

Board Agenda Item No 15
August 7, 2024 Town Board Meeting
Supplemental Information

Erik Nilssen

From: Jim Park
Sent: Tuesday, August 6, 2024 10:42 AM
To: Erik Nilssen
Cc: 'David Rigdon'; Eric Matus
Subject: Re: Agenda item 15

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Thank you. I would simply ask that this item be continued until the next meeting to allow time for a detailed and thorough justification to be included with the backup materials.

While my concerns have been addressed I feel it is incumbent on the Town to provide the public with a comprehensive but brief summary of the why and how for this outlay.

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From: Erik Nilssen <EHNilssen@douglasnv.us>
Sent: Tuesday, August 6, 2024 9:44 AM
To:
Cc: 'David Rigdon' <David@legaltnt.com>; Eric Matus <EMatus@douglasnv.us>
Subject: RE: Agenda item 15

- What are the reasons requiring the minimum 50-foot working height, side entrance basket, and articulating boom
 - 50ft working height is necessary to place the electronic Christmas tree on the Heritage Park pavilion. Currently town staff must arrange for a third party to place the tree.

- The spruce trees (Shaw Tree) at Heritage Park and Toler Island have grown to beyond the capabilities of the current truck to place lights on them.
 - There have been several instances where the current bucket truck reach was insufficient to trim trees along fence lines or other obstacles.
 - Additional reach will allow maintenance of 395 road-crossing banner from the Eddy street side of intersection without closing travel lanes. (repairing/replacing carabiners, repairing electrical connections and bulb outages on Christmas decorations)
 - Articulating boom is preferred for the reasons discussed in the next section. The current truck is also articulating boom.
 - Side entrance basket is preferred for safe entry and exit. Currently staff is safety harnesses must step up 4 feet sit on the edge and drop into the 24 inch basket, getting out requires hopping up and balancing on the basket edge and swinging legs out. Steps inside the basket are prohibited for insulated fiberglass baskets. In addition to the potential safety issues of the entry and exit process, the agility required is an unnecessary barrier for staff that are otherwise able to perform the essential functions of the job.
- Why has a stick boom evidently been deemed to be non-preferred?
 - Articulated boom is preferred when working parallel to traffic as the boom can be raised and rotated without having the lower boom section swing into the active traffic lane. Stick booms are either center mount rear mount. The center mount option has the problem of the boom rotating beyond the side of the truck causing potential safety concerns, the rear mount requires a larger chassis and stores the basket over the hood of the truck making it unrealistic for moving projects such as hanging flower baskets and decorations on street lights.
 - What is the reach of the bucket truck that the Town is currently using?
 1. The Town's current bucket truck has an articulated boom with a working height of 43 ft and a side reach of 26ft.
 - What is the total annual usage in days/hours of the current bucket truck? **I made a major error in the board packet – I state the existing truck has over 200,000 miles. I drove the truck at our first movie in the park to get the speakers down and noticed it had just gone over 200,000 miles. I thought that was a pretty big milestone. Our Samsara GPS shows ~102,000 miles which Eric verified. I am not sure why I saw 200,000 or what I misinterpreted.**
 - The current truck is equipped with the Ford 6.4 Liter diesel, which is a problematic engine with high failure rates beyond 100,000 miles.
 - The Samsara GPS can only run reports of usage with a 90 day time frame. The below table shows usage over the last year. We have used it for 25 complete days.

Date	Truck	Engine On Time	Distance Traveled (mi)
5/8/24 - 8/6/24	618 - Bucket	31:33:06	110.78
2/10/24-5/7/24	618 - Bucket	20:59:20	48.37
11/12/23 - 2/9/24	618 - Bucket	100:18:31	225.26
8/8/23 - 11/11/23	618 - Bucket	50:17:38	124.12
Annual Total		203:08:35	508.53

- What trade-offs in equipment choices versus acquisition price and market availability have been researched and subsequently been ruled out as unacceptable or otherwise non-preferred?
 - Web searches for a truck with the desired features did not result in any in-stock or low-hour used equipment. Trucks similar to the Towns current truck are available for marginal cost savings, but with significant compromises. Large medium duty chassis are ruled out because the extra size and weight makes them unsuitable when the truck is parked on sidewalks or landscaping, and 4x4 option for larger chassis add significant cost. Stick booms are discussed above. Tow-behind aerial lifts are unrealistic for use in traffic and have reduced flexibility. New equipment is preferred so that the Town is not adopting someone else's problems, defects can be addressed during the warranty period, and equipment longevity is improved reducing the need to go through the purchasing process as often. The Town has had bad luck with a variety of equipment that was purchased used in the past, requiring lots of staff time to repair.

From:
Sent: Tuesday, August 6, 2024 4:14 AM
To: Erik Nilssen <EHNilssen@douglasnv.us>
Cc: 'David Rigdon' <David@legaltn.com>; Eric Matus <EMatus@douglasnv.us>
Subject: RE: Agenda item 15

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1. What are the reasons requiring the minimum 50-foot working height, side entrance basket, and articulating boom?

2. Why has a stick boom evidently been deemed to be non-preferred?
3. What is the reach of the bucket truck that the Town is currently using?
4. What is the total annual usage in days/hours of the current bucket truck?
5. What trade-offs in equipment choices versus acquisition price and market availability have been researched and subsequently been ruled out as unacceptable or otherwise non-preferred?

From: Erik Nilssen <EHNilssen@douglasnv.us>
Sent: Monday, August 5, 2024 3:34 PM
To:
Cc: David Rigdon <David@legaltnt.com>; Eric Matus <EMatus@douglasnv.us>
Subject: FW: Agenda item 15

Hi Jim,

I appreciate you giving me your concerns prior to the board meeting to give me sometime to formulate a complete response. Below is an email from David Rigdon as I asked him to look into your concerns. In addition Douglas County has a sole source policy which I believe I have followed and can justify. Eric Matus, our Parks Supervisor, previously worked in the cable industry and has a very deep knowledge of bucket trucks, their manufacturers, and what the town needs.

To start we believe there are 5 manufacturers of articulated, extending bucket trucks. You below state a quick internet search shows there could be 8. Some of these may just provide tree working platforms, town behind equipment or stick booms. These manufacturers were not followed up with.

The basic items we wanted was a 19,500 lb chassis which is a Ford F450 or 550 or Dodge 5500 or similar. We also wanted a minimum of a 50-foot working height. Side basket entranced was also a major consideration. Only two manufactures could provide a 50-foot reach with a 19,500 lb chassis (Altec and Duralift). The other manufactures required a Freightliner or International Chassis which would have greatly increased the cost.

One of the items for sole source justification for Douglas County is "After solicitation of a number of sources, competition is determined to be inadequate." I believe this to be the case for this purchase. Douglas County also states "Price alone is never a valid sole source justification." Price was not considered in our selection of Dura Lift.

Further - as you can see below David Rigdon States exemptions to the competitive bid process may be acceptable if "additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired or maintained by a certain person." We are purchasing a truck chassis of 19,500 lbs which only two companies have the ability to add equipment too.

Hopefully with this additional information you are more comfortable with our selection. I would like to put everything out to public bid. This lift truck acquisition has been one of the more difficult equipment purchases I have made and don't like the sole source process but in this case I do believe it is justified:

Town of Gardnerville - Bucket Truck Purchase Comparison

Side													
Working		Side Reach		Entrance		19500		Chassis		MH		Quote	
Mfg	Model	Height (ft)	(ft)	Basket									
Altec	AT48S	52	31'7"	yes				yes		yes		NA	Meets required specs. Between 1/29/24 exchanged 13 emails, and had one in per with sales rep, Jack Stevenson, resulting time approx 24 months.
Dura lift	DPM-47DU	52	31'6"	yes				yes		yes		\$194,500	Meets required specs. Quote received at coordinating with Ford fleet dealer for s Faster delivery time than Altec.
Palfinger/ETI	ETC MH 40 IH	45	30'	yes				no		no		NA	Does not meet specs. Spoke with factory Condon, Okla. City, Will only supply mate with >23,000 chassis (freightliner, intern
Terex	TL48 Hi-Ranger	52.5	31'8"	no				no		yes		NA	Does not meet specs. No side entrance b available, Working height is based on 40 (Freightliner, International, etc)
Versalift	VST-47-MHI	45	30'9"	no				no		yes		NA	Does not meet specs. 52' working height 23,000lb chassis with 40" frame height. attempts to contact both factory and we distributor reps for custom quote; inquiry returned. Closest truck in inventory was

From: David Rigdon <David@legaltnnt.com>
Sent: Monday, August 5, 2024 9:56 AM
To: Erik Nilssen <EHNilssen@douglasnv.us>
Subject: RE: Agenda item 15

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Erik,

You asked me to look into Board member Park's concerns related to Agenda Item 15 on the Board's August 6, 2024 agenda. The item requests authorization to purchase a 2024 Ford F550 chassis with a Dura-Lift bucket body. The chassis is being sourced of a state procurement contract, which there does not appear to be any issue with. However, the Dura-Lift body is being sole sourced and Board Member Parks has raised concerns as to whether the purchase actually qualifies for sole-source acquisition under NRS 332.115(1).

NRS 332.115(1) identifies several exceptions to the competitive bidding process for "contracts which by their very nature are not adapted to award by a competitive solicitation." Such contracts include, inter alia, "items which may only be contracted from a sole source" and "additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired or maintained by a certain person."

In the staff report for Item 15, states that "[t]here are limited options for aerial lift bodies" and that Town staff contacted three potential vendors to source the aerial lift body. The first vendor, Altec Industries, did not offer a truck that meets the Town's needs and, even if they did, said truck would not be available for two years (5 years if anything custom was required). The second, unidentified, vendor failed to respond to the Town's inquiry. Finally, a third vendor, Reading Truck, provided a proposal that meets the Town's requirements and can be delivered within eight months.

I've done legal research on 332.115 and there are no reported cases interpreting the statute's sole source exceptions. I was able to locate a single Attorney General opinion that discusses the statute (AGO 98 October 24, 1972), however that opinion was limited to the subject of contracts for tax notice printing services and is more than 50 years old.

Given the lack of any controlling legal authority interpreting NRS 332.115(1), we are left with the statute's plain text. The question of whether an aerial lift body designed to be attached to a Ford F-550 chassis is a type of equipment that is "not adapted to award by competitive solicitation" and thus "may only be contracted from a single source." I personally don't possess either the experience or knowledge regarding aerial lift bodies to be able to make such a determination and, thus, must defer to those with such knowledge and experience.

Board Member Park indicates that he was able to identify eight competing vendors of aerial lift equipment using a Google Search. As noted above, you indicated that after contacting three such vendors you were not able to get satisfactory proposals from two of them.

A literal, textual interpretation of the statute would indicate that as long as at least two competing vendors are able to offer the same equipment with the same specifications (including delivery times), a competitive bid process is required. It is unclear whether this is the case here and given the technical nature of the procurement I must defer to your expertise (I know nothing about aerial body lifts).

That being said, NRS 322.115(5) states that even where sole source contracting is allowed “a governing body” is not prohibited from advertising or requesting additional proposals. Accordingly, even if sole sourcing is justified in this case, the Board could still direct you to advertise or solicit additional proposals before taking action on the proposed contract.

Prior to the meeting, it may also be prudent to investigate the eight companies that Board Member Park found in his Google search and determine whether their advertised equipment meets the specifications required by the Town. If not, that would provide additional support for the sole sourcing of this contract.

Hope this helps.

David H. Rigdon, Esq.

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From: Erik Nilssen <EHNilssen@douglasnv.us>
Sent: Friday, August 2, 2024 12:59 PM
To: David Rigdon <David@legalint.com>
Subject: FW: Agenda item 15

Hi Dave – Jim is concerned with the bid used for Item 15. I feel that due to the limited manufacturers and the fact I reached out to three that I can justify the purchase. I raised the concern to the Corwin Ford representative with going directly to Dura Lift and he said that “there aren’t that many options.” He knew of one more to check with when it looked like Dura Lift was being unresponsive. The Douglas County Policy is attached. I know we are clear on the chassis purchase as it was state procurement contract. Could you take a look at this and respond to Jim if you feel we are in the clear.

Thanks,

Erik

From: jimparkgtb@charter.net <jimparkgtb@charter.net>

Sent: Friday, August 2, 2024 7:43 AM

To: Erik Nilssen <EHNilssen@douglasnv.us>

Subject: Agenda item 15

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Erik,

The bucket truck TOG has-yes, it's older. For its age and current scope of work around Town it has low miles compared to my Tacoma which is nearly 255K. Like the bucket truck it rarely travels outside of northern Nevada, and both being properly maintained make it non-problematic to continue in use for the immediate future.

With that said I have concerns with item 15 on the August 6th Town Board meeting agenda. Looking at this through a lens of 30+ years of governmental purchasing and contracts management experience my concerns include:

1. The item states, "The new truck better suits the town with a longer boom and an aluminum basket with door," and a 4x4 F-550 Standard Cab. Besides a vendor quote there are no specifications or requirements clearly showing what the Town has determined to be the minimum attributes necessary to meet agency needs for this acquisition.
2. Second, you state "The Dura Lift body is a sole source purchase. There are limited options for aerial lift bodies." If there are "limited options," by default this is not a sole source acquisition. There are at least eight (8) competing manufacturers of aerial lift equipment I can quickly identify through a Google search. I don't feel adequate market research has been conducted. A few informal calls to potential vendors does not satisfy due diligence.
3. There is no clear and compelling justification provided that demonstrates how the purchase of the aerial lift body conforms to meeting a sole source designation under NRS 332.115 (1) (a) or (c).
4. Outside of the truck chassis being procured off a State of Nevada awarded bid, which is an acceptable platform to purchase from, there is no documentation provided in the agenda item that the requirements under NRS 332.065 have been satisfied for the aerial lift body and ancillary work to attach it to the truck chassis.

\$133,415.00 for an aerial lift body is a significant outlay. Detailed market research has not been demonstrated to have been conducted based on written specifications and requirements that the agency has deemed to be critical to the acquisition. I cannot support that only one source is reasonably available to meet the agency's needs with the materials contained in the agenda item.

Sole source acquisitions are intended to be utilized only when competitive solicitation procedures such as sealed bids or competitive proposals are not applicable or are otherwise impractical.

Sincerely,

/s/

Jim Park

NCMA Certified Professional Contracts Manager / Certified Federal Contracts Manager
ISM Certified Purchasing Manager (lifetime)