



**City of Broken Arrow**  
**Minutes**  
**Broken Arrow Municipal Authority**

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairman Craig Thurmond*  
*Vice Chair Richard Carter*  
*Trustee Mike Lester*  
*Trustee Johnnie Parks*  
*Trustee Scott Eudey*

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**Tuesday, November 1, 2016**

**Council Chambers**

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**1. Call to Order**

Chairman Craig Thurmond called the meeting to order at approximately 7:37 p.m.

**2. Roll Call**

**Present: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**3. Consideration of Consent Agenda**

Chairman Thurmond asked if there were any items to be removed from the Consent Agenda. There being none, he asked for a motion.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

**Move to approve the Consent Agenda as presented**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- A. 16-967 Approval of Broken Arrow Municipal Authority Meeting Minutes of October 18, 2016**
- B. 16-1297 Approval and authorization to purchase one grapple loader body from J&R Equipment as bid, pursuant to the Oklahoma statewide contract for garbage trucks, for the Sanitation Division**
- C. 16-1281 Notification of Change Orders with a value of less than \$25,000 on public contracts**
- D. 16-842 Approval of the Broken Arrow Municipal Authority Claims List for November 01, 2016**

**4. Consideration of Items Removed from Consent Agenda**

No items were removed from the Consent Agenda. No action was required or taken.

**5. Public Hearings, Appeals, Presentations, Recognitions, Awards**

There were no public hearings, appeals, presentations, recognitions, or awards.

**6. General Authority Business**

- A. 16-1295 Consideration, discussion, and possible approval and authorization to purchase one 56,000 gross vehicle weight (GVW) cab and chassis from Premier Truck, pursuant to the Oklahoma statewide vehicle contract, for the Sanitation Division**  
Lee Zirk, General Services Director, stated that the 56,000 GVW truck in question would be used to collect bulky waste on the refuse route, specifying that purchase of the grapple loader body had just been approved under item B in the Consent Agenda. He explained

that on all contract purchases, the Purchasing Department tabulated a bid tab so that pricing of each and every truck available under the contract was plain to see. Mr. Zirk pulled up the bid tabulation on the screen for all to see. He pointed out the lowest priced truck available. Consulting with the Fleet Management Department, he learned that they did not support purchase of that truck. They recommended the next truck listed, a Freightliner International truck from Premier Truck, with the purchase price of \$789. Proceeding to the next page, Mr. Zirk highlighted their experiences in 2015 with the International trucks. Their records showed that there were a lot of warranty claims in connection with all six 2015-model trash trucks used by the City. They had experienced a lot of down time, with one truck out of commission for 121 days. Since International hadn't made any particular changes from their 2015 models, they were apprehensive that if they purchased another International truck they would be dealing with the same kind of inadequacies in performance. For those reasons, he and staff were recommending purchase of the Freightliner International truck.

Trustee Parks stated if they had a preference that could be put in the bid request he wouldn't see any problem with the purchase, but he wondered if the bad experiences they had were reason enough not to take the lowest bid. Chairman Thurmond and Mr. Zirk pointed out that six different trucks had presented problems. Chairman Thurmond asked City Attorney Beth Anne Wilkenings opinion on the matter. Ms. Wilkening stated that they could get into a situation where they automatically excluded that particular bidder from bidding on all projects, which was a drastic step. In order to do so, they would have to go through a very exhaustive process to avoid compromising due process rights. By going with the second lowest bidder under the circumstances, they had outlined to her satisfaction, all the concerns they had with those particular vehicles. The company had been given the opportunity to be considered for the bid and it was more defensible to handle the matter in that manner.

Trustee Lester commented that taking into account the down time they had experienced, the difference in price between the lowest and second lowest bids did not justify their going with the lowest bid. Trustee Eudey cited the difference to be less than \$1,000. Mr. Zirk elaborated that having to address issues covered by warranty entailed two mechanics having to take the time to go to the dealer to drop the truck off, and a return trip after the truck was serviced, also. He pointed out that sometimes the truck would have to be towed. Furthermore, when the warranty expired they would still have to live with the trucks and reoccurring problems. Trustee Eudey inquired if they had had experience with the Freightliner trucks. Mr. Zirk replied that they had, and although he could not say that they were perfect trucks, they were better than what they were currently experiencing with the International trucks. Ms. Wilkening added that the issue was distinguishable from the public competitive bidding act and their Code of Ordinances took into consideration a variety of factors, including performance or prior experience. She was confident that the proposed vehicle represented the most advantageous purchase for citizens and the Municipal Authority. City Manager Michael Spurgeon said he was in agreement based on the amount of time they were spending on maintenance, according to a conversation he had had with Lee Zirk. Trustee Parks said he just wanted to be sure because he had spent many months in Court over their practices with regard to bidding.

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.

**Move to approve purchase of one 56,000 gross vehicle weight (GVW) cab and chassis from Premier Truck, pursuant to the Oklahoma statewide vehicle contract** The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**7. Executive Session**

There was no Executive Session.

**8. Adjournment**

The meeting adjourned at approximately 7:44 p.m.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.

**Move to adjourn**

The motion carried by the following vote:

**Aye: 5 -**

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Attest:

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Chairman

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Secretary