

## Arizona Independent Redistricting Commission

May 31, 2011

9: 30 a.m.

### Location

Evans House  
1100 West Washington  
Phoenix, Arizona 85007

### Attending

Colleen C. Mathis, Chair (via videoconference)  
Jose M. Herrera, Vice Chair (via teleconference)  
Scott Day Freeman, Vice Chair  
Linda C. McNulty, Commissioner (via videoconference)  
Richard P. Stertz, Commissioner (via videoconference)

Mary O'Grady, legal counsel  
Joe Kanefield, legal counsel

Raymond F. Bladine, Executive Director  
Kristina Gomez, Deputy Executive Director  
Buck Forst, Information Technology Specialist

### Meeting Summary

#### 1. Call to Order

- The meeting was called to order at 9:35 a.m. by Chairman Mathis.
- There was a quorum present  
Any member of the public wishing to speak was requested to fill out a public comment form and submit it to the Chair.

#### Public Comment

Gerry Ottoboni, representing Natot, commented on the meeting minutes of the May 12, 2011 meeting, and said many comments were left out of the minutes that would have reflected the clear bias of the Commission.

Lynn St. Angelo, representing OVHAT, spoke of the meeting in Tucson on May the 10th. She commented that the meeting minutes that were put out for do not reflect everything that she said at the meeting, and that she wants them recorded exactly as she said them. She commented that it was very obvious that they weren't going to consider that attorney that had been assisting the Commission to be considered in this selection of the attorney because of the, quote, appearance of conflict of interest.

There being no further requests to speak, the public comment session ended at 9:41 a.m.

Jean Clark, Administrator, State Procurement Office, was asked to speak.

Ms. Clark informed the Commission that Tom Ellwanger, retired from state service last week. Christine Fruitman is acting as the procurement officer to assist in the transition.

She recommended to extend the closing of the solicitation by one week, beyond the current Thursday, June 2nd, at 3:00 p.m. closing, to have proposals due on Thursday, June 9th, at 3:00 p.m. Ms. Clark reviewed the amendments and questions that would be added.

Ms. Clark wanted to look at the breakdown of that evaluation criteria with regard to weighting, specifically as it pertained to, one, the separation of software technology from the consulting, secondly, the evaluation committee composition and options. Third, breakdown the evaluation criteria to ensure the proper weighting.

Ms. Clark was thanked for her work and input, and her comments were opened for discussion among the Commission.

Commissioner Stertz commented that if the contractor is a consulting service that is lacking in software, then they should bring on a software consultant, and that the concept of having to manage multiple firms was unnecessarily adding another layer of labor.

Commissioner McNulty stated that when they did the RFP, they inquired of Mr. Ellwanger and were assured that partial bids would be acceptable under the contract. She thought it might be helpful to accept partial bids, so that the contractors can find one another.

Commissioner Stertz responded it would be incumbent upon whoever that prime would be to assemble their own team, so that Commission doesn't have to be micromanaging.

Chairperson Mathis commented that originally she wanted ensure that there was language somewhere in the RFP that indicates that the Commission reserves the right to contract with a single or multiple entities to fulfill scope of work due to this being such a niche area.

There was further question and discussion of the ramifications of vendors coming in with only partial pieces of the RFP.

Vice Chair Herrera commented that it was always his understanding that additional help that was independent from the mapping consultants could be contracted, and that he didn't want the Commission to be limited in its choices.

Commissioner Stertz said that he, as one of the primary crafters of the RFP, never anticipated that the Commission was going to hire a multiple people that they were going to have to administer and try to marry together. He thought the concept from an administrative standpoint, a coordination standpoint, was ill-advised.

There was further exchange on the topic, as well as what the extension of time would encompass, as well as detailed exploration of the factors that would be weighted, and sub-factors of each category, and specific language of the proposed amendment.

The videoconference feed was lost temporarily, soon recovered, and the meeting continued.

In response to the public comments, Commissioner McNulty reminded everyone that these hearings are transcribed by the court reporter, and that the verbatim transcripts are going up on our website also in addition to the minutes. The minutes are just abbreviated versions of the transcripts, and the transcripts are also available.

Ms. O'Grady counseled the Commission to be discussing only accepted topics in public session.

There was further detailed exchange on evaluation of the offers that come in based upon criteria, as well as the concept of one or multiple contractors and subcontractors.

Mr. Kanefield stated that it was he and Ms. O'Grady's consensus that it would not be illegal for someone to submit a partial bid, but that it would be incumbent upon the Commission itself to decide whether or not they wished to engage those services depending on how you fashion the scoring and the evaluations. He said they were also in agreement about the prior advice that had been given about the scope under which the Commission falls with respect to the procurement code. Although they do believe that the Commission should stay true to the code as much as possible, because it will protect the Commission if there ever is a future challenge.

Ms. O'Grady concurred, and then raised a concern in terms of actually taking action, if action is necessary, that to take a vote on the matter was not within this particular agenda item.

There was a motion made by Vice Chair Freeman that the Commission go into executive session for the purpose of developing or discussing with ADOA the evaluation criteria for the mapping consultant of the RFP, which was seconded by Commissioner McNulty.

There was further discussion and exchange among the Commissioners as to their respective memory of the process, their past and current intent, and how the RFP was crafted, as well as questioning of Ms. Clark into procedure and process. Ms. Clark also spoke on hypothetical scoring scenarios, and stated that she was becoming extremely concerned with these conversations and this dialogue, and hearing the lack of unity as to the direction the Commission was going, because it was going to open this up for protest on the administrative side.

The motion was withdrawn, and at 11:34 a.m. the meeting was recessed, and resumed at 3:36 p.m.

Item 6.1, under uniform instructions was discussed, and Commissioner McNulty stated that the only reason that several of them agreed to this RFP is because they were assured by the State Procurement Office that we could accept partial bids. She then made a motion to go into executive session for the purpose of discussing these confidential documents, which was seconded by Vice Chair Herrera.

There was further discussion. Commissioner Stertz again stated that he did not want to go into executive session with the belief that the Commission was going to create some sort of a scoring mechanism that's going to give scoring to partial submittals, other than what would be scored for complete submittals.

Ms. O'Grady counseled that she would prefer to give advice on this issue in executive session at this point, to which Mr. Kanefield agreed.

Mr. Bladine reminded the Commission they could go into executive session to get legal advice, and then return to public session.

Commissioner McNulty amended her motion to enter executive session for legal advice and to discuss confidential documents, to which Vice Chair Herrera agreed. A vote was taken on the motion, to which Vice Chair Freeman and Commissioner Stertz voted no, and the vote carried 3 to 2, and the Commission went into executive session at 3:48 p.m.

At 5:09 p.m. public session resumed, wherein Chairperson Mathis stated that Jean Clark and the SPO will be issuing an amendment to the RFP tomorrow, to address those four questions that came in to us from offerors, and that they'll be providing additional information on the evaluation criteria, and that, as it was recommended earlier, they would extend the RFP due date to June 9th at 3:00 p.m., to the offerors an opportunity to respond to the amendments that are going to be coming out on the RFP tomorrow.

The meeting was adjourned at 5:12 p.m.