



## COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 5:30 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: 9/28/2018 Meeting Date: 10/4/2018

Name: Joel Foreman Department: County Attorney

Division Manager's Signature:

A handwritten signature in blue ink, appearing to be "J. Foreman", is written over the line for the Division Manager's Signature.

### 1. Nature and purpose of agenda item:

Duval Ford has made a proposal to resolve a dispute between it and the County for the purchase of a truck. Requesting consideration and approval of the proposal.

### 2. Recommended Motion/Action:

To accept the revised quote from Duval Fleet Sales to purchase a 2018 Ford F-250 as equipped according to the quote provided at the discounted price of \$38,083.

### 3. Fiscal impact on current budget.

This item has no effect on the current budget.

**MEMORANDUM**

To: Board Agenda, October 4, 2018

From: Joel F. Foreman

**Re: Duval Ford – Bid Discrepancy Dispute – Request to Approve Settlement**

Date: September 28, 2018

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During the late spring of this year a dispute arose between the County and Duval Ford with respect to the price the County contended was owed for a truck that has been bid and ordered pursuant to the FSA Cooperative Purchasing Program. I wrote a letter to Duval Ford on June 12, 2018, informing Duval Ford that we were of the opinion that the County was entitled to purchase the truck for \$31,589.00 by the terms of the quote the County had received and which the Board had accepted and approved. A copy of my letter to Duval is attached.

This week I have been in contact with Matt Forte, Duval Ford's Government Sales Director. Mr. Forte disagrees with my reading of the FSA Cooperative Purchasing Program contract, and explained his position via an email that is also attached hereto. Although Mr. Forte disagrees with our position, he does agree that human error on Duval Ford's part precipitated this dispute. He has offered to extend a \$2,300 discount on the truck, with the discount coming off the price that should have been reflected on the quote for the truck as equipped for the County. Mr. Forte's email is attached, as well as his updated quote reflecting the charge for turbo diesel motor that was omitted from the original quote and the \$2,300 discount.

The original quote, which Duval states was made in error, was for \$31,589.00. Standard pricing under the FSA Cooperative Purchasing Program for this truck as equipped is \$40,383.00. If we accept Mr. Forte's proposal for resolving this dispute, the County will pay \$38,083 for the truck, which is a savings of \$2,300 off the standard contract price.

I have conferred with Mr. Kirby and Mr. Pitman and both state that given the need for this truck and the fact that Duval is making a good faith gesture for their error, they are comfortable recommending approval. I, too, recommend approval.

**Recommended Motion:** To accept the revised quote from Duval Fleet Sales to purchase a 2018 Ford F-250 as equipped according to the quote provided at the discounted price of \$38,083.

June 12, 2018

Duval Ford Fleet Sales  
ATTN: Bambi Darr  
1616 Cassat Avenue  
Jacksonville, Florida 32210  
[bambi.darr@duvalfleet.com](mailto:bambi.darr@duvalfleet.com)

**Re: 2018 Ford F-250 Reg Cab ¾ Ton Pickup Truck – 4X4 (F2B)**

Dear Ms. Darr,

I have been asked to contact you with respect to Duval Ford Fleet Sales' decision not to honor its bid of November 15, 2017 to Columbia County for the purchase of the above-referenced truck. As I understand the situation, your company bid to sell this truck to the County for \$31,589.00 pursuant to the FSA Cooperative Purchasing Program. The bid sheet which I have reviewed reflects "NC", or "no charge" for the 6.7L Power Stroke V8 Turbo Diesel.

Inexplicably, after this bid was submitted to the Board of County Commissioners and after it was approved, you have revised your bid such that the 6.7L Power Stroke V8 Turbo Diesel should carry a charge of \$8,794.00 and you are taking the position that the County should make up this difference before you will deliver the truck you offered.

Note that page 2006 of Bid Award FSA17-VEL25.0, provides that:

Options are to be discounted below Manufacturer's Standard Retail Pricing (MSRP) or manufacturers published list price for any factory add options. Purchasers are encouraged to negotiate pricing for options. Additional discounts for each add option shall be decided by the Vendor. Please refer to the Contract Terms and Conditions, Section 2.14 Option Pricing. (emphasis supplied)

Referring to those Contract Terms and Conditions, Section 2.13 provides:

In case of discrepancy in computing the amount of the bid, the unit price quoted will govern. (emphasis supplied)

Here, Duval Ford Fleet Sales quoted the truck the County desired to purchase at \$31,589.00 with no charge for the engine upgrade. Since option prices are negotiable and you elected to quote at no charge, it was reasonable for County staff to rely upon your bid in bringing this to the Board for approval. The quote was considered by the County's Board of County Commissioners and approved for purchase. In so far as there is any discrepancy between the quote and what you now

wish to charge, it is clear by the terms of the FSA Cooperative Purchasing Program Contract that the quote controls.

Please make immediate delivery of the truck ordered by Columbia County and correct your paperwork to reflect the quote you provided on November 15, 2017. You may respond to this office or directly to Mr. Clint Pittman to arrange for delivery of the truck. If Duval Ford Fleet Sales intends to avoid this sale in apparent breach of the Cooperative Purchasing Program Contract, please confirm that, in writing, to this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Foreman', with a long horizontal flourish extending to the right.

Joel F. Foreman  
County Attorney

CC: County Manager Ben Scott  
Asst. County Manager Kevin Kirby  
Landscape & Parks Dir. Clint Pittman

## Diesel engine issue

Matt Forte <matt.forte@duvalfleet.com>

Thu 9/27/2018 11:56 AM

Inbox

To: Joel Foreman <jforeman@columbiacountyfla.com>;

1 attachment (47 KB)

COLUMBIA COUNTY BOARD.pdf;

Joel,

I reviewed your letter and disagree with your assessment of the situation. You are citing the terms and conditions of the FI Sheriffs Contract where it states "the unit price quoted will govern"...that sentence pertains to what we the dealer quoted to the FI Sheriff Association for their bid in order to win the contract. All contract quotes that are quoted per the fsa contract by an awarded dealer to an end user must be quoted with all the contract prices that the awarded dealer quoted to the fsa for their bid. If an additional discount is negotiated between the end user and awarded dealer those discounts must be displayed on a separate line in the contract quote as shown in the attachment. With Duval Ford winning the fsa bid for this vehicle what we quoted the fsa shall govern on all contract quotes during the contract term. The quote we originally sent to Columbia County is not a valid "contract" quote due to our human error for not quoting the diesel engine "contract" price that we, the awarded dealer, quoted to the fsa for their bid.

With all this said we made a mistake and we are willing to offer compensation for our error in the form of a discount per the attached quote. We are not profiting from this deal and all parties involved have been addressed about the matter. We greatly apologize for this situation and hope to continue to do business with Columbia County. We are able to deliver this truck any day after this matter is resolved possibly even same day.

Thanks,

Matthew Forte  
Government Sales Director

For Further Assistance;

### Quotes

Bambi Darr

[bambi.darr@duvalfleet.com](mailto:bambi.darr@duvalfleet.com)

Laura Torbett

[laura.torbett@duvalfleet.com](mailto:laura.torbett@duvalfleet.com)

### Status/Invoices/Admin

Kasey Williams

[kasey.williams@duvalford.com](mailto:kasey.williams@duvalford.com)

### Accounting/Invoices/Admin

Janet Connors

[janet.connors@duvalford.com](mailto:janet.connors@duvalford.com)

# COLUMBIA COUNTY BOARD

<b>Prepared for:</b>		<b>Contract Holder</b>	<b>DATE:</b>
COLUMBIA COUNTY BOARD CLINT PITTMAN <a href="tel:386-719-7544">386-719-7544</a> <a href="mailto:clint_pittman@columbiacountyfla.com">clint_pittman@columbiacountyfla.com</a>		Duval Ford Fleet Sales Bambi Darr (Work) 904-387-6541 or 904-381-6596 (Fax) 904-387-6816 <a href="mailto:bambi.darr@duvalfleet.com">bambi.darr@duvalfleet.com</a> 1616 Cassat Ave. Jax, FL 32210 NORTH	9/27/18
<b>Please Supply Receipt of Quote via email</b>			
<p><i>I appreciate your interest and the opportunity to quote. Prices are published by the Florida Sheriff's Association/ Florida Association of Counties &amp; Florida Fire Chiefs' Association Automotive Contract #FSA17-VEL25.0 chassis / FSA17-VEL15.0. (www.flsheriffs.org) If you have any questions regarding this quote please call! Vehicle will be ordered white exterior unless specified on purchase order.</i></p>			
Labor	Code	Equipment	Price
0	SPEC 53	2018 FORD F-250 REG CAB 3/4 TON PICKUP TRUCK - 4X4 (F2B)	\$ 23,571.00
0	600A	XL TRIM PACKAGE	NC
0	99T	6.7L POWER STROKE V8 TURBO DIESEL	\$ 8,794.00
0	44W	6 SPEED AUTO TRANSMISSION	NC
0	142	142" WHEEL BASE 8' BED	NC
0	X3E	3.73 ELEC LOCKING AXLE	NC
0	90L	POWER WINDOWS & DOOR LOCKS	\$ 914.00
0	52B	ELECTRIC BRAKE CONTROLLER	\$ 269.00
0	HD TOW	HEAVY DUTY TOW PACKAGE	\$ 725.00
0	KSB 696J	KNAPHEIDE SERVICE BODY (696J)	\$ 5,850.00
0	31B.31V	SHIP THROUGH TO INCLUDE MSO, CERTIFICATION, WEIGHT SLIP AND DEALER PDI	\$ 260.00
0	DISCOUNT	DISCOUNT	\$ (2,300.00)
0			
0	Z1	EXTERIOR: OXFORD WHITE	NC
0	AS	INTERIOR: GRAY VINYL	STD
0		VINYL FLOOR	STD
	VENDOR COMMENTS	PLEASE CLEARLY NOTATE ON YOUR PURCHASE ORDER WHERE DUVAL FORD IS TO SHIP YOUR VEHICLE, HOW THE VEHICLE IS TO BE TITLED, AND WHERE THE INVOICE IS TO BE MAILED.	
<b>UNIT COST</b>			<b>\$ 38,083.00</b>
<b>TOTAL QUANTITY 1</b>			<b>TOTAL PURCHASE \$ 38,083.00</b>