

# The RFQ Process - as reported by the Sheriff in an email to the CJRC

(EMAIL HEADER FOLLOWS)

As we all know, the Monroe County Board of Commissioners has been involved in the planning phases of building a new jail in Monroe County. This process has been wrought with delays, inefficiencies, conflict and a lack of transparency. The latest phase of this process has been the selection of the architectural firm to design the new facility, for which a RFQ committee was formed by the Monroe County Board of Commissioners. This team consisted of: Commissioner's Administrator Angie Purdie, County Attorney Lee Baker, Fleet and Building Manager Richard Crider, Maintenance Contractor Dave Gardner, Jail Commander Kyle Gibbons and Assistant Jail Commander Matt Demmings. Angie Purdie led the group by serving as the facilitator for the process. The Commissioners were not on the RFQ committee to select the architectural design firm. Three firms were interviewed as candidates to possibly receive the design contract. These firms were: Elevatus, RQAW and DLZ. The interviews occurred in January, 2023, with Elevatus being interviewed on January 17, RQAW being interviewed on January 18 and DLZ being interviewed on January 19. Each of these corporations brought a team of professionals with them to respond to the questions of the committee.

As I watched these meetings and the descriptions of the progression unfold, I became aware that statements being made regarding the process were not being presented in the manner they actually occurred. On March 8, during a public Monroe County Board of Commissioners Work Session, Richard Crider stated that DLZ was the unanimous decision of the committee. ([Crider 3/8/23](#)) After Crider's

presentation, Commissioner Thomas indicated she was glad to hear the decision of the committee was unanimous, that it was ‘impactful’ for her. ([Thomas 3/8/23](#)) She emphasized the Commissioners were not part of the committee and noted the public might be curious about what the criteria were and how this was done. Commissioner Githens stated she understood there was a scoring system utilized which meant the system used wasn’t completely subjective. She stated the unanimous decision was also impactful for her ([Githens 3/8/23](#)) and emphasized the committee had diverse experience and included members of the Sheriff’s Office. Of the six (6) members of this committee, four (4) report to Angie Purdie. Only two (2) were independent of the Commissioner’s control. The agenda for the March 8 Monroe County Board of Commissioners Work Session listed the RFQ Committee Members as follows:

Richard Crider, Building and Fleet Manager

David Gardner, ASI Contractor

Lee Baker, County Attorney

Kyle Gibbons, Jail Commander

Matt Demmings, Assistant Jail Commander

Angie Purdie, Commissioner’s Assistant

Given the agenda (attached) documented these individuals as the “RFQ Committee Members” and Richard Crider’s statement of a unanimous decision of the committee, would indicate that all members of this committee scored and voted. After the presentation by Richard Crider, the Commissioners took the information under advisement for review at the March 22 Board of Commissioners meeting. Shortly after the meeting, Chief Deputy Phil Parker and I spoke with Kyle Gibbons and Matt Demmings. Kyle indicated he had verbally voted for DLZ but did not submit score sheet while Matt Demmings neither verbally voted or scored, nor was he ever asked to do so. Both were concerned and

confused regarding the resolute statements of a “unanimous vote.” Kyle Gibbons had previously expressed much concern regarding the email communications he had been receiving from Angie Purdie in that he felt the process was not being conducted in an above-board manner. As uneasy as I began to feel about the process, I was hopeful the possibility of poor communication between Angie Purdie and the Commissioners regarding the exact results of the committee’s determination could be the reason for the unanimous vote statements. I was also hopeful the actual specifics of the committee vote and scoring would be clarified by Angie Purdie, who knew they had been presented inaccurately, so the Commissioners could correct the record at the March 22 meeting.

On March 20, the CJRC met to discuss various topics. During the public comment portion of the meeting, Seth Mutchler provided criticism of the lack of transparency in the RFQ process. At that time, the opening for transparency and full disclosure of the actual actions of the committee in terms of the vote and scoring existed; however, no such disclosure was provided.

At the March 22 meeting of the Board of Commissioners, Richard Crider again stated that DLZ was the unanimous decision of the committee. ([Crider 3/22/23](#)) As the dialogue regarding DLZ’s selection continued, Commissioner Githens stated “it is my understanding that **all of the people** on that committee selected DLZ as their first choice ([Githens 3/22/23](#)) and it wasn’t that this was sort of averaged out or anything like that, this was clearly the top choice of everyone on the committee.” After this meeting, I acquiesced to the reality that there would be no clarification, retraction or factual disclosure of the assertion that the committee’s work resulted in a unanimous vote for the selection of DLZ. As a result, I engaged in fact finding to bring transparency to this issue. My findings are described below:

The interviews of the architectural firms were not “structured” in nature, that is, each firm was not asked the same questions, just random questions asked by the committee. Additionally, no scoring or mention of scoring of the responses took place during the interviews. In fact, Kyle Gibbons and Matt Demmings were never informed, nor were they aware, scoring was going to occur at a later date. Therefore, they did not engage in any type of notetaking for future reference.

On January 30, eleven (11) days after the last interview, Angie Purdie sent an email to the interview committee with the subject line: “Need your input on questions for scoring” along with questions designed to score the interviews. This email and accompanying document is when Kyle Gibbons and Matt Demmings (and perhaps the rest of the committee) first became aware that scoring of the interviews was going to be part of the selection process. Angie indicated in the email that “Once we get the questions in line, I will send out to each of you, with a plan to meet Friday to total our scores per Firm and discuss anything we think and go from there.”

On February 2, Angie Purdie sent a reminder email to the committee regarding scoring, encouraging and requesting their input on the questions associated with scoring. That same day, Kyle Gibbons responded indicating he felt it would be beneficial for the committee to meet and review their expectations for the new facility.

On February 6, Kyle Gibbons emailed the committee asking if they were planning to meet that day. Angie Purdie responded and indicated yes to the meeting and that she had added ‘one additional question.’ That afternoon, the committee met in the HR-Council Conference Room. In attendance initially were Angie Purdie, Richard Crider, Dave Gardner and Kyle Gibbons. Lee Baker arrived late to the meeting. Matt Demmings was not able to attend. At the meeting, Angie Purdie,

Richard Crider, Dave Gardner provided completed score sheets. Kyle Gibbons and Lee Baker had not, nor did Kyle Gibbons ever complete a score sheet. During the meeting, there was a ‘verbal’ vote of the members present to select DLZ as the architectural firm. As stated above, Matt Demmings was not present and did not ever cast a vote, nor was he ever asked to cast a vote. After the vote by the partial committee, Lee Baker informed the group they did not need to keep the score sheets completed by Angie Purdie, Richard Crider, Dave Gardner. Kyle Gibbons left the meeting with the impression the score sheets were going to be destroyed.

On February 15, Angie Purdie sent an email to the committee, “*Subject: Please re-do your RFQ Score Sheet- and send back to me*” which stated in part; “*Jeff Cockerill from Legal has advised we should have maintained our score sheets. I don’t anticipate it being a problem to recreate. Once you have scored and made your notes, send to me and I will create one final sheet. I will then forward a copy of the final sheet to Kyle as the Jail Commander. The Commissioners are hoping that Kyle will present for our group, the final recommendation during their work session (I think it was the work session). I am going to advise all groups that the final recommendation will be made on March 8. Kyle, I will be in contact before then to make sure we are all on the same page.*”

Approximately four (4) hours later, Kyle Gibbons responded to Angie Purdie’s email, stating in part; “*I have to be honest here. I don’t feel real comfortable attempting to complete a score sheet predicated on questions developed post presentation. I wish we would have had these questions prior to the presentations.*”

On February 20, Angie Purdie sent an email to Kyle Gibbons regarding his reservations regarding the score sheets stating; *Kyle, Jeff Cockerill has reached out to speak with you regarding your concerns and I suspect*

*you are playing phone tag. If you could provide him with a date and time to call you, I think that will be most helpful. Everyone is busy.*

*I do know he is currently on a school visit with his daughter, but will be back this afternoon.*

*Et all,*

*Those of you who have not responded with your score sheets, please consider this a gentle reminder. I am going to presume Matt is experiencing the same reservations as Kyle currently. Hopefully, we can get that resolved and get moving on this project.*

*Thank you-*

*Angie*

In the email, Angie Purdie clearly acknowledges there is a substantial disconnect with Kyle Gibbons and Matt Demmings on the method of scoring. This issue was never resolved resulting in Kyle and Matt declining to submit score sheets.

On March 20, just as the CRJC meeting was about to begin, Jeff Cockerill asked Kyle Gibbons to step into the hallway outside the Nat U Hill Conference Room. In this conversation, Jeff Cockerill addressed Gibbons' concerns as described in his email on February 15 and attempted to assuage his apprehensions of presenting the results of the committee's recommendations on March 8. Kyle Gibbons informed Jeff Cockerill he would not be comfortable presenting as he did not feel the process was properly conducted, specifically citing the development of scoring criteria post-interview.

The day following Seth Mutchler's criticism of the lack of transparency in the RFQ process, I, along with the RFQ committee members received

an email from Angie Purdie indicating her response to Commissioner Githens regarding Seth Mutchler's statement. The content of the email is as follows:

*Hey, this issue came up last night during the CJRC meeting, see my response below. I realize this is me speaking for the Committee and I don't want to do that without your review and consent. Please advise by end of day.*

*Penny,*

*I was listening to the CJRC meeting last evening and Mr. Mutchler's concerns regarding the language within the RFQ versus how the process played out.*

*This is an unfortunate situation, as the RFQ is written for the potential vendors and is intended to ensure they are aware of all the possible conditions that may be imposed upon them. The RFQ Committee which as you know is comprised of representatives from the Sheriff, maintenance, ASI, legal, and myself, met and reviewed the RFQ responses and discussed the merits of public presentations versus a committee question and answer format. It was determined by the Committee, that the most effective way to conduct this process would be to have the Committee meet with the three respondents and have a public presentation of the recommend architect/design firm. The committee felt this would allow for more candor and lead to a more efficient outcome.*

It seems to me, this email attempted to solicit agreement with the members of the committee that the non-public interviews were agreed upon as method to best bring an 'efficient outcome.' Lee Baker, Richard Crider, Dave Gardner each responded to her email with a concurrence as to this method. Kyle Gibbons responded to the email as follows:

*Angie,*

*I'm assuming the meeting regarding the merits of public presentations versus a committee question and answer format may have been with Sheriff Swain, and pre-dates Matt and I.*

*To the best of my knowledge, the interview format was in place prior to our first interaction with the committee, which was conducting the interview with Elavatus on January 17th. Hope this helps.*

A short time later, Angie Purdie responded as follows:

*Kyle, I swear you read my mind! I was just talking with Jeff C about this issue and was about to send an email explaining! Yes, you, Matt and Phil were not present during that conversation.*

*Thank you!*

The comments made by Seth Mutchler during the public comment forum seemed to cause a frantic scramble by Angie Purdie to ensure the committee coalesced around a specific narrative that the “committee” was thoughtful and deliberative as they constructed the methodology of the selection process. I briefly attended one (1) organizational meeting of the committee. At no time during this meeting, in my presence, was there a discussion of interview process and/or the manner in which those interviews would be conducted. I certainly never agreed to closed door interviews. I cannot attest to the content of the discussion after I left. Any statement or assertion to the contrary is patently false. As Angie Purdie acknowledged in her email on March 21, Chief Deputy Parker, Kyle Gibbons or Matt Demmings were not present for these discussions.

Much has been made of the ‘diversity’ of the committee as it relates to the various departments they represent. At the Commissioners meeting on March 22, Jeff Cockerill outlined the committee consisted of one (1) representative from the Commissioner’s Office (Angie Purdie) one (1) representative from the Legal Office (Lee Baker), one (1) representative from maintenance (Richard Crider), one (1) representative from contractor (Dave Gardner) and one (1) representative from the Sheriff’s



Department. He stated “the Sheriff actually ended up, for the interview part of it, designating the Kyle and his assistant which I think worked out really well and helped get a full review of that. That group determined the process in determining when the interviews were and how they were going to be conducted and so this is their recommendation to you based on that process they chose.” The underlined portion of this statement is not factual. I want to unequivocally state I am in no way asserting Jeff is being untruthful, just perhaps his recollection of what was discussed at the organizational meeting when I was present. Angie Purdie’s email on March 21 acknowledges Kyle Gibbons and Matt Demmings were NOT part of determining the interview process and I certainly was not. This indicates that four (4) of the six (6) members, who according to Angie, report directly to her, made the decisions on the interview process. As a result, the point made by Isabelle Piedmont-Smith has merit when she asked if a member of the County Council was on the committee. It seems to me the committee was constructed so that any dissenting voices could never out-weigh the wishes of the committee members reporting to Angie Purdie.

There are several main takeaways from these events.

First, the selection process did not provide a consistent and reliable scoring mechanism, fairly balanced to each firm. It allowed for biases to be built into any ad hoc questions a member might wish to pose during the interviews, i.e., a leading question seeking the desired response. Then, Angie Purdie developed the scoring criteria for the interviews and transmitted it to the committee eleven (11) days post-interviews. For me, it is difficult to imagine a method which would more effectively create the perception that the scoring criteria was purposely constructed to favor a particular candidate than this type of conduct. Personally, I am not aware of any selection process wherein scoring criteria is developed after the interviews have been conducted. Eighteen (18) days

post-interviews, the committee met (absent Matt Demmings) and conducted a verbal vote to select the architectural firm. This occurred notwithstanding the fact that two (2) members of the committee declined to submit score sheets due to the fact the scoring mechanism being developed after the interviews had occurred. Kyle Gibbons did agree DLZ was the correct choice; however, he and Demmings felt the system for selection was flawed. This is why they both declined to participate in “scoring after the fact.”

Next comes the perpetual issue of transparency. It appears to me, by both word and deed, transparency was not valued, and the lack thereof was deliberate. I cannot understand how Angie Purdie, a professional employee administering such an important process would conceive it was appropriate to destroy a public record such as the scoring documentation and then conceal the destruction by encouraging the other committee members to “recreate” those documents. To be clear, I am not asserting documents were in fact destroyed; however, the email from Angie Purdie to the committee on February 15 certainly indicates this indeed occurred. Indiana code 5-15-5.1-14 states “A public official or agency may not mutilate, destroy, sell, loan, or otherwise dispose of any government record, except under a record retention schedule or with the written consent of the administration.” Also, Indiana Code 5-15-6-8 states “A public official or other person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Level 6 felony unless: (1) the commission shall have given its approval in writing that the public records may be destroyed; (2) the commission shall have entered its approval for destruction of the public records on its own minutes; or (3) authority for destruction of the records is granted by an approved retention schedule established under this chapter.” Additionally, it appears to me, the comments made by Seth Mutchler caused a frantic scramble by Angie Purdie to ensure the committee coalesced around a specific narrative that the “committee” was thoughtful and deliberative as they constructed the methodology of the selection process.

Finally, we must address the debunked message of a unified committee/unanimous vote. For clarification, neither Kyle Gibbons nor Matt Demmings submitted scoring sheets and at no time during the process did Matt Demmings indicate a “vote”, written, verbal or otherwise for DLZ. It is important to point out that no disclaimers regarding a unanimous vote and/or scoring were ever offered. The truthful and transparent manner would have been to state that ‘of those members voting, the decision was unanimous’ and acknowledging the fact that one (1) member (Demmings) did not vote. Additionally, to this very day, no mention has ever been made to the public that two (2) members declined to submit scoring sheets because of their discomfort level with the process. In contrast, the public has been led to believe the entire committee was in lockstep with the selection of DLZ. Angie Purdie knew Matt had not voted, Kyle and Matt had not scored and that committee dysfunction existed. The issue is, did she pass this information on to the Commissioners so they could be transparent with these facts when they addressed the public? It is abundantly apparent the sending of the “unified committee message” is not erroneous, the question is...did those who tendered this message know it to be untrue? In the two meetings wherein the selection of DLZ was discussed, Commissioner Githens, Commissioner Thomas and Richard Crider each referred to a unanimous committee vote. The comment of Commissioner Githens was especially explicit stating “all of the people on that committee selected DLZ.” This is where I must say, it certainly appears to me, Commissioner Githens, Commissioner Thomas and Richard Crider each are truly expressing their belief the committee was unified in their selection of DLZ. I would not suppose that any of them would engage in purporting any statement they know to be anything less than fully factual. It is no secret the Commissioners and I have had our differences; however, I have never experienced or had any occasion to question the veracity of any of the Commissioners or Richard Crider. That being said, the Commissioners now must fully explain, in an absolutely transparent manner, how they arrived at publicly presenting such incredibly erroneous information as fact. This

clarification is owed to the members of the CJRC, the competing architectural firms, all other stakeholders, but most of all, the public we serve. Without full disclosure, there cannot and will not be public trust in our system of government. My ask is a full and true explanation of the following:

- The reasoning of transmitting the scoring criteria for the interviews to the committee eleven (11) days post-interviews and how this can possibly be effective.
- If, as indicated in Angie Purdie's email dated February 15, the scoring sheets were in fact disposed of and then "recreated."
- Confirmation of whether a document exists which identifies the vote of each committee member, and if so, public disclosure of such document.
- An individual account from each Commissioner, in a public meeting, as to how they know or came to believe the vote of the committee to select DLZ was unanimous. It is very important to note here that at no time during the public statements of the Commissioners were there any exceptions, caveats or qualifications placed on the affirmative statements the vote was unanimous. The time for such has passed. The makeup of the committee is stated on the agenda and the words of "unanimous" and "all of the people on that committee selected DLZ" have been uttered.
- If the Commissioners were purporting the unanimous vote of the committee without viewing written documentation supporting such, full disclosure of who informed them the vote was unanimous when, in fact, it was not.
- Full disclosure if any of the Commissioners were or are aware that Kyle Gibbons and Matt Demmings did not participate in scoring the firms post interview.
- Full disclosure if any of the Commissioners were or are aware that Matt Demmings did not vote for the selection of DLZ.
- What action the Commissioners plan to take regarding any individual who contributed the false narrative of the unanimous vote,

- What action the Commissioners plan to take regarding any individual who destroyed public records and/or any other violations of public trust.

I should note, the information in this communication is simply to bring the facts as I know them to be and bring them forth in the interest of transparency. It is not about DLZ or any criticism of them. They may absolutely be the very best selection for this project.

I close with this. It is my sincere hope the Commissioners seize this opportunity to respond to each bullet point transparently, frankly, and publicly. I propose the CRJC meeting this evening as an appropriate venue. The public is watching and waiting for each of us to do the right thing. It is the only way for us to begin to restore public trust in this process and not scar the other great work of Monroe County government.

Sincerely,

*Ruben Marte', Sheriff*

*Monroe County Sheriff's Office*

*812-349-7370*

EMAIL HEADER:

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Sent: Monday, April 3, 2023 2:11 PM

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Subject: RFQ Process