



Steve Bullock
Governor

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Ben Thomas
Director

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RECEIVED

February 22, 2018

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Ravalli County Commissioners

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Ravalli County Board of Commissioners
215 S. 4th Street
Suite A
Hamilton, MT 59840

Dear Commissioners:

Thank you for your letter dated January 30, 2018 regarding the Request for Proposals (RFP) process with the Food and Agriculture Development Center (FADC) program. The Department took and still takes your concerns seriously and followed state procedure to address them.

The FADC program is not a grant program administered or solely awarded by the Montana Department of Agriculture (MDA); rather, it is a state contract awarded through the RFP process established by statute and handled through the Department of Administration's State Procurement Bureau (SPB). The RFP process was competitive, and FADC contractors were selected by a five-member panel supervised by the SPB. MDA had two voting members on that panel. The SPB provided us with a breakdown and history of the RFP process, and we've included it with this letter.

The concerns outlined in your July 6, 2017 letter were relayed to the SPB. They deemed the concerns serious enough to ask the Attorney General's office to conduct an official investigation into the allegations. All involved parties cooperated with the investigation, and upon its completion, the Attorney General's office concluded the evidence did not support an enforcement action. The SPB sent RCEDA a copy of the Attorney General's findings on November 20, 2017.

Please know that the MDA took and still takes your concerns very seriously. We are disheartened that you feel the Department failed to act on those concerns; however, we are not able to apologize for or condemn another applicant's alleged behavior, particularly when we have no authority to do so and especially when an outside investigation concludes the evidence does not support an enforcement action.

The MDA would welcome the opportunity to visit with you face-to-face to discuss your concerns, and the multi-departmental response to those concerns. MDA staff is willing to come to your offices to have this discussion. Please contact Christy Clark, Bureau Chief of the Agricultural Marketing & Business Development Bureau at (406) 444-3571 or cclark@mt.gov to schedule a meeting. Thank you again for your letter and we look forward to visiting with you soon.

Sincerely,



BEN THOMAS

Director

Montana Department of Agriculture

cc:

Governor Steve Bullock
Montana Department of Justice
Montana Department of Administration
Montana Department of Commerce
Senator Fred Thomas
Senator Pat Connell
Representative Nancy Ballance
Representative Theresa Manzella
Representative Ron Ehli
Representative Ed Greef
Lake County Commissioners
Sanders County Commissioners
Lake County Community Development Corporation
Ravalli County Economic Development Authority

Information on the RFP process and procurement law, as provided by Meghan Holmlund, Chief Procurement Officer with the State Procurement Bureau:

The State of Montana is required to comply with the Montana Procurement Act (MCA Title 18, Chapter 4), which applies to the expenditure of public funds irrespective of their source, including federal assistance money, by the state acting through a governmental body under any contract, except a contract exempted from the act or by another statute. This Act became law in 1983.

The Department of Administration has statutory authority to procure, or supervise the procurement of, all supplies and services needed by the state. The Department of Agriculture has delegated procurement authority to procure services up to \$25,000, and anything exceeding that delegation must be sent to the State Procurement Bureau of the Department of Administration to complete the solicitation and contracting process. The total value of the FADC contract is \$300,000 (awarded among 4 centers), which exceeds the delegation and necessitates the solicitation and contracting process.

The Request for Proposal (RFP) process is a procurement method allowable under MCA 18-4-304 and its associated rules. An RFP is utilized when the State intends to award a contract(s) based upon an evaluation process using stated criteria, rather than a process focusing on lowest cost.

Proposals received in response to an RFP are evaluated by a committee in an open public meeting and award(s) is made to the responsive, responsible offeror(s) whose proposal best meets the evaluation criteria. An RFP was the appropriate process to follow for the FADC contracts.