

**Southeastern Regional Services Group
Monthly Meeting Minutes: January 4, 2017
6 Park Row, Room 3A/B, Mansfield, MA**

In Attendance

Maureen Doherty, Stoughton, Vice Chair
Dori Jamieson, Abington
Mike Morris, Brockton
Ellen Jones, Canton
Christina Collins, Mansfield
JoAnn Cathcart, North Attleboro
Jennifer Thompson, Plainville
Lauren, Barnes, Sharon
Gill Enos, Taunton
David Gagne, West Bridgewater
Moira Rouse, Regional Administrator

Not Represented

Bridgewater
East Bridgewater
Easton
Foxborough
Lakeville
Middleborough
Norfolk
Norton
Raynham
Wrentham

Moira explained Chair Randy Buckner had something come up so would not be able to attend. Vice Chair Maureen Dougherty opened the meeting at 9:25am.

The Board reviewed **December's original meeting Minutes**, as well as the **Amended Minutes** provided. Gill motioned to approve the original Minutes and Christina seconded it. The motion passed with 1 abstention (Jennifer had not been at the meeting). JoAnn motioned to approve the Amended Minutes and Christina seconded it. The motion passed with 1 abstention.

December Overview and Detailed Financial Reports were distributed. Moira explained the \$26.13 reimbursed expense is for expanded storage with Network Solutions for the SERSG email and website. A motion was made by Gill and seconded by JoAnn to approve these Financial Reports. It passed unanimously with no abstentions. For future Financial Reports, the new 2017 Mileage Reimbursement Rate will be \$0.535, instead of the 2016 rate of \$0.54.

Moira said she has received **DPW Services contract award authorizations** from more than half of the 19 participating communities. She will follow up with those still outstanding. There are 25 non-contested awards, and Moira has begun creating those Vendor Award-with-Contracts and will start sending them out this or next week.

- The **protest letters** from *Capone Bros.* for **item 18** Sidewalks, and from *Sealcoating, Inc.* for **item 10** Polymer Modified Crack Sealing have resulted in a **Bid Protest Hearing** scheduled for next Monday January 9 at 11:00AM in Boston. Statements are due to the AG's office by end of business today; Moira has drafted a statement –copies of which she offered for those interested-- and will refine it before submission.
- Moira will attend the **Hearing** in person and Maureen Dougherty will accompany her as an Officer of SERSG. The would-be low-bidders for both items are actively participating in this protest process. Attorneys for LAL Construction, for sidewalks, and Crack-Sealing, Inc., for the crack sealing item, are also providing statements and will be represented at the Hearing. The informal protestor, *Mass Pavement Reclamation*, has not responded to invitations to participate.

- Moira’s Statement asserts that she believes SERSG complied with all requirements of the bidding process and should be allowed to award to the properly PreQualified low-bidders. The protestors claim that estimated value for PreQualification should be based on each municipality, because the contracts resulting from this bid are executed between vendors and each municipality. However, the purpose of any group bid (consortium or collaborative) is to administer on behalf of the *whole*, even though contracts and purchases are made by individual municipalities. The statement points out that as administrator of the bid, SERSG wants assurance through the MassDOT PreQual process that a vendor will be capable of fulfilling *all contracts established* under this bid. Moira said she considers this Hearing a test of group bids in general, and imagines a ruling from this –one way or another—will be used to clarify details for others.

This Spring, 4 procurements will be administered for: DPW Supplies, Office Supplies, Paper, and Water & Sewer Treatment Chemicals. Moira will begin this process in February and anticipates an April bid opening date.

Maureen Dougherty asked: does SERSG need a lawyer? Timing is too tight now to obtain any for this protest. Perhaps we should consider getting someone on retainer in the future. Moira is prepared to complete her Statement to the AAG by end-of-business today without legal counsel. Two parties participating in the Bid Protest Hearing do not have legal counsel (Capone Bros. and Murray Paving), although three others do have counsel (Sealcoating, LAL and Crack-Sealing). For current Bid Protest purposes, we will proceed without counsel. On a related note but different time-frame, Moira said an outdated MGL chapter and section reference was found in this IFB. She verified the same reference has been carried forward for many years, but they are changed by updates to the law (like the recently passed Municipal Modernization Bill). SERSG contracts and bid documents have not been reviewed by legal counsel for many years now. It may be a good idea to have all documents reviewed by counsel at some point.

Gill made a motion to adjourn the meeting, seconded by JoAnn. It passed unanimously.

Respectfully submitted,
Moira Rouse, Secretary, Regional Administrator

January 17, 2017