



**Broadcast Educational Media Commission Meeting Minutes
2470 North Star Rd., Columbus, Ohio 43221
December 2, 2014**

I. Opening

10:01 a.m.; Commission Chair Mark Filippell opened the Broadcast Educational Media Commission (BEMC) meeting, stating that Rick May has accepted the position of Chief Staff for the House of Representative's Budget Committee. Mr. Filippell thanked Mr. May for the terrific job he has done as Executive Director of the Broadcast Educational Media Commission

II. Roll Call

10:01 a.m.; Coordinator Sue Price conducted roll call.

Members Present: Chairman Mark Filippell; Commissioner Stephen Black; Designee Greg Davidson; Commissioner Bruce Hawkins; Commissioner Christine Merritt; Commissioner Jan Osborn; and Designee Susan Patterson. (Commissioner George Sarantou arrived at 10:38 a.m.)

Members Absent: Commissioner Ronald Amstutz; Commissioner Stephen Freeze; Commissioner Cliff Hite; Commissioner John McClelland, ~~Commissioner George Sarantou~~; Commissioner Michael Skindell; Commissioner Michael Stinziano and Commissioner Curt Steiner.

Also present: Executive Director Richard E. May; Assistant Attorney General Jeff Greenlee, Chief Engineer Craig Stephenson, Broadcast Manager Dave Johnson; Chief Information Officer Laura Bryson; Coordinator Sue Price; and interested citizens.

Mrs. Price declared a quorum present.

III. Report on Recent Developments Regarding the RFP for the Broadcast Modernization Project

10:03 a.m.; (Mr. John Luff joined the meeting via an audio call.) Mr. May referred to a letter included in the handouts from Stuart R. Davis, CIO of the Office of Information Technology.

Mr. Luff stated that he has not yet received the letter. Stating that the sequence may be convoluted, Mr. Luff explained that a vendor who wished to send out clarifying information on their bid to OIT adjusted their price. This skewed the process, forcing OIT to open all bids. OIT found that all bids were well over the budget. The low bid was \$5.1 Million, and the high bid was \$8 Million. In every case, the package offered by

each bidder included things we didn't think we needed. For example, replacement of our main router and additional storage beyond what we thought was necessary was bid. One bid was a complete equipment replacement for the entire facility. One supplier, Imagine Communication (formerly Harris) included a virtualization operation that we said in a meeting was our preferred solution. This vendor has a vested challenge in determining how to move forward within legal constraints that DAS placed upon us.

Mr. May stated DAS felt they could not appear in an open meeting. Hopefully, we would drop an RFP from the procurement process, cutting weeks off some vague legal steps. We would have to be careful how we communicate to vendors. We could not talk about procurement in an open meeting. From there, we will kick off a range of topics regarding our next step.

Mr. Luff stated that BEMC's RFP was based upon real quotations for real hardware from a contractor unable to quote our project but who shared a firm, contractual quotation. We were able to formulize valid numbers for an acceptable plan. Things might even be better, as the extended timeline should result in a lower virtualization cost, rather than increase the cost. A second vendor would be Imagine Communications, and there is a third vendor potentially in the ballpark.

One bid added a one-for-one backup system, though we feel five or six spares could work for us. In response to being asked if the cost could fall below \$2.7 Million, Mr. Luff responded possibly. If we can get Snell to the table, he thinks we can get it to happen. He thinks we have a shot.

A discussion regarding the possibility of additional funding and/or project restructuring followed, with Commissioners making various inquiries.

In response to a timeline inquiry, Mr. Luff responded, if we go out to bid, a modified version would take 30-to-45 days to start; then, roughly 6-to-8 weeks to receive/review, resulting in a three-to-four month delay. It would put completion in mid-to-late spring 2016. This would be a significant risk to the operation; longer than we had hoped would happen.

Mr. May added that BEMC had a pretty serious disruption the day after Thanksgiving. Three drives went out at the same time.

A service disruption discussion ensued. Mr. May responded that, typically, stations remain in operation. Content distribution is downloaded directly from PBS.

Mr. Johnson stated that stations can continue to receive content by: 1) Local content at stations; 2) Pass-thru PBS directly to them; and 3) Stations can pass content to stations that do not have it.

Mr. May assured the commission that no stations will go blank.

Mr. Stevenson added that the only programming lost during the November 28th service disruption was high-definition; primarily affecting Ohio Government Television's feed

out to stations. BEMC replaced a server a year ago, so not all of our equipment is outdated. BEMC is in the process of purchasing three additional Harmonic hard drives. As well, Ohio Government Television has funds that could possibly be used for server service.

In response to a question asking if BEMC is realistic in with a \$2.7 Million budget, Mr. Luff responded the budget is based upon a real quote from a vendor. If they come to the table in the next round, he believes they can come to the table with good numbers. The package they quoted could be provided at \$2.7 Million. There is a possibility. Need to analyze in detail. One possibility is that we ask for three options: Full capability; (21) channels; and (31) channels, since some stations may not immediately move to central casting. Not in short term, but, yes, in long term. Of 8 stations, perhaps ¼ will not switch to centralized operations in six months. \$2.7 Million could meet short-term needs and additional funds would be needed further out, should we not receive a compliant bid.

(Mr. Sarantou arrived at 10:38 a.m.)

Mr. Luff stated bids opened last week were not apples-to-apples to what we asked. They may be able to adjust their bids to still provide 100% of what we asked for. The document from DAS was extremely complicated. Should people have known what the number was? Yes. The question had been asked in the open prebid meeting by a vendor. He found it on-line. If you really wanted to find it, it can be found. Also, checked after and easily found it. People should have had that dollar amount. Only four vendors provided packages. It is possible other vendors found the number on-line and chose not to bid because the budget made supplying the facility difficult with their preferred solution.

A discussion relating to the bid dollar amount and the DAS/OIT procurement process followed.

Mr. Luff stated the process we ended up going through is probably the same for OIT as well. They do not understand broadcast terminology. People in this industry would know what the words and terms mean. The document that finally went out on the street is the most complex RFP that he has ever seen. He thinks vendors naturally put in an amount of money as protection; probably a 10%-to-15% pad, and the bid process required literally, hundreds of man hours, all of which ultimately cost us money. Perhaps it is time to explore a single-source project. Can we get permission to contract with an individual to single-source? Mr. Luff has someone in mind. We might be able to manufacturer the process, but it will not improve the timeline.

In response to a two-fold question asking if BEMC were to revise the RFP to accommodate a single-source vendor, is the proposal on the table still the right proposal?, Mr. May stated, In my opinion, yes. This is where this institution needs to go: partnership modernization. Both BEMC and the stations need to upgrade equipment and proceed with modernization. BEMC has not yet met with the Controlling Board.

Asked for his opinion, Mr. Luff stated, I think it is an administrative question. Can we do what we have the legal authority to do anyway? If in a responsible way, yes. A short and

abbreviated RFI, if only one or two responses are possible. Put together a narrative that would work. In response to his being asked, Mr. Luff recommended a single-source negotiated contract.

A discussion as to how to proceed followed.

IV. Resolution 15-38: Pursue Single-Source Procurement

11:10 a.m.; Mr. Black moved and Mr. Hawkins seconded to direct staff to explore State of Ohio steps necessary to proceed with single-source procurement and report back to the Commission immediately.

AYES: Mr. Filippelli; Mr. Black; Mr. Davidson; Mr. Hawkins; Ms. Merritt; Dr. Osborn, Ms. Susan Patterson and Mr. Sarantou.

NAYS: None

ABSTAIN: None

Mr. May stated that at the next meeting on January 8th. BEMC will commit to working with an incoming Executive Director to get it done and to develop a process.

Before BEMC can meet with the Controlling Board, all procurement things need to be finished, including a signed contract contingent upon release of funds.

V. Discussion and Selection of Interim Executive Director (Executive Session)

Mr. May stated that he has enjoyed working with the members of BEMC's Commission and thanked them for the opportunity of having worked as Executive Director for BEMC.

11:15 a.m.; Mr. Hawkins moved and Mr. Black seconded to move into Executive Session to discuss the selection of an Interim Executive Director.

AYES: Mr. Filippelli; Mr. Black; Mr. Davidson; Mr. Hawkins; Ms. Merritt; Dr. Osborn, Ms. Susan Patterson and Mr. Sarantou.

NAYS: None

ABSTAIN: None

12:00 p.m.; Mr. Filippelli announced public session has been reopened and announced that after a very careful discussion about who to appoint as Interim Executive Director and what is the process of appointment a permanent Executive Director, the consensus of the Commission is to appoint Dave Johnson as Interim Executive Director of the Broadcast Educational Media Commission and to immediately begin looking for candidates for a permanent Executive Director.

VI. Resolution 15-39: Appointment of Interim Executive Director

12:02 p.m.; Mr. Sarantou moved and Ms. Patterson seconded to appoint William David Johnson as Interim Executive Director of the Broadcast Educational Media Commission.

AYES: Mr. Filippelli; Mr. Black; Mr. Davidson; Mr. Hawkins; Ms. Merritt; Dr. Osborn, Ms. Susan Patterson and Mr. Sarantou.

NAYS: None
ABSTAIN: None

Mr. Filippell announced that applications for the Executive Director position shall be accepted and he is asking Commissioners for suggestions. It could be as early as the January 2015 meeting, but a.s.a.p. would like to come to say we have talked with candidates and make a recommendation.

Mr. May expressed his congratulations to Mr. Johnson and stated he will work with Mr. Johnson for the next 24 hours and can come into the office on Thursday, if necessary, to assist Mr. Johnson in the transition.

Mr. Johnson accepted the appointment and thanked the Commission.

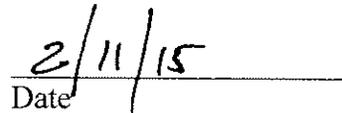
VII. Resolution FY15-40: Adjournment:

12:06 p.m.; Mr. Black moved and Mr. Hawkins seconded to close the meeting.

AYES: Mr. Filippell; Mr. Black; Mr. Davidson; Mr. Hawkins; Ms. Merritt; Dr. Osborn, Ms. Susan Patterson and Mr. Sarantou.
NAYS: None
ABSTAIN: None



Mark Filippell, Chair
Broadcast Educational Media Commission



Date