

MINUTES

Michigan Wildlife Council December 3, 2014

A regular meeting of the Michigan Wildlife Council was held Wednesday, December 3, 2014, at Michigan United Conservation Clubs (MUCC), 2101 Wood Street, Lansing, MI.

Present for the Michigan Wildlife Council (MWC)

Merisa Campbell, Johannesburg
Keith Creagh, Lansing
Matthew R. Pedigo, Howell
Jeffery Poet, Clare
Carol Rose, Hillman
Henry Stancato, Detroit
Randy Stec, Caro
Alan N. Taylor, Rockford

Absent

James H. Hammill, Crystal Falls - excused

Call to Order

Chairperson **Rose** called the meeting to order at 9:00 a.m. and welcomed attendees.

Approval of Agenda

Rose gave a brief overview of the meeting agenda. **Creagh** made a motion that the agenda be approved with the addition of "Responsibility of Chair"; **Campbell** seconded the motion, and the agenda was approved as amended by unanimous consent.

Approval of November 7, 2014 Minutes

Poet made a motion that minutes of the November 7, 2014, meeting be approved as presented. **Stec** seconded the motion, and **Rose** called for discussion. **Taylor** pointed out that the date in the header on pages 2-5 was wrong and should be changed to November 7, 2014. (It was noted that the date on the first page of the minutes was correct.)

In addition, **Taylor** objected to language that was included in the last paragraph of the *MWC Website Development and Future Content* report on page 3 of the proposed minutes. He asked that the words "however, Taylor was against the idea" be stricken from the second sentence of that paragraph and that the third sentence read as follows: "Taylor feels *it is more important* the council keep stakeholders and related wildlife organizations advised during the next year before the general public."

Taylor further suggested removing the word "subcommittee's" in the first sentence of the first paragraph under *Request for Proposals (RFP) Update and Discussion* on page 3 of the draft minutes as well as the phrase "developed by the RFP subcommittee" in the third sentence of the same paragraph. Discussion ensued, and it was agreed that the first sentence would be

edited to read: “Rose gave an overview of the RFP draft *being worked on by the RFP subcommittee* for the educational media campaign.” However, the phrase “developed by the RFP subcommittee” will remain.

A vote was taken, and the November 7, 2014, minutes were approved, with the above edits, by unanimous consent.

Request for Proposals (RFP) Review and Approval

Council members reviewed the final draft of the Request for Proposal for bids on the educational media campaign, which was furnished to committee members November 25. Members engaged in a lengthy discussion, with **Tom Falik**, manager, and **Mary Ostrowski**, buyer, both with Department of Management and Budget procurement services, present to answer any questions. **Rose** gave an overview of the timeline, and **Pedigo** asked if all members of the Joint Evaluation Committee are required to participate in the pre-bid conference call scheduled for January 5. **Falik** said it wasn't required; however, **Rose** advised it would be a good idea if all members of the council's RFP subcommittee would be available to answer any questions.

Referring to Proposal Instruction number 8 on the bottom of page 3 of the RFP draft, **Taylor** questioned the process of asking all bidders who receive a minimum score of 80 in Step 1 to give oral presentations in Step 2. He asked if 15 bidders score a minimum of 80, would all 15 be called in to give oral presentations. He suggested limiting bidders who are asked to give oral presentations to just three or four. **Taylor** also wondered what would happen if no bidder received a minimum score of 80, and suggested asking the top five bidders to give oral presentations, regardless of their scores in Step 1.

Creagh suggested that since the most important thing the council is charged to do is to choose a marketing or advertising agency to aid in developing and implementing a media-based public information program to inform the general public about the essential role hunting, fishing and trapping play in Michigan, it should be worth the time, effort and energy to consider all competent bidders who receive a minimum score of 80 and not limit the number to just three or four. **Creagh** also suggested consideration should not be given to those bidders who score less than a minimum of 80 in Step 1 and don't have the capacity or capability to deliver.

Stancato pointed out that the Joint Evaluation Committee must apply the criteria listed in the RFP and bidders must meet the criteria and minimum requirements to be considered.

Taylor said that because the Joint Evaluation Committee may be very subjective in its scoring, he still thinks the top five bidders, regardless of their score, should be asked to give oral presentations.

After further discussion, it was recommended that the minimum score be left at 80 and that all bidders who score a minimum 80 be asked to present orally. **Taylor** agreed, with the understanding that scores can be adjusted. **Falik** confirmed that scoring is ongoing until all bids have been scored. **Falik** also noted there is a period for losing bidders to protest after the contract is awarded.

Taylor indicated he would like most references to the DNR removed from the RFP; however, it was decided the references should remain but changed as indicated in the edits below.

Further edits to the RFP suggested by **Taylor** include:

- rewording on page 10 the first part of the first paragraph under **B. Create a Marketing Plan** to read: *The primary goal of the marketing plan is to increase the ~~non-hunting~~ public's understanding of **the values of** hunting, fishing and the taking of game in Michigan...* and make the same general changes in paragraphs 1, 2 and 3 on pages 10 and 11 under the same heading.
- rewording on page 12 the first paragraph under **C. Implement the Marketing Plan** to read: *Upon ~~DNR and MWC~~ approval **and DNR fiduciary/financial oversight**, the contractor must implement the overall plan, including...*

Stec made a motion that the proposed language change on page 12 be approved, and **Poet** seconded the motion. A vote was taken, and the motion passed. **Taylor** abstained from the vote.

- rewording on page 14 number 2 at the top of the page to read: *The contractor will be responsible to maintain a record of communications from meetings and provide the ~~DNR and MWC~~, **and copy the DNR**, with notes of results from each meeting within five business days.*
- removing on page 14 subsection D. under **1.03 Out of Scope Activities**.
- rewording on page 18 the first paragraph under **4.1 Project Plan** to read: *It is expected that the contractor's project manager will communicate with ~~DNR/MWC~~ **and copy DNR** should any problems arise or changes need to be made to the campaign.*
- rewording on page 20 number 1 under **4.03 Reporting** to read: *The contractor must submit to the ~~DNR and MWC~~, **with copies to the DNR**, the following written reports:*
- After the sentence under the table at the top of page 20, add another sentence stating that **"If the DNR requests any other reports, it will fully advise the council the need for such reports."**
- rewording on page 27 the paragraph under **B. Cost for Message Development and Creative**: to read: *The contractor will be required to provide a cost proposal for message and **creative** development based upon the hourly rates of staffing involved in this phase of the project upon the completion of the research. The proposal will be reviewed and approved or negotiated with the ~~DNR Project Manager~~ **MWC Chairperson**.*
- Rewording the paragraph at the top of page 28 to read: *Any changes to the approved annual spend plan **MUST** have prior written ~~authorization~~ approval from ~~the DNR and~~ the Michigan Wildlife Council **and authorization from the DNR** before purchasing any goods or services outside of the annual spending plan and operating plan.*
- Rewording number 4 on page 44 on the Standard Contract Terms to add the sentence: **"The Michigan Wildlife Council retains overall authority for implementation and content of the program activities listed in Exhibit A.**

Campbell made a motion that the Request for Proposal be approved with the amendments noted above. **Pedigo** seconded the motion, and it passed with unanimous consent.

Public Comment

The public comment portion of the meeting began at 11:08 a.m., and the following individuals offered remarks to the council:

Amy Trotter, senior resource policy manager with Michigan United Conservation Clubs (MUCC), stated that the council is having some important conversations; however, she urged the council to complete the RFP to get it out soon. She noted that presently, the timeline is to have the campaign begin in November 2015, and that's a long time for the public to wait. She asked that the council not let "perfect get in the way of good." Trotter agrees that the council should be the driving force in the process and has no concerns with the Joint Evaluation Committee making a decision in a non-open meeting. She ended her comments by saying she would like to put out more information in the MUCC newsletter, but it's hard until things are decided.

Dale Hendershot, president of Michigan Trappers & Predator Callers Association, said he agrees that the council needs to move things along in regards to the RFP. He also noted that on page 10 of the draft, "trapping" was not mentioned...just hunting and fishing. He requested that anytime hunting and fishing are mentioned, trapping is included so that the general public are aware of the benefits of that as well. **Hendershot** said trappers and dog hunters are most at risk of being misunderstood since they're usually not the focus but are a big part of the management of furbearers in the state.

Council members agree that trapping should be added wherever hunting and fishing are mentioned in the RFP.

Public comment was closed at 11:15 a.m.

Joint Evaluation Committee

Discussion was held regarding the Joint Evaluation Committee (JEC).

A question was raised as to whether the full council could attend and ask questions during the oral presentations to the JEC but not vote on the recommendation. It was explained that neither the JEC nor the RFP subcommittee is subject to the Open Meetings Act; however, if a majority of the full council is present, the session then would be subject to the Open Meetings Act.

Creagh reminded council members that the JEC is merely choosing the company for the media campaign, and it will be the full council's task to work with the chosen company to develop a plan after the contract has been awarded.

Poet inquired as to who makes the final decision on the winning bidder. **Falik** responded that the Michigan Department of Technology, Management and Budget has the authority and responsibility to award the contract, but he has never known the department to go against the JEC recommendation. He explained that the JEC makes its recommendation to the full council for its approval, then once approved, it is sent to the DTMB to make the award. Any contracts over \$250,000 also must go to the State Administrative Board for approval.

Stec made a motion recommending that the JEC be comprised of six voting members – four members from the MWC; one member, the buyer, from the Department of Technology, Management and Budget; and one member, the buyer, from the Department of Natural Resources. The motion was seconded, and it passed with unanimous consent.

Creagh made a motion that the four MWC representatives on the JEC include **Alan Taylor, Merisa Campbell, Jeffery Poet, and Henry Stancato**. **Pedigo** seconded the motion, and it passed with unanimous consent.

Mary Ostrowski distributed Evaluator Code of Conduct and standard letter to JEC members, and **Falik** reviewed responsibilities of the JEC.

Taylor asked if outside advisors could be utilized in deliberations. **Falik** said yes, but those individuals would have to be present at the JEC meeting to provide influence to all members of the JEC, not just one. **Falik** noted further that the outside advisors would have to be listed as non-voting members of the JEC and would need to be present for the oral presentations.

Council Reports/Announcements/Comments

Rose thanked **Amy Trotter** and MUCC for hosting the meeting.

Creagh noted that any emails from the attorney general's office received by council members should not be disclosed. He explained that formal AG opinions are the only things released from that office and added that formal opinions have the force of law unless challenged in a court of law.

Adjournment

A motion to adjourn was made by **Creagh**, seconded by **Pedigo** and passed by unanimous consent. The meeting was adjourned at 1:15 p.m.

APPROVED: Date _____

Carol Rose, Chairperson
Michigan Wildlife Council