

Sheriff wins battle over contract bids

BY PAT MURPHY
STAFF WRITER

In the latest battle between the Oakland County sheriff and county commissioners, John F. Nichols walked away the victor. Despite pressure from Republican and Democratic commissioners, Nichols will not be forced to seek competitive bids on a professional services contract. He is free to award the contract to whomever he chooses.

But at least one commissioner thinks the county board of commissioners won more than it lost in the dispute that concluded Thursday at the Finance and Personnel Committee meeting.

"But we saved money this time," said commissioner Lawrence A. Obrecht, R-Lake Orion. "Maybe the next time, we'll win and the sheriff will have to seek bids. In the meantime, the sheriff can give the contract to anybody he likes."

The dispute between Nichols and commissioners focused on a contract to serve subpoenas, divorce papers, foreclosures and other legal documents. Until 1993, when the function was reluctantly privatized, the papers were served by deputies.

It flared up last month when commissioners challenged some provisions of the contract and worked out a compromise approved by the Finance and Personnel Committee.

The compromise called for rewriting the process serving contract — and saving the county \$18,000 a year. But commissioners were unsuccessful in trying to persuade, cajole or force the sheriff to explore the possibility of saving even more money by seeking competitive bids.

Nichols didn't appear at Thursday's meeting, and he has repeatedly stated, through his secretary, that he has nothing more to say about the episode.

On previous occasions, however, Nichols has repeatedly sided with commissioners that process serving is a function the sheriff is constitutionally obligated to perform or supervise. He has steadfastly refused to work with any of the professional process servers available and insisted on awarding the contract on a no-bid basis to the person or company of

his choosing.

Nichols holds the trump cards because the process servers must be deputized, and the sheriff said he will not bestow that authority on anybody not of his choosing. Commissioner Lawrence R. Pernick, D-Southfield, and others acknowledge that Nichols should be able to select someone he trusts. But the county might save money — and reinforce a preferred policy of competitive bidding — if the sheriff selected five or six people or companies he trusts, and then let them bid for the contract.

Some other counties seek bids, they note, and Oakland could possibly save money by doing the same thing.

Nichols rejected the idea. Furthermore, an opinion by the Oakland County corporation counsel specifies that processes serving is a professional services contract the sheriff can award without bidding.

That opinion gives the sheriff a free hand to proceed with previously announced plans to award the contract to an Oakland County assistant prosecutor.

That assistant prosecutor, Matthew J. Chodak, is highly qualified, commissioners agree. But he is also the son of Joan and Murray Chodak, close friends of Nichols who are hosting a \$100 per person birthday bash for Nichols in their Bloomfield Township home on Sept. 10.

Commissioners were angry that Nichols refused to consider competitive bidding. That anger was compounded by the sheriff's intention to give the contract to the friend of a fund raiser.

"The purpose of competitive bidding is to seek the best prices," said commissioner Kingzett. "But the competitive forces of the market place are negated because of the sheriff."

Commissioner Obrecht, however, said the dispute has been an overall victory for the board of commissioners. "Sheriff Nichols didn't want to privatize," he said, "but we got him to do it, and we saved money."

"Now, because we renegotiated the contract, we save another \$18,000. Maybe next time — possibly with a new sheriff — we can get competitive bidding."

Technique detects flaw in heart valves

Researchers at William Beaumont Hospital in Royal Oak have used a high-resolution, X-ray imaging technique that may predict failure of a type of heart valve used by 44,000 living patients.

An article in the August 17, 1995 New England Journal of Medicine presents the results of a landmark research study.

"This new detection method may be of considerable help to physicians and patients in making decisions on removal of the valve," said Dr. William O'Neill, the study's chief investigator and director of Beaumont's Division of Cardiovascular Diseases.

"This technique could bring peace of mind to patients with intact, well-functioning valves and give others concrete information to help them weigh the risks of valve failure versus removal."

"Since patients with structurally intact valves do well, and elective removal is associated with a 3-5 percent risk of death, surgical removal of the valves has not been recommended for all patients," O'Neill said.

The study used cine-radiographic imaging to detect a separation in one of two legs of the outlet strut of a Björk-Shiley Conquest-CC heart valve.

Shiley Inc. stopped production of the valves in 1986. The research at Beaumont was funded by a grant from the Shiley Heart Valve Research Center in Irvine, Calif.

A "single-leg separation" is thought to precede complete strut fracture leading to valve failure. As of Dec. 31, 1994, complete strut fractures had been reported in 864 patients with CC valves, resulting in patients' deaths about two-thirds of the time.

In the research trial at Beaumont, physicians screened 316 patients with CC valves of a size and type identified through earlier research as having the highest risk of strut fracture (22 mm or larger valves implanted in the mitral position with an estimated fracture rate of 0.46 percent or higher per year).

Patients, identified through a national valve registry, were screened at least twice at a six-month interval, or more often if prior screening results looked suspicious.

Of the 316 patients screened at Beaumont from August 1992 to February 1994, 11 patients had valves identified as "definite" or "probable" single-leg separations.

Ten of 11 valves were confirmed to have single-leg separations through removal of the valve prior to failure. One valve with a "probable" rating was intact. Two complete outlet strut fractures occurred three and seven months after normal cine-radiographic examinations.

"Although the risk of strut fracture is not entirely eliminated by cine-radiographic screening, it can reduce the occurrence and save some lives," said Dr. O'Neill.

"For valve separations to be accurately identified, extensive training in the interpretation of images is required. The necessary expertise will be most readily available at regional referral centers," he said.

Between 1979 and 1986, approximately 86,000 Björk-Shiley CC valves were implanted worldwide. In clinical use of the device, there was one reported failure of a valve. Additional sudden failure occurred after the valve was introduced for general use.

In April 1984, there was a change in manufacturing and quality control procedures. No outlet strut fractures have been reported in valves welded after March 31, 1984.

William Beaumont Hospital is a 929-bed tertiary care, teaching, research and referral center that is one of the nation's busiest cardiology centers.

Further research of the new screening method is currently under way at Stanford University in California and the Western Infirmary in Glasgow, Scotland. The technique is not approved for general use by the U.S. Food and Drug Administration.



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