

HIGHVIEW FIRE PROTECTION DISTRICT
7308 Fegenbush Lane
Louisville, KY 40228
August 9, 2021

The meeting was called to order at 19:14 p.m. with the following members present: Kenny Craigmyle, Denise Drexler, Cheryl Justice, Doug Kelly, Dale Nason, and Nate Ingersoll. Guests were, Chief Dave Goldsmith, Deputy Chief Rob Dwyer, Lt. Colonel Roger Cecil, Attorney Richard Head, Joyce Shelton, Buck Rucker and Bill Harrod with ARV.

The Oath of Trustee was administered to Dale Nason and required documents were signed by Mr. Nason.

Cheryl Justice made a motion to approve the July minutes. Motion seconded by Nate Ingersoll. Motion carried.

Dale Nason made a motion to accept the July Financial Reports. Motion seconded by Doug Kelly. Motion carried.

NEW BUSINESS was conducted due to of out-of-town guest, Bill Harrod with American Response Vehicles.

Attorney Richard Head presented information regarding the laws on bids and emergency purchases.

Mr. Head provided the following:

KRS 45A.095 defines those situations when non-competitive negotiation is allowed. Under this statute, an "Emergency condition" means a situation which creates a threat or impending threat to public health, welfare, or safety such as may arise by reason of... transportation emergencies, equipment failures, ... or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten ... the health or safety of any person; and "Sole source" means a situation in which there is only one (1) known capable supplier of a commodity or service, occasioned by the unique nature of the requirement, the supplier, or market conditions.

The Highview Fire Department faces such an emergency due to the total loss of an ambulance in a motor vehicle accident. Despite diligent search, we were able to locate only one suitable replacement Ambulance in the Eastern United States. This is the "Sole Source" for this replacement vehicle.

Kentucky law specifically allows a public agency to purchase from a sole source when faced with such an emergency. KRS 45A.380 states:

“A local public agency may contract or purchase through noncompetitive negotiation only when a written determination is made that competition is not feasible and it is further determined in writing by a designee of the local public agency that:

(1) An emergency exists which will cause public harm as a result of the delay in competitive procedures;(2) There is a single source within a reasonable geographical area of the product or service to be procured;(3) The contract is for the services of a licensed professional, such as attorney, physician, psychiatrist, psychologist, certified public accountant, registered nurse, or educational specialist; a technician such as a plumber, electrician, carpenter, or mechanic; or an artist such as a sculptor, aesthetic painter, or musician, provided, however, that this provision shall not apply to architects or engineers providing construction management services rather than professional architect or engineer services;

This writing constitutes the determination referenced in KRS 45A.380. At a regular meeting of the Board of Trustees of the Highview Fire Protection District held August 9, 2021, the Board discussed and unanimously determined as follows:

1) An emergency exists which will cause public harm as a result of the delay in competitive procedures;
(2) There is a single source within a reasonable geographical area of the product or service to be procured;
(3) The contract is for a Replacement Ambulance where the need could not have reasonably been anticipated, and stockpiling was not feasible.
(4) No fewer than three (3) suppliers were solicited to submit oral quotations but were unable to do so without a delay of a minimum of six (6) months. The suppliers contacted were as follows, and the time delay between placing the order and delivery was as follows (presented by Lt. Col. Cecil):

1. Penncare/ Michael Kidwell and Taylor Pease. New build 18-24month delivery. Have 5 Demo units unavailable until December or January 2022.
2. Horton/ Tom Driggers. New build 18-24 month delivery. No Demo units currently.
3. American Emergency Solution (AES)/ Casey Walker. New build 18 month delivery. 5 Demo units (white) unavailable until late 2021, 1 red Demo unit on order sometime in 2022.
4. American Response Vehicles (ARV)/ Bill Harrod. New build 18 month delivery. 8 Demo units, 1 red. Any available immediately. (Proposed to purchase)
5. Southeast Fire Apparatus/ Robin Barber. New build 18 month delivery. Does not stock Demo units

Discussion held regarding the urgent and emergency need/purchase of an ambulance to replace the 2019 Frontline #1184, the search for a replacement, and the current nationwide timeline of a 1 ½ - 2 years wait on a new one built to preferred specs.

Mr. Harrod presented information regarding a demo ambulance that had been found available after search by Lt. Colonel Cecil and Chief Goldsmith.

Questions/Answers were asked and answered regarding the specs of the demo ambulance, and opinions were voiced of the demo not being exactly as we would build to specs (the specs we would have if we were not in this urgent and emergency need of replacing an ambulance).

Discussion held by Board weighing the urgent need of replacing the ambulance (currently being an ambulance short and borrowing an ambulance from another district) and the immediate availability of an ambulance with ARV.

Cheryl Justice made a motion to purchase the demo from ARV, with the below statement and actions taken. Motion seconded by Dale Nason. Motion carried.

The existence of the emergency having been established, a sole source having been located, and competitive vendors having been contacted and unable to timely provide the emergency vehicle required, the District Board requested a legal opinion from Board Counsel, Richard Head, who was present at the meeting. He stated his legal opinion that all necessary actions had been taken. Upon vote of the Board, Kenny Craigmyle, District Chairman, was authorized to sign and approve this resolution acknowledging the foregoing. Thereafter, Chairman Craigmyle signed the purchase contract and a check for the purchase was tendered to the vendor.

Have Seen and approved:

Kenny Craigmyle, Chairman.

Bill Harrod excused himself from the remainder of the Board meeting.

OLD BUSINESS:

The Handbook & Benefit Committee presented a few changes to the Attendance Policy Section of the Member Handbook that needed reworded and additional statement included for clarification of the policy.

Denise Drexler made a motion to accept the changes/clarifications to the Member Handbook as presented. Motion seconded by Nate Ingersoll. Motion carried.

The Member Handbook with update will be sent to all Members of the department via Paycor.

Nate Ingersoll made a motion to obtain a full set of drawings from architect Charlie Keys for the Station #3 Dorm remodel. Motion seconded by Cheryl Justice. Motion carried.

Attorney Richard Head presented information regarding virtual meetings and discussion held regarding options and development of a policy. Chairman Craigmyle asked BOT members Doug Kelly and Nate Ingersoll to work with Chief Goldsmith and Dep. Chief Dwyer to bring some proposed policy options for the Board to consider at the September meeting.

Chief's Report was given.

Personnel Report was given.

EMS Report was given.

NEW BUSINESS:

At 21:15 Nate Ingersoll made a motion to go into Closed Session. Motion seconded by Denise Drexler. Motion carried.

Open Session resumed at 22:10, with 2 members of Duty Crew in attendance: Steven Shannon and Shaun DeLong.

Chairman Craigmyle stated 'no action taken.'


Denise Drexler made a motion to give Lt. Col. Cecil the authority to begin process of and to take necessary steps to purchase (specs, bid, etc.) ambulance with anticipated date of possession being in 1 ½ - 2 years. Motion seconded by Nate Ingersoll. Motion carried.

It is noted that invoices have been reviewed and there have been no unauthorized payments.

Nate Ingersoll made a motion to approve and pay bills. Motion seconded by Denise Drexler. Motion carried.

Nate Ingersoll made a motion to adjourn. Motion seconded by Denise Drexler. Motion carried.

The meeting adjourned at 22:15.



Cheryl Justice, Secretary of the Board of Trustees
Highview Fire Protection District

Respectfully prepared and submitted by Joyce Shelton, Recording Secretary

Documents referenced in these minutes are kept at District Headquarters and are available for viewing and copying during regular business hours in accordance with Kentucky laws regarding Open Records and Record Retention.