



Finance and Administrative Services Department

PURCHASING DIVISION

115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6066 • FAX 954-357-8535

Certified Mail No. 7005 3110 0002 8833 9008

August 17, 2021

Mauricio Pizarro, Project Manager
Burns & McDonnell Engineering Company, Inc.
801 Brickell Avenue, Suite 938
Miami, FL 33131

Re: Objection to Proposed Ranking – Request for Proposal (RFP) PNC2120437P1 Professional Consultant Services for FLL and HWO Airports, Building Projects

Dear Mr. Pizarro:

I am in receipt of your firm's timely objection letter dated and received on July 26, 2021, objecting to the proposed recommendation of ranking for RFP No. PNC2120437P1, Professional Consultant Services for FLL and HWO Airports, Building Projects. The basis of your July 26, 2021 letter of objection is related to a video production played by one of the shortlisted firms during their time allocated to make an oral presentation to the Evaluation Committee (EC) members at the Final EC meeting. Your letter of objection alleges the following:

- A vendor played a video during the time allotted for their oral presentation
- The solicitation and the County's subsequent instructions to proposing firms did not address video productions
- The video recorded oral presentation departed from the requirements of the RFP and created a competitive advantage
- A reconvening of the EC to discard all points allocated to a vendor's oral presentation and reranking of vendors

The following will address a summary of your assertion points and provide my determination based upon the Procurement Code, established Committee procedures, and the solicitation requirements.

Objection Assertion No. 1:

Your objection letter claims that “another bidder played a video during the time allocated for them to perform an oral presentation as was required by the solicitation. The action of Playing a Video Production is something completely different than conducting an oral presentation as was required by the solicitation. 5 out of six of the shortlisted firms followed these rules and delivered oral presentations via MS Teams to the Evaluation Committee”. “No instruction was given by the county via the solicitation nor by email that vendors were to play video productions via MS Teams instead of conducting oral presentations.”

It further alleges that, “if the intent was to have all of the shortlisted firms play videos productions instead of conducting oral presentations it should have been clearly stated in the solicitation or in the invitation sent via email so all parties would be equally compliant, subject to the same rules and with no competitive advantages”.

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Response No. 1:

Section 21.42(c) of the Broward County Procurement Code states that [...] “If so provided in the solicitation, the Evaluation Committee shall accept presentations from responsive vendors with respect to their qualifications and responses” [...].

According to the solicitation’s Special Instructions to Vendors, Section E, presentations were applicable to this RFP solicitation process.

Additional information was indicated in the solicitation’s Standard Instructions to Vendors, Section G, which reads, “Vendors that are found to be both responsive and responsible to the requirements of the solicitation and/or shortlisted (if applicable) will have an opportunity to make an oral presentation to the Selection or Evaluation Committee on the Vendor’s approach to this project and the Vendor’s ability to perform. The committee may provide a list of subject matter for the discussion. All Vendor’s will have equal time to present but the question-and-answer time may vary. In accordance with Section 286.0113 of the Florida Statutes and the direction of the Broward County Board of Commissioners, presentations during Selection or Evaluation Committee Meetings are closed. Only the Selection or Evaluation Committee members, County staff and the vendor and their team scheduled for that presentation will be present in the Meeting Room during the presentation and subsequent question and answer period”.

Furthermore, on June 30, 2021, the Purchasing Division emailed the six shortlisted firms stating: “Your firm was shortlisted to make a fifteen (15) minute oral presentation to the EC via Microsoft Teams at the July 14, 2021, Final EC meeting. Presentations will be followed by an unlimited question and answer (Q & A) period by the EC members” and included other relevant information regarding the Final EC Meeting such as the topics the EC members requested that firms include in their presentations.

Broward County’s instructions specifically invited shortlisted vendors to make a presentation to the EC members, with the requirement that: 1) it be presented orally, 2) with a fifteen-minute length, and 3) address the topics suggested by the EC members during the Initial EC meeting.

All six shortlisted vendors were present at the Final EC meeting to make their presentation and answer questions by the EC members. Presentations started with first vendor at 10:34 a.m. Presentations were followed by a time unlimited Q&A period by the EC Members, which provided for real-time interactive dialogue amongst the EC Members and the vendors.

Fifteen minutes were allocated to each firm to present their approach to this project and their ability to perform before the EC members. None of the firms exceeded their time limit. All vendors participated in an unlimited Q&A period. The final presentation concluded at 4:45 p.m.

One of the presenting firms delivered their oral presentation in the format of an oral (spoken word) pre-recorded videotape presentation during their fifteen-minute allotted period for oral presentation. This method of delivery for an oral presentation is not specifically prohibited.

The County’s instructions requested vendors make an oral presentation with the listed requirements. The instructions did not require the vendors’ oral presentations to be exclusively in real-time (live) spoken words. Vendors were not prohibited from including components of technology, such as a pre-recorded videotape, to the format and content of their oral presentation. Vendors had the opportunity to choose their preference on the method of delivery of their oral presentation but were required to include all three aforementioned requirements.

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Neither the solicitation nor the email from the Purchasing Division sent to the vendors led or implied to any competitive advantages in this RFP process.

The allegation that Broward County “will set precedent where bidders can from here on onwards deviate from instructions set in the solicitations having competitive advantages” is unfounded. This RFP procurement process has been executed in accordance with the Procurement Code and established Committee procedures.

Objection Assertion No. 2:

Your objection letter requests that the Evaluation Committee be advised by Broward County Purchasing to discard all points allocated to the firm who did not conduct an Oral Presentation and Re-rank the bidders accordingly.

Response No. 2:

Refer to Response No. 1 for the oral presentation allegations.

According to Section E. (1) of the solicitation, “The Selection or Evaluation Committee will evaluate Vendors as per the Evaluation Criteria. The County reserves the right to obtain additional information from a Vendor”.

The Evaluation Criteria requested all proposing firms provide a response to the firm’s: 1) Ability of Professional Personnel, 2) Project Approach, and 3) Past Performance. Additionally, firms were requested to submit evaluation criteria responses identifying: 4) Workload of the Firm, 5) Location, 6) Willingness to Meet Time and Budget, and 7) Volume of Previous Work.

The solicitation’s Standard Instructions to Vendors, specifically section W.5 and 6 required all vendors to upload and submit their responses to the Evaluation Criteria.

On April 21, 2021, the solicitation closed with 13 submittals. On April 22, 2021, all submittals were distributed to the EC members for their review to provide the EC members sufficient time to evaluate vendors submittals.

On June 30, 2021, an Initial EC meeting was held. All 13 firms were determined to be responsive and responsible to the requirements of the RFP. The EC members passed a motion to shortlist six firms. Six firms were shortlisted by the EC members and advanced to final evaluation with oral presentations followed by a question-and-answer period, scoring, and ranking by the EC members.

On July 14, 2021, a Final EC meeting was held to hear oral presentations, score, and rank the firms that were determined to be both responsive and responsible to the RFP requirements and shortlisted by the EC members.

The scoring sheets that were distributed to each of the EC members included aforementioned project specific Evaluation Criteria of: Ability of Professional Personnel, Project Approach, Past Performance, Workload of the Firm, Location, Willingness to Meet Time and Budget, and Volume of Previous Work.

The points allocated to the vendors by the EC members were based on the vendor’s submittals and/or the specific answers provided by vendors to the Evaluation Criteria in their submittal. Applicable points for the Evaluation Criteria of Location, Volume of Previous Work, and Willingness to Meet Time and Budget were added to each Committee member’s scoring sheet by the Purchasing Division before arriving at a total score for each firm.

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At no point did the solicitation or subsequent instructions require vendors to submit part of their proposal through their oral presentations. Also, oral presentation was not one of the specified Evaluation Criteria. Upon review of the procurement record, correspondence received by parties to the objection, and the proceedings of the Evaluation Committee, I find that the issues raised in the objection are 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 is denied.

Sincerely,

**BRENDA
BILLINGSLEY**  Digitally signed by
BRENDA BILLINGSLEY
Date: 2021.08.17
15:12:21 -04'00'

Brenda J. Billingsley, Director
Purchasing Division

Attachment

BJB/mc/ccc/lg

c: Glenn Marcos, Assistant Director, Purchasing Division
Christine Calhoun, Purchasing Manager, Purchasing Division
Melissa Cuevas, Purchasing Agent Senior, Purchasing Division
Mariana Pitiricui, Construction Project Management Supervisor, Capital Improvement Projects
Division, Aviation Department (Project Manager)
Fernando Amuchastegui, Assistant County Attorney, Office of the County Attorney



7/26/2021
Ms. Brenda Billingsley
Purchasing Director
Purchasing Division
Broward County
115 South Andrews Avenue, Suite A461
Fort Lauderdale, FL 33301

Re: Objection to the Proposed recommendation of ranking made by the evaluation committee for RFP PNC2120437P1, Professional Consultant Services for FLL and HWO Airports, Building Projects.

Dear Ms. Billingsley:

As per the Broward County Procurement code section 21.84 requirements to submit an objection to the proposed recommendation of ranking made by the evaluation committee for RFP PNC2120437P1, Professional Consultant Services for FLL and HWO Airports, Building Projects, **Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell)** by means of this letter formally objects to such recommendation of ranking.

The factual grounds on which our objection is based are as follows:

In response to Broward County's Solicitation PNC2120437P1, **Burns & McDonnell** conducted and oral presentation Virtually for the County's Evaluation Committee via MS Teams. The oral presentation was followed by a virtual Questions and Answers session.

Burns & McDonnell would like to note that the Solicitation PNC2120437P1 packet in Section G states the following:

"G. Presentations

Vendors that are found to be both responsive and responsible to the requirements of the solicitation and/or shortlisted (if applicable) will have an opportunity to make an oral presentation to the Selection or Evaluation Committee on the Vendor's approach to this project and the Vendor's ability to perform. The committee may provide a list of subject matter for the discussion. All Vendor's will have equal time to present but the question-and-answer time may vary. In accordance with Section 286.0113 of the Florida Statutes and the direction of the Broward County Board of Commissioners, presentations during Selection or Evaluation Committee Meetings are closed. Only the Selection or Evaluation Committee members, County staff and the vendor and their team scheduled for that presentation will be present in the Meeting Room during the presentation and subsequent question and answer period."

Regretfully we it is a matter of fact that another bidder played a video during the time allocated for them to perform an Oral presentation as was required by the solicitation. The action of



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Playing a Video Production is something completely different than conducting an oral presentation as was required by the solicitation.

Furthermore, in an email from Broward County purchasing to the shortlisted firms the following was stated:

“Your firm was shortlisted to make a fifteen (15) minute oral presentation to the EC via Microsoft Teams at the July 14, 2021, Final EC meeting.”

The solicitation nor the email from the purchasing division states that our firm was invited to play a video production instead of conducting an oral presentation.

5 out of six of the shortlisted firms followed these rules and delivered Oral Presentations via MS Team to the Evaluation Committee. No instruction was given by the county via the solicitation nor by email that vendors were to play video productions via MS Teams instead of conducting oral presentations.

If the intent was to have all of the shortlisted firms play videos productions instead of conducting oral presentations it should have been clearly stated in the solicitation or in the invitation sent via email so all parties would be equally compliant, subject to the same rules and with no competitive advantages.

Therefore, to avoid having Broward County set precedent where bidders can from here on onwards deviate from instructions set in solicitations and play video productions instead of conducting oral presentations, we respectfully request that the Evaluation Committee be reconvened and be advised of the non-compliance with the RFP when playing a video production instead of conducting an Oral Presentation. And that the Evaluation Committee be advised by Broward County Purchasing to discard all points allocated to the firm who did not conduct an Oral Presentation and Re-rank the bidders accordingly.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mauricio Pizarro".

Mauricio Pizarro, P.E., PMP
Project Manager