

**The Salt Lake City Public Library Board of Directors held their monthly meeting on Monday, April 22, 2013 at 4:00pm in the Main Library L4 Conference Room, 210 East 400 South, Salt Lake City, Utah.**

*Those in Attendance*

Emilie Charles, Vice-President; Luana Chilelli; Pete Giacomia; Hugh Gillilan; Ella Olsen; and Denise Thornhill. Board President Kevin Werner and Secretary Elizabeth Gupta were excused. Additional staff in attendance: Jace Bunting, Finance Manager; Shelly Chapman, Human Resources Manager; Deborah Ehrman, Associate Director; Tommy Hamby, Administrative Assistant; Linda Hamilton, Acting Director; Julianne Hancock, Communications Manager; Patty Steed, Associate Director. Representatives from Salt Lake City: Paul Nielson, City Attorney; Russell Weeks, Salt Lake City Council Policy Analyst.

**I. CALL TO ORDER**

The meeting was called to order at 4:03pm; Ms. Charles presided in Mr. Werner's absence.

**II. APPROVAL OF MINUTES**

Mr. Gillilan moved that the minutes of the March 28, 2013 Board meeting be approved as written. Ms. Chilelli seconded the motion, which passed unanimously.

**III. COMMUNICATIONS AND PUBLIC COMMENT**

No public comment.

**IV. OLD BUSINESS**

No Old Business.

**V. NEW BUSINESS**

*Library Policy Changes*

*A7: Request for Permanent Use on Library Square*

Ms. Hamilton explained the addition to policy, which was developed by Library administration and Board members. The new policy provides guidelines to the Board when offering advice to Salt Lake City regarding installations on Library Square. The Board will consider a motion to adopt this addition at May's Board meeting.

*B2.5 Budget Transaction Policy*

Mr. Bunting explained this change to policy, which reflects the new budget process and includes a table that gives the Library clear guidelines for various budget revision types. The Board will consider a motion to adopt this revision at May's Board meeting.

**VI. BOARD PRESIDENT'S REPORT**

Ms. Charles alerted the Board that May's Board meeting will be held on a special day: Monday, May 20, 2013 at 4:00pm in the Main Library Boardroom, 210 East 400 South; the regular meeting date falls on Memorial Day. In recognition of National Library Workers Day on April 16, 2013, the Board gave flower arrangements to all Library departments. Ms. Charles shared a thank you note from the Chapman staff for the flowers.

*Director Search Committee Report*

The Library's executive search firm, The Singer Group, received 85 applications; 14 applicants will be interviewed by phone and three to five applicants will be forwarded to the search committee by the end of May.

*Finance Committee Report*

No report; the Finance Committee has not met since March's Board meeting.

**VII. LIBRARY DIRECTOR'S REPORT**

*Self-Checkout and Automated Materials Handling (AMH)*

Library staff have been retagging all items with new RFID tags. As of April 22, 2013, all items at Chapman, Sprague, and Sweet have been tagged; the Children's department began retagging on April 21. All items, system-wide, should be tagged by the end of May.

*Employee Handbook*

An employee committee has been reviewing the employee handbook and compiling feedback from all staff and preparing recommendations to give to Ms. Hamilton; the Board will receive it in May. Ms. Hamilton recommends that if the Board wants to do an extensive review of the 48 page document, that they form a subcommittee to address any significant changes.

*Relationship with Friends Store*

According to City attorneys, as long as the Friends have adequate insurance, the Library's relationship with The Library Store can continue as it has been.

*Health Insurance*

PEHP has been conducting workshops with employees and providing individual advice regarding the Library's new health insurance plans.

*Technical Services Consultant*

The Library's Technical Services consultant, Diane Mayo, has been onsite working with Ms. Ehrman and the Technical Services department to identify ways that the Library can streamline operations. Her recommendations are currently under review by administration.

**VIII. BUILDINGS AND GROUNDS REPORT**

*Glendale Branch Library Update*

Mr. Giacoma updated the Board on the Glendale Library project. The architects are completing the drawings, and have experienced some challenges incorporating the ground source heat pump. Construction should begin in fall 2013. City Council will complete the bonding process in May.

*Marmalade Branch Library Update*

Ms. Olsen updated the Board on the Marmalade project. The architect and project manager have been meeting with the City to discuss parking and subdividing the lot. Ms. Chilelli; Ms. Ehrman; and Kevin Blalock, the Marmalade architect; met with Councilmember Stan Penfold to discuss some design features of the building.

**FINANCE REPORT**

*Financial Statement Review*

Mr. Bunting reviewed March's financial report with the Board.

**IX. STRATEGIC PLAN/OPERATIONS REPORT**

*Operations Report*

Ms. Ehrman reviewed March's operations report with the Board and discussed various events throughout the system.

*Dashboard*

Ms. Hancock presented the monthly dashboard.

**X. OTHER**

*Procurement Protest Hearing*

- On January 25, 2013, the Library published a request for proposals (RFP) for a new integrated library system (ILS). The due date for proposals was February 25, 2013.
- On February 26, 2013, Mr. Hamby notified Innovative Interfaces, Inc. (Innovative), a respondent to said RFP, that they were excluded from the Library's ILS RFP due to the fact that Innovative's proposal did not meet minimum technical requirements.
- On February 26, 27, and 28, 2013, Innovative exchanged emails and had telephone conversations with members of Library staff regarding their exclusion from the bidding process.
- On March 7, 2013, Ms. Hancock notified Innovative by email that their proposal did not meet the Library's criteria.
- On March 21, 2013, Mark Cotter, a lawyer from the law firm Ray Quinney & Nebeker, sent a letter to the Library on behalf of Innovative protesting Innovative's exclusion from the RFP bidding process.

The purpose of the hearing was to determine, first, whether the Board had the authority to hear the protest, and second, if the Board did have the authority to hear the protest, to determine if the protest is valid on the merits. To frame the first discussion, the Board was guided by the Library's procurement policy and Utah Procurement Code. Based on those guiding documents, Innovative had to show that they filed a written protest appropriately and within the designated time period. Innovative bears the burden of proof and must satisfy that burden in preponderance of the evidence. If Innovative fails to establish that they complied with Library policy and Utah Code, then based on state code, Innovative's protest may not be heard by the Board.

Ms. Charles recognized Mark Cotter; Doug Randall, Vice President of Product Technology for Innovative; Ed Rutan and Jaysen Oldroyd, Salt Lake City Attorneys counseling Library Administration; and Ryan Lambert, Salt Lake County District Attorney counseling the Board.

Mr. Cotter objected to Mr. Rutan representing Library Administration since Mr. Rutan had been advising the Board on other matters. Mr. Cotter argued that emails sent by Innovative as early as February 26, 2013 constituted Innovative's timely protest to their exclusion from the ILS bidding process, and therefore their protest fell within the timeframe when protests were allowed and therefore should be heard by the Board.

Mr. Rutan explained that the Library operates under the Utah Procurement Code, as established by the state legislature and as stated in Library policy. Mr. Rutan argued that the March 21 protest is not valid because it was not sent within seven days of the closing of the RFP when protests were allowed as defined by the Utah Procurement Code, nor do the emails sent on

February 26, 27, and 28 deal with the merit of Innovative's protest and therefore do not constitute a valid protest based on their content.

Mr. Cotter argued that the Library's RFP did not require Microsoft SQL dbms. Mr. Cotter argued that the City Library is not recognized by Utah Code and therefore is a division of Salt Lake City and should operate under the City's procurement code which allows for protests up to five business days after the closing of the RFP. Mr. Randall explained some of the functions of an ILS database, and confirmed for Mr. Rutan that reporting was not a database's only function.

Mr. Giacoma asked Mr. Cotter why the March 7, 2013 email, sent by Ms. Hancock confirming that Innovative's proposal did not meet technical requirements was not the definitive moment when Innovative knew or should have known that their proposal had been rejected. Mr. Cotter argued that the emails sent on February 26, 27, and 28 constitute their timely protest.

Ms. Olsen moved to close the meeting in keeping with Utah Code § 52-4-204. Ms. Chilelli seconded the motion, which passed unanimously.

Mr. Gillilan moved to reconvene the meeting. Ms. Chilelli seconded the motion, which passed unanimously.

Ms. Olsen moved that the Board of Directors find as fact that Innovative Interfaces knew or should have known that their proposal was rejected on March 7, 2013 and further that Innovative Interfaces protest was filed on March 21, 2013 and further that emails and conversations between Innovative and Library administrators on February 26, 27, and 28, 2013 do not constitute a formal protest under the Utah Procurement Code or Salt Lake City Public Library policy, and therefore Innovative Interfaces did not file in a timely manner consistent with City Library policy or Utah Code and consequently the Board does not have jurisdiction to hear the protest. Luana Chilelli seconded the motion, which passed unanimously.

Mr. Giacoma moved that the Board delegate to Mimi Charles, Ryan Lambert, and Tommy Hamby the responsibility and authority to draft a written response to Innovative Interfaces, consistent with the Board's ruling on Innovative's protest, and do so in a timely manner. Mr. Gillilan seconded the motion, which passed unanimously.

## **XI. ADJOURN**

Mr. Gillilan moved to adjourn the meeting. Ms. Chilelli seconded the motion, which passed unanimously. The meeting adjourned at 6:59pm.

## **UPCOMING SCHEDULE**

The Salt Lake City Public Library Board of Directors will hold their next meeting on a special day, Monday, May 20, 2013, at 4:00pm in the Main Library Boardroom, 210 East 400 South.