



BOC Meeting Date  
May 18, 2011

Requesting Agency  
General Services Department

Commission Districts Affected  
All

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

Request approval to terminate contract, **General Services Department** - Bid #10ITB73517YC-AP Bus and Shuttle Services with BMC Travel Group, Inc. d/b/a Boswell's (Smyrna, GA), to provide bus and shuttle services for Fulton County. Effective upon BOC approval.

Requirement for Board Action (Cite specific Board policy, statute or code requirement)

In accordance with Fulton County Purchasing code, sections 1-117 and State of GA. O.C.G.A § 36-10-1 when a contract requires cancellation or termination, it shall be forwarded to the Board of Commissioners for approval.

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)

Yes  No

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

The General Services Department requests approval to terminate contract in accordance with Article 13, Termination of Agreement for Cause due to the Contractor's failure to perform as specified in Exhibit B, Scope of Services. The department has issued two notices to the contractor citing specific performance issues but the contractor has failed to correct the problems which continue to affect customer service. Subsequent to a Departmental review conducted by the Division Manager, of the Transportation and Logistics Division, it was determined to be in the best interest of the County to terminate the existing contract. The department has prepared a separate request to recommend the second lowest bidder to provide bus and shuttle services. The company experienced equipment failures that were so severe the company had no buses available to meet the daily requirements, and had no contingency plans to substitute equipment in the future. This inability to meet and maintain services has occurred on more than three occasions, which is unacceptable.

This action will improve the customer satisfaction level of employees and Jurors who use the County shuttle service.

Fiscal Impact / Funding Source

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

N/A

Exhibits Attached

(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Exhibit 1: Termination Request Letter
- Exhibit 2: Notice Letters to Current Contractor

Source of Additional Information

(Type Name, Title, Agency and Phone)

David Ricks, Director, General Services Department (404) 612-5911

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Cecil S. Moore, Director	404-612-5800	
Signature	Date	
	5-6-11	



FULTON COUNTY BOARD OF COMMISSIONERS

Agenda Approval & Routing Form

<b>Contract Attached:</b> No	<b>Previous Contracts:</b> Yes	<b>Procurement Type:</b> Invitation To Bid	<b>Proposed Action:</b> Termination
<b>Solicitation Number:</b> 10ITB73517YC-AP	<b>Submitting Agency:</b> General Services	<b>Staff Contact:</b> Sang Gon Kim	<b>Contact Phone:</b> 404-612-6127

**Description:** Request to Terminate Contract – Bus & Shuttle Services

CONTRACTOR INFORMATION

<b>Other Contract Party(s):</b> Kent Wintter, 404-612-6519	<b>Solicitation Information</b>	<b>NON-MFBE</b>	<b>MBE</b>	<b>FBE</b>	<b>TOTAL</b>
	No. Bid Notices Sent:				
		No. Bids Received:			

<b>Prime Contractor Information:</b> Contractor Type: FBE Name: BMC Travel Group, Inc. d/b/a Boswell's Address: 3080 Jonquil Dr. Ste B City: Smyrna State: GA Zip: 30080 Contact Name: Dianne Boswell Phone: 678-581-9100 Start Date: End Date: Upon Approval: <input type="checkbox"/> Amount: N/A	<b>Subcontractor Information:</b> Contractor Type: Select One Name: Address: City: State: Zip: Contact Name: Phone: Start Date: End Date: Upon Approval: <input type="checkbox"/> Amount:
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FINANCIAL SUMMARY

<b>Total Contract Value:</b> Original Approved Amount: 84,000 Previous Adjustments: 270,000 This Request: N/A TOTAL: 354,000	<b>MBE/FBE Participation:</b> Amount: %: Amount: %: Amount: %: Amount: 354,000 %: 100	<b>Grant Information Summary:</b> Amount Requested: <input type="checkbox"/> Cash Match Required: <input type="checkbox"/> In-Kind Start Date: <input type="checkbox"/> Approval to Award End Date: <input type="checkbox"/> Apply & Accept Match Account #:
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<b>Funding Line 1:</b> N/A	<b>Funding Line 2:</b>	<b>Funding Line 3:</b>	<b>Funding Line 4:</b>
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KEY CONTRACT TERMS

<b>Start Date:</b>	<b>End Date:</b>	<b>Contract Type:</b> Select One:	<b>Payment Terms:</b>
<b>Cost Adjustment:</b>		<b>Renewal/Extension Terms:</b>	<b>Termination Provisions:</b>

ROUTING & APPROVALS


<input checked="" type="checkbox"/> Originating Department:	<i>S. Z. Kim</i>	Date: 9/22/11
<input type="checkbox"/> County Attorney:		Date:
<input type="checkbox"/> Information Technology:		Date:
<input checked="" type="checkbox"/> General Services:	<i>S. Z. Kim</i>	Date: 9/22/11
<input type="checkbox"/> Risk Management:		Date:
<input type="checkbox"/> Grants Management:		Date:
<input checked="" type="checkbox"/> Purchasing/Contract Compliance:	<i>Dianne Boswell</i>	Date: 9/22/11
<input checked="" type="checkbox"/> Finance/Budget:	<i>S. G. Kim</i>	Date: 9/22/11



## INTEROFFICE MEMORANDUM

David L. Ricks, Director  
General Services/Public Works  
Phone: (404) 612-5900  
Fax: (404) 730-5897

**TO:** Cecil S. Moore, Director  
Purchasing and Contract Compliance Department

**FROM:** David L. Ricks, Director 

**DATE:** April 27, 2011

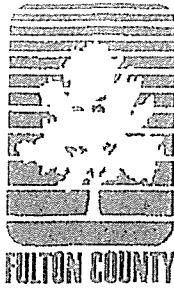
**SUBJECT:** Request Termination Contract for Bus and Shuttle Services FY 2011,  
10ITB73517YC-AP, with BMC Travel Group, Inc. d/b/a Boswell's, Inc

We are requesting termination of the contract with BMC Travel Group, Inc. d/b/a Boswell's, Inc. under Article 13. Termination of Agreement for Cause.

The department conducted investigation of the continuous customer satisfaction failure for the last 7 months and had sent two notices to the contractor in order to improve services problems; frequent delaying service schedule by lack of diligence and equipment deficiencies but failed to correct the problems. In the best interest of the County, it was recommended to terminate the existing contract and to replace with the 2<sup>nd</sup> lowest vendor in the best interest of the County. The department is preparing a separate request to recommend the 2<sup>nd</sup> lowest vendor to provide the bus and shuttle services for Fulton County through December 31, 2011.

DLR/KW/sk

cc: Charles Leonard



141 Pryor Street, S.W., Suite G119  
Atlanta, Georgia 30303  
Phone (404) 612-5900  
Fax (404)730-5897

David L. Ricks, Director  
General Services/Public Works

October 26, 2010

Diane L. Boswell, CEO  
Boswells  
3080 Jonquil Drive, Ste B.  
Smyrna, GA 30080

Re: Contract # 10ITB73517YC-AP performance concerns

Ms Boswell,

This is to provide notice of my concern about the poor level of customer satisfaction and your company's failure to timely meet important operating obligations required under the contract between our organizations.

With respect to customer satisfaction, I have received several phone calls from employees complaining that they have been waiting excessive lengths of time (more than 30 minutes) for a shuttle to arrive at their destination. These calls were received as late as Friday, October 22, after three full weeks of operation. This is well past an initial training and an orientation period to learn the shuttle schedule.

The operational obligations that concern me happened on Thursday, October 21, and Friday October 22. On each of these dates, your driver for the afternoon rush was very late arriving to his route. The reason for the tardiness was due to him being stuck in traffic, which is totally unacceptable. Any responsible transit driver will depart for his route in time to compensate for unfavorable traffic conditions, equipment failure (which will require you to dispatch back up equipment and driver) or traffic accidents. Of even greater concern is the failure to react and adjust the following day (Friday) after knowing that your operating procedure had failed.

The lack of suitable back-up plans for equipment failure also concerns me. Again, on Friday, October 22, you contacted me at about 3:00PM to inform me that you will not be able to meet an obligation on the following day due to equipment failure. Your initial conclusion to this situation (not able to meet an obligation) is also totally unacceptable.

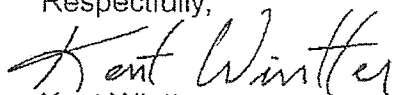
Working together we ultimately found a solution, but I have to emphasize that a back up solution should have been in place before you contacted me. Furthermore, the back up solution must be your responsibility and at your cost.

With the above in mind, please provide the following to me no later than Friday, October 29, 2010:

- Daily operating procedures for your drivers as it relates to departure times from your location to the scheduled shuttle destination or to any other destination identified as a departure point for a Special Transportation Service as described on page 22 of our contract
- Description of a back up plan you have in place in the event of equipment failure, particular buses, that will enable you to react quickly and effectively to replace the equipment that failed

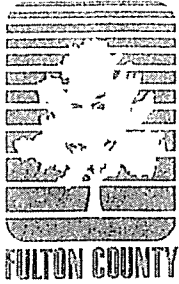
I continue to believe that you can be successful with this contract. It is because of that belief that we are continuing forward. I firmly believe you will take the necessary corrective steps that will produce successful outcomes. Accordingly, it is important that we continue to communicate and you continue to ask questions when in doubt.

Respectfully,



Kent Wintter  
Division Manager,  
Transportation and Logistics  
General Services Department

xc: David Ricks, Director



David L. Ricks, Director  
General Services/Public Works

141 Pryor Street, S.W., Suite G119  
Atlanta, Georgia 30303  
Phone (404) 612-5900  
Fax (404)730-5897

April 6, 2011

Diane L. Boswell, CEO  
Boswells  
3080 Jonquil Drive, Ste B  
Smyrna, GA 30080

Re: Contract # 10ITB73517YC-AP Performance Failure

Ms Boswell,

This is to provide notice to you that Boswell's serious equipment deficiency, and its' effect on the quality of service to our clients can not, and will not, be tolerated by Fulton County.

On Monday, March 28 you notified me of the equipment failure of your mid size bus and asked to use *our* equipment to support your obligation. To date, that equipment is still out of service and you have failed to replace it.

On yesterday, I was notified that your large bus was out of service and that you again did not have resources to replace it and fulfill your obligations to us and our clients. From this I can only conclude that *you are not providing any equipment to support this contract.*

In addition to the above, I also wrote to you on October 26, 2010, wherein I expressed serious concerns about your poor performance in delivering services to this contract. In that letter you were put on notice that the absence of back up equipment (or plan for equipment failure) was not acceptable. Because we are addressing this again I can only conclude that you are in default of the contractual obligations as described in the Scope of Work of the Contract between our organizations.

It is with this in mind that I am therefore putting you on notice that the current performance level provided by your company can not be tolerated and must be corrected immediately. Short of corrected actions on your part that are acceptable to Fulton

April 4, 2011

Page 2

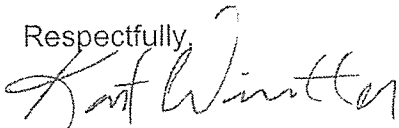
County within a timely manner, we will begin procedures to cancel the Contract referenced above "for cause".

Specifically, we require that you provide a back up vehicle (bus) that can be put into service immediately when you are experiencing equipment failure. The bus must be able to transport a minimum of 50 people, available to go into service within 30 minutes of notice of equipment failure, and deemed safe and dependable by Fulton County. The bus will be evaluated for safety and dependability at the County's Central Maintenance Facility, located at 895 Marietta Blvd., Atlanta GA. Patrick Johnson is your point of contact for scheduling the evaluation. He can be reached at (404) 612- 9494.

A bus that is acceptable to us must be in your possession no later than April 25, 2011.

Questions can be addressed to me.

Respectfully,



Kent Wintter

Acting Division Manager for Transportation and Logistics,  
General Services Department

KW/kw

copy: R. David Ware, County Attorney, County Attorney's Office  
David L. Ricks, Director, General Services Department  
Cecil Moore, Purchasing Agent, Fulton County Government  
Harry Jordan, Contracting Officer, General Services Department  
Patrick Johnson, Fleet Manager, General Services Department

Submit Form

<b>DEPARTMENT OF PURCHASING &amp; CONTRACT COMPLIANCE</b>				
<b>CONTRACTORS PERFORMANCE REPORT PROFESSIONAL SERVICES</b>				
<b>Report Period Start</b>	<b>Report Period End</b>		<b>Contract Period Start</b>	<b>Contract Period End</b>
1/1/2011	4/25/2011		1/1/2011	12/31/2011
<b>PO Number</b>				<b>PO Date</b>
<b>Department</b>	<b>GENERAL SERVICES</b>			
<b>Bid Number</b>	<b>10ITB73517YC-AP</b>			
<b>Service Commodity</b>	<b>Bus and Shuttle Services</b>			
<b>Contractor</b>	<b>BMC Travel Group, Inc. d/b/a Boswell's</b>			<b>Reset</b>

- 0 = Unsatisfactory *Achieves contract requirements less than 50% of the time, not responsive, effective and/or efficient, unacceptable delay, incompetence, high degree of customer dissatisfaction.*
- 1 = Poor *Achieves contract requirements 70% of the time. Marginally responsive, effective and/or efficient; delays require significant adjustments to programs; key employees marginally capable; customers somewhat satisfied.*
- 2 = Satisfactory *Achieves contract requirements 80% of the time; generally responsive, effective and/or efficient; delays are excusable and/or results in minor program adjustments; employees are capable and satisfactorily providing service without intervention; customers indicate satisfaction.*
- 3 = Good *Achieves contract requirements 90% of the time. Usually responsive; effective and/or efficient; delays have not impact on program's mission; key employees are highly competent and seldom require guidance; customers are highly satisfied.*
- 4 = Excellent *Achieves contract requirements 100% of the time. Immediately responsive; highly efficient and/or effective; no delays; key employees are experts and require minimal directions; customers expectations are exceeded.*

**1. Quality of Goods/Services (-Specification Compliance - Technical Excellence - Reports/Administration - Personnel Qualification)**

Comments:

- 0
- 1
- 2
- 3
- 4

Boswell's has experienced equipment failures that were so severe the company had no buses available to meet the daily requirements. Additionally, there was no contingency plan to substitute for the equipment failure. This is the second occasion where equipment problems adversely affected services level.

**2. Timeliness of Performance (-Were Milestones Met Per Contract - Response Time (per agreement, if applicable) - Responsiveness to Direction/Change - On Time Completion Per Contract)**

Comments:

- 0
- 1
- 2
- 3
- 4

Lack of equipment has greatly affected reliability. Unfortunately, the vendor has come to rely on the County as back-up, which has placed to stain on the County's ability to meet other obligation with an aging bus fleet.

**3. Business Relations (-Responsiveness to Inquiries - Prompt Problem Notifications)**

Comments:

- 0
- 1
- 2



3 Problem solving has been weak when trying to cope with insufficient fleet.

4

4. Customer Satisfaction (-Met User Quality Expectations - Met Specification - Within Budget - Proper Invoicing - No Substitutions)

Comments:

0 Equipment shortfalls havw affected ability to deliver the scope of services.

1

2

3

4

5. Contractors Key Personnel (-Credentials/Experience Appropriate - Effective Supervision/Management - Available as Needed)

Comments:


0 Vendor did not relize they were under capitalized for a contract that is demanding as this one.

1

2

3

4

Overall Performance Rating:	0.8		
Would you select/recommend this vendor again? (Check box for Yes. Leave Blank for No)		Rating completed by:	Sang.Kim
<input type="radio"/> Yes <input checked="" type="radio"/> No			
Department Head Name	Department Head Signature		Date
David L. Ricks			5/2/2011 5/2/11

Submit Form

Close Print View