

Meeting minutes of the Tazewell County Public Library Board of Trustees
held at the Tazewell County Public Library Tazewell Library 129 Main St., Tazewell,
Va., October 31, 2022, at 2:00 p.m.

Present: Regina Roberts, chair
Karel Ryan, vice chair
Connie Bailey Kitts, trustee
Ginger Branton, trustee
Erica Galloway, TCPL Director

1. CALL TO ORDER: Meeting called to order by Chair Roberts at 2:00 pm.

2. RICHLANDS LIBRARY BIDS:

- a. There was discussion of the bids submitted for Phase 1 of the Richlands Library project. Chair Roberts shared the substance of a phone call she had with Mr. Huber, which clarified several points of discussion:
 - a. He confirmed that Jaimie Tuggle of Southwest Developing Inc. would be the contractor and insurance holder. He confirmed that she has the required insurance.
 - b. He spoke with James Viers and confirmed that Rebirth Renovations would be the “construction team”, and the Class A contractor’s license was in Southwest Developing, Inc’s name.
 - c. Mr. Huber also followed up with several references of Mr. Viers’s recent work and found those references to be complimentary of the work they had done.

Mr. Huber strongly recommended accepting the lowest bid, and he did not think it would be ethical to try to rebid the project without changing the specs, since the bid numbers were already public.

Chair Roberts had asked Mr. Huber to summarize these points in an email, which he did and which was distributed to all trustees.

Chair Roberts said that Mr. Huber indicated the name mix-up of Rebirth using their name, but the Class A contractor number of Southwest Development Inc was an informality and not enough of an impropriety to reject the bid.

Trustee Ryan asked about the requested references for Rebirth's work, agreeing the library is a residential structure but it is used for commercial purposes.

Trustee Ryan voiced concerns about the insurance requirement. She wondered if in the case of an issue, whether there would be sufficient coverage. She was also concerned about the name of Rebirth Renovations being on the cover page as submitting the bid, but the actual contract being with Southwest Developing, Inc. and that said she did not see privity between the two.

Trustee Ryan asked if Mr. Huber addressed why it was acceptable for the bid to come from Rebirth Renovation, and yet Southwest Developing Inc. holds the contractor license. She did not see a privity between the two, which could give an insurance company reason to deny a claim. She asked if the insurance certificate from Southwest Developing Inc. would say specifically that it was covering the bid by Rebirth for this project. She said the bid came from Rebirth, and that was an impropriety, and giving the contract to Southwest Developing, Inc., was backwards.

Chair Roberts said that the contract would be with Southwest Developing, Inc. because they are stated as the Class A contractor and they would be solely responsible for the insurance.

Trustee Branton said we should get the job done and moved to accept the bid from Southwest Developing, Inc., as recommended by Mr. Huber.

Chair Roberts first addressed earlier concerns by clarifying that Mr. Huber said Rebirth's name would not be on the contract; it would be Southwest Development, Inc. Also, it is that contractor's prerogative to decide who they want to subcontract

with for the job. And, that Rebirth does have both commercial and residential experience.

Chair Roberts asked for a second to Trustee Branton's motion.

Trustee Kitts seconded the motion, clarifying that she would like discussion before a vote was taken.

A pro and con discussion took place about accepting the bid.

Trustee Kitts said she had called the Virginia Department of Professionals, and confirmed the Class A license that Southwest Developing, Inc. should and does hold. She said she was told that whoever is on the bid as the contractor is responsible for the insurance; they can subcontract as much as they want, as long as they understand they are ultimately responsible. Ideally the subcontractor would have a Class A license as well, because it offers more protection. The end of the bid document listed Rebirth Renovations as the "Construction Team" and gave Southwest Developing, Inc. as the Class A license holder.

Chair Roberts said you often do not even know who the subcontractors are when you hire a contractor for a job.

Trustee Ryan again said she was concerned that the bid submitter and contractor names seemed backwards.

Chair Roberts mentioned Mr. Huber's reference to Article 5.3.1, saying the bid format was not an impropriety because all specifications of the bid had been met and all forms filled out, whereas Barrett Construction's bid did not include the completed forms, and that was an impropriety.

Trustee Kitts stated that Southwest Developing, Inc. should have been identified as the contractor at the top of the page instead of in small print at the bottom, but where the name of the contractor or the construction team is listed on the page, is an informality. An impropriety would be if Southwest Developing, Inc. did not

have a license or insurance coverage. Chair Roberts said Mr. Huber said they are obvious not used to filling out these kinds of bids and forms and they also admitted that.

Trustee Ryan again stated she thought the bid contained on impropriety and not an informality and if there's a problem that requires insurance coverage, we will wish there is no impropriety.

Trustee Branton said that the board needs to act quickly, accept the recommended bid, and rely on Mr. Huber's judgement and advice.

Chair Roberts called for a roll call vote.

Roll Call Vote: Trustee Kitts: Yes; Trustee Branton: Yes; Trustee Ryan:
No; Chair Roberts: Yes.

With three in favor and one opposed, the motion carried.

Trustee Kitts suggested that for future bids, we use the list of contractors compiled by the Tazewell County building inspector's office to advertise to contractors.

Trustee Branton said she thought one of the reasons so few bids were received was because it is such a small job.

Chair Roberts requested that the list of contractors be discussed as part of the next regular board meeting.

Chair Roberts said she had suggested to the Foundation that they step up communication efforts with a series of letters that will let donors, the Town of Richlands, and the press know about our progress. Trustee Branton suggested preparing an interim report. Having rack cards and an artist's sketch of the library were mentioned as other fundraising ideas.

3. PUBLIC COMMENT: No members of the public present.

4. ADJOURNMENT: Motion by Trustee Branton, with a second by Trustee Kitts to adjourn the meeting. The meeting was adjourned at 2:38 pm.

The next regular meeting is scheduled for Thursday, November 17, 2022, at 3:30 pm at the Bluefield Branch.

Respectfully submitted,

Erica Galloway, TCPL Director

Tazewell County Public Library Board of Trustees

Special Called Meeting

October 31, 2022

Tazewell Main Library

Tazewell, Va.

2:00 p.m.

MEETING MATERIALS AND SUPPORTING DOCUMENTS

- 1. Agenda**
- 2. Bid Documents**
- 3. Email from Mr. Huber**