innovative approach or a competitive approach, we don't necessarily want to reveal that to all of our competition.

MODERATOR: Look, I was just getting there—see? It says “Candor” right there. Do you all see that?

PARTICIPANT: Oh, wow, do I get extra points for that?

MODERATOR: What's the next thing your bidding on? *(laughter)*

PARTICIPANT: Another aspect of that is that—and somebody mentioned this earlier from the standpoint of—when you have a presubmittal meeting, everyone is in attendance and, therefore the questions are answered in a way that everybody comes away with pretty much the same comprehension. And it's not a long discussion with somebody at the Town that would give one firm a little bit more of an ability to have a better feel for the scope than another.

MODERATOR: All right, that's a good point. Yes?

PARTICIPANT: I might add that in the context of the change, I think this is a change in terms of contact with staff—less contact with staff, less informal contact with staff—the importance of having that meeting ahead of time becomes very important because everything else is just e-mails and writing. So I think the importance level, I don't think anyone here would say that it's a bad thing to have one. But in the light of the change that, as I read this, we will not be able to have informal communication with staff. It will all be formal through e-mail, writing. That becomes really important, I think.

MODERATOR: If we have a presubmittal meeting, do you think it should be mandatory for people to attend, and if they don't attend they don't get considered for the project.

PARTICIPANT: I think that would depend on what kind of information is going to be presented in that meeting because you may have a situation where they have to attend if they're even going to get close to getting it right versus, you know, some you may just want to say it's an opportunity for an information exchange. I think the staff should have discretion on that as well.

MODERATOR: What do the rest of you think, discretion or mandatory?

PARTICIPANT: I agree if it's discretionary, but I think then that the minutes do have to be made available to everybody who attended and people who decide they want to pursue the RFP at a later date. And then those minutes need to be made available to them as well.

MODERATOR: Well let's get into that issue of minutes because as this is written, minutes will be taken, they will be shared with everyone and, after the presubmittal meeting, any questions that the staff receives outside of the meeting will be shared with everyone else. So, how do you feel about this capturing the questions and sharing them with everyone else? I have heard in your past comments kind of a level playing field thing, and I've heard it might not help with our candor—is there consensus on this?

PARTICIPANT: I pointed out that, of those items in the last section, you didn't have innovation listed. Everybody seems to be so concerned about innovation and I think it is informally evaluated in the statement of work, but it's not a specific criteria.

MODERATOR: Are you going back to the RFP section?

PARTICIPANT: Sure, but I think that's what... No, it's on the white paper...

MODERATOR: Oh, okay—oh, good.

PARTICIPANT: But, I mean, I think that's what people are afraid of is tipping their hand of how they're going to propose a certain approach.

MODERATOR: And so right now what we're proposing is presubmittal meetings as being necessary but when they happen, we're going to take minutes and everybody's going to get them. And in those cases where there is communication outside of a presubmittal meeting, everybody's going to get that, too. Which implies that we're not going to see those one-on-one meetings with the 'tell us everything you're thinking about' happening.

PARTICIPANT: Well, and some RFPs in some agencies explicitly state that there will be no contact with staff or selection committee members until after a decision is rendered.

MODERATOR: So that's not something that's atypical; you've seen that before.

PARTICIPANT(S): Yes. Oh, yeah.

PARTICIPANT: Just a question to clarify, when you say everybody gets them—everybody that was in the preproposal meeting? Everybody that asks? Are they posted?

PARTICIPANT: They post them on the exchange.

MODERATOR: Well, what do you think it should be?

PARTICIPANT: Well, I throw my opinion—my opinion is that you should not make them mandatory, but those of us that are really interested are going to show up. And if someone can't make it, they should still be allowed to submit—it doesn't hurt the Town for them to submit, well, in fact, there's more to read—but it's no loss for the Town. The people that don't get the information are now going to have to dig to get it. So, don't make it mandatory on our end, but if we really want it we're going to be there, typically.

MODERATOR: What do you think about this?

PARTICIPANT: Well, I'm a little out of my element here because everybody's in design—it sounds like there's some surveying, but—by the way, I wasn't here for the introductions, I'm David Perez with Terracon, Construction Services Manager, and we do testing and inspections for the Town, as well as geotechnical; Barney Hale would have been here. But most of the issues that I've heard I could understand where they're coming from. If we can go back to local preference, for instance, I think that might be possibly a service specific issue, and the weight of it would be service specific—for instance, surveying or testing and inspection on a project.

MODERATOR: When you think of this idea of presubmittal meetings and just the whole idea of minutes and correspondence being shared by the Town between competitors before a decision's been made.

PARTICIPANT: Even those that weren't in attendance? Yes.

MODERATOR: How do you feel about that?

PARTICIPANT: Well, I think it should be shared. I think it's in the best interest of the Town.

MODERATOR: Okay. Yes?

PARTICIPANT: A firm always has the option of labeling something proprietary, which then puts the Town in a position they cannot legally share that.

MODERATOR: I'm not sure general statutes public records law would agree with that, but let's just assume that that can't happen. Let's assume that what you're going to share gets shared. Is there consensus on that? I've heard it's a good thing. Who says it's a bad thing? Anybody?

PARTICIPANT: If the intent is not to allow contact with the staff, I think you have to do that—I don't think you have a choice. You know, it's not equitable if I send an e-mail with a question and I get it back and the rest of the people don't know about it. Now, if people meet with staff—we get to meet with staff—they ought to say things that come up that are new they will—hopefully, would—share. But if the decision is to limit access to staff, which I understand...

MODERATOR: And I'm suggesting that that is the rationale behind this. I think what is trying to be looked at is some way to promote equity.

PARTICIPANT: I think the writing and sharing has to, that's equitable.

PARTICIPANT(S): Yeah, in my opinion too. Generally, yes.

MODERATOR: Okay, what do you think?

PARTICIPANT: Well, I think that absolutely the meeting's minutes should be shared and also, you know, if you're putting it out there and the staff is available for questions, I think it's also to the Town's benefit to share subsequent questions after the meeting as well. It takes a lot of time off your end, not having to answer the same question over and over and over. I think it also addresses the level playing field.

MODERATOR: Do you all deal with agencies that already do that—they share with everybody everything that happens.

PARTICIPANT(S): Yes.

MODERATOR: Yes, you do that. All right, so that's not so crazy. All right, let's see if I've got anything else here in meetings real quick I want to go through. Got your minutes—oh! What about this idea of after-the-fact presubmittal meetings. So, what happens is, we put a notice out there and we get these responses and we look at them, and we never said we were going to have a presubmittal meeting. And then we kind of get down the road a little bit and we say, 'You know what? There's a lot of questions and stuff out there and we need to back up and we need to have a meeting of everybody.' Not making it mandatory, but what do you think about that?

PARTICIPANT(S): Of course. No question. Yeah.

MODERATOR: Of course? No questions about that?

PARTICIPANT: Just extend the day that the proposal's due.

MODERATOR: Extend the day that the proposal's due. All right, that seems pretty fair. All right, well let's go to Item A. Remember, if you've got anything else on that—the issue on presubmittal meetings, or any other issue we've already talked about—capture it on your white paper and we will collect those. So, Interviews. This sections says that we might have them, we might not—kind of like the presubmittal meeting. Do you think that interviews should be always held, never held, or like this—sometimes held.

PARTICIPANT: Depends on the project scope. If it's a huge, critical, significant project, there should be interviews. But if you're just switching out a sidewalk in front of Town Hall, maybe not have interviews.

MODERATOR: All right, what do the rest of you think?

PARTICIPANT(S): I agree. Discretionary is fine. Yes.

MODERATOR: All right, what about which firms get interviewed? If we decide to have interviews, should we interview everybody? Or is it okay to short list, and interview the short list.

PARTICIPANT: You really need to, you would need to understand the level of pain and effort that goes into preparing one of these things. You should not—to be respectful to the firms—you should only short list serious contenders, and I would suggest you limit that to the ones you really are considering hiring. There's nothing worse than having short listed five firms and have them spend weeks preparing and then losing.

PARTICIPANT: We've been on short list with eight firms. I mean, what does that get you?

PARTICIPANT: That's ridiculous.

PARTICIPANT: They're not going to even remember me by the end of the day; they're going to have five other interviews.

PARTICIPANT: Depends on your presentation. *(laughter)*

PARTICIPANT: It's a very inefficient use of staff time.

MODERATOR: Okay, so you... yes, please.

PARTICIPANT: Just to echo, I would say fewer firms that spend more time in-depth in those interviews, you'll get a much more quality procedure that way.

PARTICIPANT: But I would add, if you have an apparent winner, please don't do it. I mean...

MODERATOR: Please don't have an interview?

PARTICIPANT: If you know who you're going to pick, pick them—and if there's questions, if it is closer, if it's really complex, I think it would be a really good thing. But it's got to be truly where you could hire all three of them, or, I mean—if you have somebody you want to hire, just hire them. Save everybody, you'll save everybody time and pain—and expenses.

MODERATOR: All right. Okay, well let me throw out kind of a different scenario, because it seems to me that these comments could be aimed at when you have a whole lot of firms that are applying. What if you have a handful? What if you've got a handful that are applying on a good, complex project? Interview them all even if you can short list them to one or two, I mean two or five? Now let's say there's only six, seven. Do you interview them all out of courtesy?

PARTICIPANT(S): *(unanimously)* No! Oh, no.

MODERATOR: No courtesy.

PARTICIPANT: See, you're doing them a disservice. You're misleading them. I think, you know, truth doesn't get better with age. You really let them know where they stand, immediately. Let them take their medicine and move on to the next job.

PARTICIPANT: It takes a lot of effort to prepare for an interview. If you don't have a chance in hell of doing it, you just, you know...

PARTICIPANT: You need to move on to the next project.

PARTICIPANT: ...regardless of the number of firms that submitted.

MODERATOR: Okay, that's clear. Anybody disagree with that?

PARTICIPANT: In #8, I would just take a little bit of exception to the phraseology of a bid award.

MODERATOR: Good—throw it out.

PARTICIPANT: Use another word.

MODERATOR: We want to hear things like this, down to the detailed word. That's great. Looking at those words some more, any other words that are just incorrect in your opinion, or they're unclear?

PARTICIPANT: What does "fiscal impact" mean?

MODERATOR: Okay? Doesn't mean much to you.

PARTICIPANT: Well.

MODERATOR: No, I mean, it's not clear to you.

PARTICIPANT: Is this "community planning, fiscal impact" thing, is that our fee? What is the deal with it?

MODERATOR: All right, so that's not clear. Good, what else?

PARTICIPANT: You know, this is almost a, this is really an internal Town issue. I'm not sure that our opinions should have a lot of weight when it comes to this.

MODERATOR: They have weight because asked you here.

PARTICIPANT: That's fine.

MODERATOR: And we reserve the right to...

PARTICIPANT: Ignore it... *(laughter)*

MODERATOR: ...to ignore it. I teach our staff some customer stuff and one of the things I work with them on is business writing, and I said, you know you can be just as nice as you want to but, you know what? We make the laws, we win, we can be nice. So, it's kind of like this, we can ignore it, it's okay. But we won't because that's why we asked you here. Go ahead.

PARTICIPANT: I don't have any thoughts on this; this is internal.

MODERATOR: You don't have anything, all right. All right, well lets talk a little bit more about the interview itself. Questions in advance? How would getting questions in advance help or hurt the process? What are the pros and cons?

PARTICIPANT: Well, I think, generally, as a person that's going into an interview, I need to know what the committee is expecting to hear. Not necessarily the questions they may ask, but how much time am I going to be allowed for a presentation, how much time is going to be reserved for questions and answers? And, is the interview going to be one hour, is it going to be two hours—you know, and how is that time going to be allocated? So that if... I mean, I've gone to some interviews where there was no presentation and they just, they had some questions they wanted to us answer. Sometimes they would send us the questions ahead of time, sometimes not.

PARTICIPANT: I personally like the idea of questions in advance.

PARTICIPANT: I do too.

PARTICIPANT: I think that also does promote the equality portion of it, too, or equity portion of it. A little more apples to apples and it eliminates wasted effort.

MODERATOR: All right, good.

PARTICIPANT: But you know, kind of to throw a counterpoint out there, though, that as an architect...

MODERATOR: Still celebrating...

PARTICIPANT: Still celebrating, but in architecture what we do is, you know, we strive to be—you go into an interview to do something that's different, or else you're going to get four, five, seven interviews—boilerplate—and you're going to go, 'Man, what just happened? What did I sit here through?' But that firm that dares to try something different, well they didn't answer the questions the way the other firms did. I agree that there are certain things, guidelines or items, that you should comment upon, but I would suggest that beyond the format of so many minutes, question, answers, and all that, that it's up to the discretion of the design professional to determine what's going to be said in the interview, to present it to the Town. I mean, that's what sets us apart from one another, if we're selected based on qualifications.

MODERATOR: All right, well, let me expand on that for just a second. What if we're in a situation where you are one of the folks that we've short listed and we've got questions about your specific proposal? 'I don't understand why you said this, or why did you do that?' Do you want to know that before you walk in, or is it okay for us to do it? What's better?

PARTICIPANT: I think it's best to have those types of specific questions beforehand.

MODERATOR: Why?

PARTICIPANT: Well, because you might not have—if a project is comprised of a number of elements, you may not have everyone represented in that interview that can answer that specific question.

MODERATOR: Okay, I see some heads nodding there.

PARTICIPANT: Also, if you short list down to three groups, it's not that out of line for you to spend time with each proposal to come up with those questions to offer us at the interview. It's not like you're doing it for eight or twelve firms.

PARTICIPANT: I think you have to have some standardization. You need to tell the firm how much time they have, how many people they can bring in the room, what the format is, what the AV support is, are you expecting a PowerPoint—and it should be a standard give us this, this, this, and everybody should know that. And if there are some very specific questions you want all the teams to address, that should be in there. But I do believe, then the Town should the next step and drill deeper. And that's going to decide who wins, in most cases.

MODERATOR: All right, staying on that idea, standardization, what about scheduling these interviews and times? Is there, do they all need to be on the same day? Can they be separated by days? What's going to be the tipping point where someone says, 'You know what? My interview was three days before theirs and I didn't have enough time to prepare,' or something like that? What's ideal for you as a firm, and as a competing firm?

PARTICIPANT: I think the timing to the extent that a group of people on your side of the table can be there and consolidate it so it's everyone's—the weather's the same, okay, we're all playing in the same weather—that is ideal. To the extent that you have the same members of the committee in each

interview, I think that's critical. Because there's been sometimes when you have different people show up, and on a different day. To the extent that the playing field is level—same time frame, same...

MODERATOR: Same people, same weather.

PARTICIPANT: Correct.

MODERATOR: I like that weather concept.

PARTICIPANT: I think another thing is when you Request for Proposals first comes out, that the whole timeline needs to be identified in that first proposal—such as proposal due on such a date, if we elect to have interviews they will be on such a date, the short list will be announced on such a date, and the winner will be announced on such and such a date.

MODERATOR: Is that something you already see with people giving that?

PARTICIPANT(S): Oh, yes. Yes. Yeah.

MODERATOR: All right.

PARTICIPANT: Another point in terms of schedule, one thing that we've run into from time to time is, a little sensitivity, if you can, from the staff's perspective. If you've got, say you've got four firms short listed and two of them are local and two of them are from out of town—give them, be a little sensitive to the time of travel to the interview so that you don't necessarily schedule an out-of-town firm at 8:00 in the morning.

MODERATOR: So you don't add to the local preference, forgetting travel time.

PARTICIPANT: If possible.

MODERATOR: And you agree with that?

PARTICIPANT: Yeah, and I was going to say, also, depending on what you're requiring, what type of presentation, you might want to give—I've seen it where you have an interview and one minute later the next interview starts. There's no way to set up anything during that time. You need to give a little cushion between the...

MODERATOR: All right, that's all good feedback. If you get any other thoughts about the interviews — scheduling, timing, any of that—people, please capture those on your white sheets. Don't forget your white sheets. We are coming to the end of my questions and to the end of the time, but we're not done yet. There's still another part to this Item 8, and that is actually awarding the bid. And I think the way it's written now, it's the Town Manager gets to award the bid, the Town Manager gets to decide if it's the Council that's going to award the bid.

PARTICIPANT: You said that word 'bid' again.

MODERATOR: Oh, sorry! But doesn't it say that?

PARTICIPANT(S): Yes. Yeah, it does.

MODERATOR: See? It came back to that word, so good. How do you feel about that—Manager's discretion? Do you think that the Manager should always do it? You think the Council should always do it? Or do you think discretion makes sense? What are the pros and cons of this proposed system?

PARTICIPANT: I think, to me, perhaps your staff that holds the interviews and puts together the RFQs should decide—unless the Manager, if it's his whole sole discretion, why is the staff even involved?

MODERATOR: So it's not clear to you here that the staff makes a recommendation to the Manager?

PARTICIPANT: So what is the purpose of this task force that does all this heavy lifting and then it goes to somebody else who can totally change the decision? I think that's ridiculous.

MODERATOR: So you think that the staff that's a member of the task force should be authorized to award the bid?

PARTICIPANT: Well, now your...

MODERATOR: To make a recommendation, to make a recommendation.

PARTICIPANT: Right.

PARTICIPANT: I think that should be explicit.

MODERATOR: Okay, and that's not explicit here to you.

PARTICIPANT: Right.

MODERATOR: All right, and then... Yes? Do you want to stay on that topic?

PARTICIPANT: Well, I think I would just disagree.

MODERATOR: You don't think the task force should make the recommendation?

PARTICIPANT: Well, I think they should make the recommendation, but the task force does not report to the Council, the task force employees report to the Town Manager, and the Town Manager is the only employee, I think, that is employed by the Council... (*Susan held up three fingers*) ...three people, okay...

MODERATOR: He's one.

PARTICIPANT: ...and, really, it needs to go through the Town Manager. And the Town Manager, and I know current one, would certainly consider the recommendation of the committee and would not reverse it without tremendous reason. So, I think, as written, it's my opinion it's good.

PARTICIPANT: See, I think that's where the door to politics cracks open and when you have a process and a group of people that have done all this to get to a recommendation, and one man, with a flick of a Bic, can change that decision because of certain relationships. I disagree with that. I don't believe that's equitable. I think this is where you'd get politics into the local decisions.

PARTICIPANT: And I would just like to point out that some towns and cities, the manager is vested with the authority to award all professional contracts; they don't have to go to Council at all, at any amount. And we've worked with both situations and...

PARTICIPANT: The problem with that is, isn't what—I don't know what's typical, but—isn't it that there's a certain amount that the Manager can authorize without going to Council? I mean, there's typically a dollar amount associated with....

MODERATOR: I think that's from jurisdiction to jurisdiction.

PARTICIPANT: Right, it does vary...

MODERATOR: Yeah.

PARTICIPANT: But it's typical that there is a boundary, and I don't know that the boundary is, the boundary is up to the Manager to determine—according to this, it seems—which may be fine, but I agree with Jim. That's where things can enter into the process, particularly at higher volumes, more politically based selections that could cause trouble.

PARTICIPANT: The inference is that it could be politically affected, and I don't think that's what you intend.

MODERATOR: Okay.

PARTICIPANT: I would just add—you should talk to the firms about being the staff-recommended firm that went through the selection committee process and are being the recommended firm that went in to the black box, you know, and then another firm is openly selected. That—you feel like you've been cheated then...

PARTICIPANT(S): That's not good. That's bad. Yeah.

PARTICIPANT: ...and we've have that experience, multiple times.

PARTICIPANT: I guess I would just submit that, certainly in the last ten or twelve years, that has not been the case in the Town of Cary, and so I'm basing my comments on the fact that the Town has handled it in a professional way and, in fact, has had this procedure in place for the last dozen years and it has not been a politicized process. So, maybe in a vacuum I would disagree with this, but given the circumstances here, I'm very comfortable with it.

MODERATOR: All right, let's talk about this just a little bit more and the detail of those elements—project background, firm background, evaluation criteria, how they were applied, fiscal impact—does all of that work for everybody? Is that enough? Is there anything else that should be included?

PARTICIPANT: This appears to be an internal memo.

MODERATOR: It is.

PARTICIPANT: I don't think the firms really... I have no preference.

PARTICIPANT: I would agree.

MODERATOR: Internal memo that's public information that anyone can get.

PARTICIPANT: Right.

MODERATOR: Okay. Anything else on this? (*none*) All right, if you come up with something else on this, you know what to do. Now, the good news is, I'm going to skip over #9. If we get to the end and we have time to talk about #9... But, see—look, hey you can put a happy face there because we're skipping #9. (*laughter*) Let's celebrate, skipping #9.

What I want to do is go to this sample criteria sheet that's being included in this standard procedure at this point to guide staff who are members of project teams or task forces that are going to be evaluating. So here's the specific question, given that this is only a sample—because it would differ with each project—do you think it's helpful to even have a sample? Or do you think it's going to lead to inequity down the road, and confusion, because it could be misapplied. What do you think about the idea of having a sample sheet in the standard procedure?

PARTICIPANT: Just, so, to make sure I understand the word 'sample,' this is something that is an example but not each task force has to use everything on it—so they can customize it.

MODERATOR: Yes.

PARTICIPANT: Is this weighted, or is there a weighting to this?

MODERATOR: No, this is—well, not at this point. It's simply presented like this to give staff an idea of what they might develop on their own, as opposed to being one that's actually prescribed for them to use.

PARTICIPANT: So, in theory, they could eliminate costs. *(laughter)*

PARTICIPANT(S): Yeah, in theory. In theory.

PARTICIPANT: What I have seen is this, or something like this, a lot of times appears in the requests for proposals. It's how your proposal...

MODERATOR: The criteria that we need.

PARTICIPANT: ...and it will show the weighting of each one of these elements.

PARTICIPANT: That's true.

PARTICIPANT: So you know how much, and what it does, it really helps us in preparing our proposal, how much effort we're going to put into each one of these categories. Something that has very little weight, well local preference for instance, since we're local, I mean we would just say, 'Okay, we work in Cary.'

MODERATOR: Or, 'We work in Charlotte and we can't change that'.

PARTICIPANT: So, I mean—but the things that are, say, 30-40 percent of your proposal, you're going to put a lot of your effort in there, so it'd be really helpful to know how these evaluation criteria are going to be weighted.

PARTICIPANT: ...and what's important to the staff in their determination.

PARTICIPANT: Do we even have to know this, how they make their decision?

PARTICIPANT: Well, I think you have to know what their weighting is going to be.

MODERATOR: Yeah, when the staff makes a recommendation, we just saw on that last one, they're going to say what the criteria were, but... So the question was, is it okay with you? Do you think it's helpful for the staff to have a sample to work from?

PARTICIPANT(S): Yes.

PARTICIPANT: We didn't talk about debriefs, but that thing would be really informative...

MODERATOR: In a debrief.

PARTICIPANT: ...so you get through a short list and you propose and you've lost, the firm's going to want to go back in and, if they could see that information if it's captured in that format, it would be very helpful.

MODERATOR: Okay, I'm going to break my rule right now and say debrief is not on the list, but do you think that a debrief should be, there should something in here about a debrief?

PARTICIPANT: It should be offered.

PARTICIPANT: An option.

MODERATOR: So, that should be included in the standard procedure to direct staff to consider having a debrief and blah, blah, blah...

PARTICIPANT: I think it's fair...

MODERATOR: Okay, so

PARTICIPANT: Particularly for interviews. Now, if you don't want to debrief every RFP, that's fine, but interviews, it should be done.

MODERATOR: We suggest that do that, all right. Coming back to this little sheet, suggesting a 1 to 5 scale—just kind of rating people on a 1 to 5 scale. One to 5, is that okay? Should it be 1 to 9? Is there some other kind of criteria that you think should be suggested to staff?

PARTICIPANT: I think 1 to 5 is kind of the universally accepted rating.

MODERATOR: Okay, so that's been experience in other places?

PARTICIPANT: Yeah. I'm married to a performance management psychologist, so... *(laughter)* ... I know these things now that I do not want to know.

PARTICIPANT: If you made the scale bigger, though, you know, 1 to 5 doesn't—4s and 5s—you're going to get everybody stacked up very, very close. I wonder if a bigger number—1 to 10 or even 1 to 100—tees out differences. Because you want to tee out the differences of the firms, I'm just afraid—with 1 to 5 it seems like everybody's going to stack up at 4.2 or something.

MODERATOR: Good point. Anybody else want to offer anything on that?

PARTICIPANT: Well, there's nothing to prohibit decimals. *(laughter)*

PARTICIPANT: I used to deal with that quite frequently, I would make my selections and do the ratings on decimals because I knew that unless you...< unclear >

MODERATOR: Okay, so we've got to have a finance person or an engineer on every committee. Maybe not a Public Information Officer that was an English major. All right, I want to move on to a couple of final summing up questions. I want you—I'm going to make this two questions, because I know what the answer to the first is going to be. When you think about the document as it is now, on a scale of 1 to 9—I always use 1 to 9 scale because with 1 to 10 there's no midpoint, so with 1 to 9 you have a midpoint and 1 to 9 gives you more variance than a 1 to 5—so, on a scale of 1 to 9 with 9 being, 'This is an excellent document that's complete, clear and equitable,' and a 1 being, 'It's none of those things,' where is this document as you see it now?

PARTICIPANT: I'm at 7.

MODERATOR: You say 7?

PARTICIPANT: Yeah, it's pretty good.

MODERATOR: Go ahead, tell the truth.

PARTICIPANT: I'd say 6 or 7.

PARTICIPANT: Yeah, 6.

PARTICIPANT: 5.

MODERATOR: Okay, anybody else?

PARTICIPANT: I'd say a 1 because of the cost proposal.

MODERATOR: You know, if you didn't say that, I wouldn't believe you—so, that's good. I feel I'm getting that honestly from you. Celebrate it.

PARTICIPANT: If you took the cost proposal out, of it I'd give it an 8.

MODERATOR: Okay, that's good to know. Some of you agree with that?

PARTICIPANT(S): Yes. Oh, yeah.

MODERATOR: All right. Okay, well, since it wasn't as bad as I thought it was going to be, I won't ask the second question because it's not on my list. I want to ask you if it's more, or it's less, or it's about the same. When you think about this document as it is now, and you compare it to your experience with other jurisdictions—I'll stand over here so I actually go through them in order—in terms of clarity, is this document more, less or about as clear as other documents that you've seen in other communities?

PARTICIPANT: It's about as clear to me.

PARTICIPANT(S): Yeah, that's what I would say. As clear.

MODERATOR: About as clear. All right, and then, level of detail. Is it more detailed than what you've seen in other places? Less detailed? Or about the same?

PARTICIPANT: Probably, about the same.

MODERATOR: I'm seeing a head nod.

PARTICIPANT: This is difficult because we can all give you examples of ones that are better and we can all give you droves of examples of ones that are worse, but it's on average.

PARTICIPANT(S): Yeah, it's about average.

MODERATOR: It's about average. All right, what about fairness and the equity factor, how it treats you and each other. Is it less fair than others, more fair or just about as fair?

PARTICIPANT: Well, again, getting back to the fee-based type, and I don't believe that this type of, as far as fee-based proposal, is fair and equitable.

PARTICIPANT: Is the Town aware that this is one of the few municipalities that has elected that policy? It's one of the very few, so you guys are—this is a sore subject, this not using QBS—so in light of that, it is not fair compared to the rest.

MODERATOR: So, it's less fair.

PARTICIPANT(S): Less fair. Yes, less fair.

MODERATOR: All right. Cost for you to comply with, the way this is set up is it more costly for you to participate, less costly or about as costly, all things given?

PARTICIPANT(S): More.

MODERATOR: More, because of the cost thing. Okay, see? I heard you. All right, I can't see but boy can I hear. (*laughter*) Right now I'm wishing that little problem was reversed. What about ease of compliance? Is it easier, is it more difficult, or is it about as easy.

PARTICIPANT: Well, getting back to what John had said about the board requirements for us professionals, it's more difficult.

PARTICIPANT(S): Correct. Yeah.

MODERATOR: All right, so it's less easy.

PARTICIPANT(S): Yes. Yeah.

MODERATOR: Yes. Okay, I would have predicted that you said that. And on the scale for good for citizens, when you look at this as a package, you look at this document as it's written today, is it better for citizens than other places, not as good for citizens, or it's about as good as the rest of them.

PARTICIPANT: As professionals, we're charged with protecting the public interest and the public health and welfare and well being, and fee-based issues do not do that.

MODERATOR: Okay. So when you think about this document, do you think that this document protects our citizens, or is good for our citizens—more good, less good?

PARTICIPANT: I'd say less good because my take, living elsewhere, is that Cary and its citizens pride themselves on being a—and let me qualify this—a little different, but different in a progressive, quality based, style of life environment. And to me that just conflicts very much with a fee-based approach to professional services, which is where you can make a very distinct difference in those quality of life issues for the citizens.

MODERATOR: Okay.

PARTICIPANT: I mean, that just is a disconnect.

MODERATOR: Okay. Yes?

PARTICIPANT: If I could give a specific example of how it's not good.

MODERATOR: How it's less good.

PARTICIPANT: How it's less good, thank you. And this is research in, the State of Maryland adopted price-based, fee-based selection as part of their—not the sole—but as part of their criteria for selection of consultants in 1974. In 1985, they overwhelmingly overturned it and replaced it with QBS procurement methods because of the efficiency and benefits to the people of the State of Maryland. Maryland's research on this issue indicated that the design costs in that period increased by 94 percent and that there were significant and major construction cost increases. The construction—what I think hasn't been brought up here is—if you look at our services in a vacuum and you try to control the cost of our services, those may be pennies compared to the significant amount of dollars that you may be not saving in construction.

MODERATOR: Well, I can assure you that, while the focus of this focus group was not to debate the issue of that, the Council will hear your points on it.

PARTICIPANT: I appreciate it, and I'm sure I speak for everyone, that the opportunity to come here is good.

MODERATOR: Good.

PARTICIPANT: Right, but I think...

MODERATOR: No 'but,' don't say, 'I appreciate, but...' Say 'and I want to add...'

PARTICIPANT: And, I'd like to add that I hope the intensity of the conversation on cost is in perspective, because I think otherwise, in my opinion, this document is a very good document.

PARTICIPANT(S): Yes, yeah, yeah.

MODERATOR: Okay, that's good to hear. All right, excellent. And it's very good that y'all said that and that in the end y'all went "yeah, yeah, yeah." We have a few minutes left. Are there any questions, issues, anything about this document that we need to go over that we haven't—something that's burning. Yes.

PARTICIPANT: What—I guess, a twofold question—is there going to be any follow-up with this specific group in terms of what you choose to do with this information? And how do we avail ourselves of that information?

MODERATOR: So, what we will do is mail the thank you that we've already written you for showing up (*laughter*), and change the names for some of you who came instead of others—but you get their thank you gift, so that's how that goes—and then we will provide you a copy of the document when it's finalized, so that you can see what impact your comments had on what we did. Okay? And it's probably going to be a little while because we need to get this transcribed, staff needs to reflect on it and decide how to approach it. Then it's going to go to a Council committee, which actually holds a public meeting—you're welcome to come to that, it will be advertised. And then it'll get finalized. I'm thinking probably maybe this summer. So, we will follow up with you and let you know what we ended up doing. Okay? Yes.

PARTICIPANT: If we have additional comments—understanding that you're moving the process—post-today, could we get them to you e-mail, by writing?

MODERATOR: You can give them to me in e-mail, my business cards are here somewhere, I will make sure you have it. You can e-mail me anytime, and all of our emails are the same, firstname.lastname@townofcary.org and I am Susan Moran. So, yes, you can give me comments. We welcome your comments, that's why we had you here.

PARTICIPANT: So it goes to committee, Council committee, and then to Council.

MODERATOR: I'm not sure if it will go to the full Council. I know it will go to Council committee and it will be up to them to decide what they want to do. It's a special *ad hoc* group that's looking at this with the staff.

PARTICIPANT: Okay, and that will be advertised?

MODERATOR: Yes, because it's a public meeting.

PARTICIPANT: It is a public meeting.

MODERATOR: It is, and I think it's going to be at the end of May.

PARTICIPANT: The 20-something of May.

MODERATOR: May 20-something.

PARTICIPANT: It hasn't been scheduled yet.

MODERATOR: So, please leave your white sheets—please take your pens—and Lana has a parting thank you gift that's a little bit for you but a lot for the people that you left in the office today doing your work. (*laughter*) And drive safely. Thank you very much for coming.

PARTICIPANT(S): Thank you.

