



Broward County

Legislation Text

File #: 22-579, Version: 1

Broward County Commission Regular Meeting

Director's Name: George Tablack

Department: Finance and Administrative Services **Division:** Purchasing

Information

Requested Action

MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. PNC2122842P1, Professional Consultant Services for Airport Utilities and Pavement Projects DBE, for the Aviation Department. The ranked firms are: 1 - RS&H, Inc.; 2 - Burns & McDonnell Engineering Company, Inc.; 3 - AVCON, Inc.; 4 - EAC Consulting, Inc.; 5 - T.Y. Lin International; and 6 - Michael Baker International, Inc.

Why Action is Necessary

In accordance with the Broward County Procurement Code, Section 21.42(j), Procedures for RFPs, RLIs, and RFQs, if an objection or protest has been filed with respect to an Evaluation Committee's ranking, the ranking must be submitted to the Board for final approval. The Board, by majority vote, may (1) accept the ranking as final; (2) reject all responses to the solicitation; or (3) direct the Evaluation Committee to reconvene to consider any new or additional information the Board directs the Evaluation Committee to consider. In addition, the Board may request presentations by the ranked vendors and may, by supermajority vote, rerank those vendors in a final ranking.

What Action Accomplishes

Approves the Evaluation Committee's recommendation of the final ranking of qualified firms.

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

THE PURCHASING DIVISION AND THE AVIATION DEPARTMENT RECOMMEND APPROVAL OF THE ABOVE MOTION.

The procurement was solicited to engage the services of up to three qualified firms to provide professional architectural and engineering consulting services to perform pre-design, design services, construction administration and resident project representation services for airport utility and pavement projects at the Broward County Fort Lauderdale-Hollywood International Airport and North Perry Airport. The services of this procurement are considered "professional services" and therefore, covered by Florida Statute, Section 287.055, Consultants' Competitive Negotiation Act (CCNA).

On September 9, 2021 (Item No. 54), the Board approved Request for Proposals (RFP) No. PNC2122842P1, Professional Consultant Services for Airport Utilities and Pavement Projects DBE. The RFP was advertised and, at the time of the submittal deadline on October 27, 2021, nine firms submitted proposals.

On January 31, 2022, an Initial Evaluation Committee meeting was held. The Evaluation Committee determined that all nine firms were both responsive and responsible to the RFP requirements. In accordance with the Broward County Procurement Code, Section 21.44, Procedures for CCNA Services, whenever a CCNA procurement is conducted through a RFP, RLI, or RFQ, the Evaluation Committee shall establish a "shortlist" of vendors for further consideration of award of the solicitation, unless the Director of Purchasing determines that shortlisting would not be in the best interest of the County. During the Initial Evaluation Committee meeting of January 31, 2022, the Evaluation Committee passed a motion to shortlist six firms of the nine vendor responses. The Evaluation Committee evaluated the responses, scored in preferential order, resulting in a shortlist of six firms who would advance to final evaluation, which would include vendor presentations, Question-and-Answer period, numerical scoring by the Evaluation Committee, and ranking.

On February 23, 2022, a Final Evaluation Committee meeting was held. After presentations, evaluation, scoring and ranking, the Evaluation Committee named RS&H, Inc. as the first-ranked firm; Burns & McDonnell Engineering Company, Inc. as the second-ranked firm; and AVCON, Inc. as the third-ranked firm (Exhibit 1). However, during the announcement of the Evaluation Committee's ranking, the order of ranking was incorrectly stated for the second- and third-ranked firms, inadvertently reversing the order of the second- and third-ranked firms.

On March 8, 2022, the Director of Purchasing received written communication in accordance with the Cone of Silence Ordinance from LSN Partners, LLC on behalf of the proposing firm, EAC Consulting, Inc., objecting to the ranking of the top three firms (Exhibit 2).

On March 9, 2022, the Evaluation Committee was reconvened for the purpose of correcting the announcement of the order of rankings from the February 23, 2022 Final Evaluation Committee meeting. The announcement correctly stated the Evaluation Committee's ranking order of RS&H, Inc. as the first-ranked firm; Burns & McDonnell Engineering Company, Inc. as the second-ranked firm; and AVCON, Inc. as the third-ranked firm (Exhibit 3).

The Evaluation Committee's proposed recommendation of ranking was posted on the Purchasing Division website from March 16 - 18, 2022, which provided an opportunity for any proposer or interested party to present any new or additional information regarding the responsibility of the proposers.

On March 17, 2022, the Director of Purchasing received an objection letter from LSN Partners, LLC. on behalf of the proposing firm, EAC Consulting, Inc. The objection letter claimed the following: 1 - AVCON, Inc. ignored the directions for presentations which resulted in an unfair advantage; 2 - the Evaluation Committee was not made aware of the clear instructions provided to each proposer which expressly restricted how presentations should be made; 3 - the Evaluation Committee should be reconvened to re-score AVCON's proposal and issue a different ranking (Exhibit 4).

On April 14, 2022, the Director of Purchasing issued a response to LSN Partners, LLC. and

represented firm, EAC Consulting, Inc., stating that, upon review of the procurement record, correspondence received by parties to the objection, and the proceedings of the subject Evaluation Committee meeting, the issues raised in the objection were not of sufficient merit to recall or otherwise alter the recommendation of the Evaluation Committee. Specifically, no new substantive information was presented to warrant the reconvening of the Evaluation Committee. The evaluation and scoring of firms were conducted appropriately and within the established guidelines, practices, and procedures set forth in the Broward County Procurement Code, Ordinances, and existing written guidelines. As such, the objection was denied (Exhibit 5).

The Evaluation Committee's final recommendation of ranking was posted on the Purchasing Division website from April 18 - 22, 2022, which provided an opportunity for any aggrieved proposer to file a formal protest. No formal protest was received.

In accordance with Section 21.42(j) of the Broward County Procurement Code, since an objection was filed with respect to the Evaluation Committee's ranking, the ranking must be submitted to the Board for final approval. The Board, by majority vote, may (1) accept the ranking as final; (2) reject all responses to the solicitation; or (3) direct the Evaluation Committee to reconvene to consider any new or additional information the Board directs the Evaluation Committee to consider. In addition, the Board may request presentations by the ranked vendors and may, by supermajority vote, rerank those vendors in a final ranking.

Additional supporting documentation provided to the Evaluation Committee regarding this procurement can be found on Broward County's Purchasing Division website at [<http://www.broward.org/Purchasing/Pages/Repository.aspx>](http://www.broward.org/Purchasing/Pages/Repository.aspx).

Source of Additional Information

Robert E. Gleason, Director, Purchasing Division, (954) 357-6070

Fiscal Impact

Fiscal Impact/Cost Summary

Each open-end contract for up to three consultants is for a three-year initial term and two one-year optional renewal periods, for a maximum not-to-exceed initial amount of \$7,000,000 per firm, for a total not-to-exceed initial amount of \$21,000,000 for up to three firms. Each individual work authorization will be funded by the appropriate source at the time of release.

Requisition No. AVC0000651