

MARCH 11, 1993, CONTINUED

1st floor of the Courthouse and Administration Building. Upon roll call, Harris, yes; Selph, yes; Dick, yes. Motion carried. Thompson will consult with the presiding district judge before proceeding.

Dick reported the request to advertise for bids on the operation of the jail commissary was approved at the March 1 Board meeting, with the anticipated bid opening date of March 15. However, the Board had some concerns they wished to discuss before proceeding with this bid for services.

Glanz said the present commissary operated in the jail through the Department of Human Services' (D.H.S.) visual services program has no formal agreement and no accountability or audit trail built into the system. Thompson stated some manpower is being provided to the commissary by the sheriff's office, however, they are receiving no monetary return for these services. Due to these concerns, and upon the advice of state auditors that this contract for services must be bid, the sheriff's office requested purchasing division prepare bid specifications.

Blakeley advised that 19 O.S. 1991, Section 180.43 D. gives the sheriff authority to operate or contract the operation of the commissary as long as nothing in the subsection circumvents provisions of 7 O.S. 1991, Section 73, in which D.H.S. is granted a priority for vending facilities. Blakeley said the jail commissary cannot be considered a vending facility since it is not open to the public.

Selph mentioned concerns regarding some of the bid specifications. Webber assured the Board that she worked with D.H.S. to insure the specifications would not exclude them. Blanchard, attorney for Larry McCray of D.H.S.'s visual services program, said his client would not be able to comply with the minimum bid specifications. Pallotta, attorney for D.H.S., stated that the computer system which the sheriff's office is requiring would have additional applications, not solely used for commissary records, so it should not be required.

Blanchard and Pallotta agreed they wish to negotiate a contract in good faith with sheriff's office. Glanz agreed his office would be willing to negotiate. Blanchard suggested an arbitrator be assigned if there is an impasse in the negotiations. The Board voiced a preference to have a blind service operate the commissary if the sheriff does not choose to operate it and if they adhere to generally accepted business standards and practices.

Graham reiterated that state auditors are requiring this item be bid if the sheriff does not wish to operate the commissary. Dick requested Blanchard supply the Board, through Graham, legal authority for his position that an exception to this bidding requirement should be allowed for blind vendors. Dick agreed to make a motion at the March 15 Board meeting to suspend the bidding process on the commissary contract and leave the bids sealed until the March 29 Board meeting. He advised this item will be discussed again at the March 25 Management Conference.