



Finance and Administrative Services Department

PURCHASING DIVISION

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

Via email transmittal

April 14, 2022

Joshua Freeman, Associate
LSN Partners, LLC.
1512 East Broward Blvd., Suite 101
Ft. Lauderdale, FL 33301

Re: Objection to Proposed Ranking – Request for Proposal (RFP) PNC2122842P1, Professional Consultant Services for Airport Utilities and Pavement Projects DBE

I am in receipt of your firm's timely objection letter dated and received on March 17, 2022, objecting to the Proposed Recommendation of Ranking for RFP No. PNC2122842P1, Professional Consultant Services for Airport Utilities and Pavement Projects DBE. Your letter centers around the presentation of the shortlisted firm, AVCON, Inc. (AVCON) during their time allocated to make an oral presentation to the Evaluation Committee (EC) members at the Final EC meeting. In summary, your letter of objection indicates the following:

- AVCON ignored the directions for presentations which resulted in an unfair advantage; and
- The EC was not made aware of the clear instructions provided to each proposer which expressly restricted how presentations should be made; and
- The EC should be reconvened to re-score AVCON's proposal and issue a different ranking

Objection Assertion No. 1:

Your letter claims that "One of the top three ranked proposers, AVCON, Inc. ("AVCON"), blatantly ignored the directions for presentations which resulted in an unfair advantage."

Response No. 1:

During the Final Evaluation Committee Meeting held on February 23, 2022, during the open meeting session, the Chair read "Closed Presentations" guidelines. The Chair stated: "As a reminder to the presenting firms, the Evaluation Committee asked for the vendor presentations to address the following topics in their presentation: EC Members requested the Project Manager do the presentation in its entirety...". As clarification to the requirements of the solicitation, topics and/or direction for presentations are not part of a solicitation's responsiveness criteria. The solicitation's Standard Instructions to Vendors, Section G, Presentations, specified: "Vendors that are determined 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 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...".

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Objection Assertion No. 2:

Your letter claims that “At the time of the presentations and the Evaluation Committee’s (“EC”) initial scoring and ranking of the proposals, the EC was not made aware of the clear instructions provided to each proposer which expressly restricted how presentations should be made.”.

Response No. 2:

As your objection letter mentioned, during the Initial EC Meeting held on January 31, 2022, and in response to the Chair’s inquiry to EC members for any specific questions or topics to be included in the presentations, an EC member proposed a request to have the presentation presented by the Project Manager (for the shortlisted firms). The EC members confirmed their proposed questions, topics, requests which were subsequently communicated via email to all shortlisted firms on February 11, 2022. Your objection claim of this not being communicated to the EC members is false. On February 1, 2022, EC members were provided a draft via email of the minutes from the Initial Evaluation Committee Meeting held on January 31, 2022, for review and approval. The minutes reiterated the specific requests related to presentations that were made by the EC. No objections to the minutes were provided, and the minutes were posted to the RLI RFP Repository and approved during the Final Evaluation Committee meeting on February 23, 2022. In addition, during the Final Evaluation Committee meeting held on February 23, 2022, during the open meeting session, the Chair read “Closed Presentations” guidelines. The Chair stated, “As a reminder to the presenting firms, the Evaluation Committee asked for your vendor presentations to address the following topics in their presentation: EC Members requested the Project Manager facilitate the presentation in its entirety...”. The meeting proceeded to the ‘Closed Presentations’ portion with vendor presentations.

Objection Assertion No. 3:

Your letter of objection states: “Therefore, we request the EC reconvene to re-score AVCON’s proposal, knowing all the information, and issue a different ranking.”.

Response No. 3:

According to the solicitation, Standard Instructions to Vendors Request for Proposals, Request for Qualifications, or Request for Letters of Interest, Section E. (1) specified: “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 in this solicitation 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, and 6) Willingness to Meet Time and Budget.

On October 27, 2021, the solicitation closed with nine submittals. On November 1, 2021, all submittals were distributed to the EC members for their review to provide the EC members sufficient time to evaluate vendors’ submittals.

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On January 31, 2022, an Initial EC meeting was held. All nine firms were determined to be responsive and responsible to the requirements of the RFP. The EC members passed a motion to shortlist six of the responsive and responsible 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 February 23, 2022, 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, and Willingness to Meet Time and Budget.

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 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.

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.

After the February 23, 2022 Final EC meeting, it was determined the announcement of the tabulation of the rankings inadvertently reversed the order of the 2nd and 3rd ranked firms. Accordingly, on March 9, 2022, the EC was reconvened for the purpose of correcting the announcement of the tabulation of rankings from the February 23, 2022 Final EC meeting.

Prior to the March 9, 2022 reconvening of the EC meeting, your firm, on behalf of EAC Consulting, Inc., submitted a letter dated March 7, 2022 objecting to the ranking of the top three ranked firms. On March 8, 2022, in accordance with the Cone of Silence Ordinance regarding written communications from a Vendor or Vendor's representative during the time a Cone of Silence is applicable to a competitive solicitation, the Evaluation Committee was provided with a copy of your firm's letter of objection dated March 7, 2022. During the March 9, 2022 reconvened EC meeting, the Chair noted the Director of Purchasing had received the letter from your firm, on behalf of EAC Consulting, Inc., dated March 7, 2022 which was transmitted to the EC on March 8, 2022. During the reconvened EC meeting, the EC did not have any discussion or questions regarding the information relayed in your firm's letter of objection.

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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.

Summary:

I hope the above responses address each of your concerns. We understand the time and effort involved in submitting proposals and the County appreciates EAC Consulting, Inc.'s participation in this procurement and continued interest in doing business with Broward County.

Sincerely,

**Robert
Gleason** Digitally signed by
Robert Gleason
Date: 2022.04.14
10:18:25 -04'00'

Robert E. Gleason, Director
Purchasing Division

Attachment

REG/lwc/sl

c: Gasser Douge, Supervisor Engineering Unit, Aviation Department (Project Manager)
Christine Calhoun, Purchasing Manager, Purchasing Division
Lashonne Williams-Canty, Purchasing Agent, Purchasing Division
Fernando Amuchastegui, Senior Assistant County Attorney, Office of the County Attorney



LSN PARTNERS
Local * State * National

March 17, 2022

VIA ELECTRONIC MAIL: rgleason@broward.org

Robert Gleason, Director
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

Re: RFP PNC2122842P1, Professional Consultant Services for Airport Utilities and Pavement Projects DBE (“RFP”) Objection Letter.

Dear Mr. Gleason:

We are writing on behalf of our client, EAC Consulting, Inc. (“EAC”) regarding the above-referenced RFP. As it currently stands, EAC was the fourth ranked proposer. The County intends to award contracts to the top three proposers. EAC formally submits this Objection to the Evaluation Committee’s scoring and ranking of proposers, pursuant to Broward County’s Code Section 21.42(h)(1).

One of the top three ranked proposers, AVCON, Inc. (“AVCON”), blatantly ignored the directions for presentations which resulted in an unfair advantage. At the time of the presentations and the Evaluation Committee’s (“EC”) initial scoring and ranking of the proposals, the EC was not made aware of the clear instructions provided to each proposer which expressly restricted how presentations should be made. Therefore, we request the EC reconvene to re-score AVCON’s proposal, knowing all the information, and issue a different ranking.

Pursuant to Section J of the solicitation document for this RFP, during the Initial Evaluation Meeting on January 31, 2022, the Chair asked each of the EC Members if there were any additional requirements they would like to see as a part of the presentations. During that portion of the meeting, EC Member Alejandro Cuevas requested, “I would like the presentation to be presented by the Project Manager if that’s possible.” The Chair responded “Of course.”

During the Purchasing Department's audio-visual testing session held on February 9, a Purchasing staff member stated verbally that the Project Manager must present the entire presentation. On February 11, a subsequent email (See Exhibit 1) from the Purchasing department was sent to confirm the verbal statements made during the testing session. The email sent to all the shortlisted teams stated: “The Evaluation Committee is asking that the Project Manager for each firm presents the entire presentation.” The EC members were not copied on this email. The email

All statements made in support of this letter are accurate, true and correct.



EAC Consulting, Inc.

cc: Fernando Amuchastegui, Esq. (via email: fa@broward.org)
Lashonne Williams-Canty (via email: lwilliamscanty@broward.org)
Salustio Jaramillo (via email: sajaramillo@broward.org)
EAC Consulting, Inc.
George Platt, Esq.

interpreted a specific mandate of the EC that the entire presentation be conducted by the Project Manager and left no room for judgment. Thus, this explicit instruction was a material requirement for each of the presenting firms.

The majority of teams adhered to the requirement that the Project Manager present the entire presentation. However, AVCON chose not to. According to the time calculated by purchasing staff, more than 20 percent of AVCON's presentation was given by someone other than the Project Manager. EAC planned to have its principal and subject matter experts, who have significant experience and expertise in the industry, as presenters but modified their presentation to comply with the clear and unequivocal requirement requested by the EC and mandated by the Purchasing department. We reiterate that at the time of the Final Evaluation Meeting and during the scoring of the proposals, the EC Members were unaware of the verbal instructions given during the AV testing and the subsequent email sent by Purchasing which clearly stated the requirement that only the Project Manager make the presentation.

EAC complied with the instructions of the EC and its principal, Rick Crooks, who has a long history at FLL and in the industry did not participate in the presentation. If EAC's principal had the opportunity to present as much as twenty percent of their proposal or more, it would have very likely changed the outcome. It would be highly unfair if AVCON's blatant disregard of the solicitation's requirements have no effect on the outcome of the scoring or rankings. Among its stated goals, Section 21.2 of the Broward Purchasing Code codifies that the purpose of the code is to provide consistency, equitable treatment of participating vendors, safeguards to ensure and maintain the quality and integrity of County's procurement system, and uniformity in application. Ignoring the unfair advantage that was afforded to AVCON by its flaunting of the rules would undermine all these principles and set a dangerous precedent for future solicitations.

AVCON made a conscious choice to ignore the mandatory instructions and gained an unfair advantage over firms that complied. To protect the integrity and fairness of Broward County's procurement process, the EC must be reconvened and the scoring must reflect the information not known by the EC at the time of the original scoring. AVCON's blatant disregard of the presentation requirements should not be rewarded with a multi-year, multi-million dollar contract.

EAC participated fairly throughout every step of the procurement process but is at a disadvantage to AVCON for doing so. EAC deserves to be ranked in the top three based on the merits of their proposal. EAC has a long history of providing exceptional services to BCAD, is highly qualified to perform the services in this solicitation, and looks forward to continue working with BCAD. Thank you for your time and consideration.

Sincerely,



Joshua Freeman
LSN Partners, LLC.

From: Williams-Canty, Lashonne <LWILLIAMSCANTY@broward.org>
Sent: Friday, February 11, 2022 5:30 PM
To: Williams-Canty, Lashonne <LWILLIAMSCANTY@broward.org>
Cc: Gasser Douge <gdouge@broward.org>; Davis, Kathleen <KDAVIS@broward.org>; Calhoun, Christine <CCALHOUN@broward.org>
Subject: RE: Meeting Links and Additional Information for: Final Evaluation Committee Meeting for PNC2122842P1, Professional Consultant Services for Airport Utilities and Pavement Projects DBE

Good Afternoon,

For clarification purpose regarding each firm's Project Manager presenting per the email below and anticipation of the upcoming Final Evaluation Committee Meeting. The Evaluation Committee is asking that the Project Manager for each firm presents the entire presentation.

If you have any questions, please contact me.

Regards,



Lashonne Williams-Canty

Purchasing Agent

Broward County Purchasing Division

115 S. Andrews Avenue, Fort Lauderdale, FL 33312

Office: (954) 357-6285 Cell: (954) 673-9254

www.broward.org/purchasing

Customer Care is my priority. How am I doing?

Please contact my Manager, Christine Calhoun, at CCALHOUN@broward.org with feedback.

From: Williams-Canty, Lashonne
Sent: Tuesday, February 1, 2022 4:00 PM
To: Williams-Canty, Lashonne <LWILLIAMSCANTY@broward.org>
Cc: Douge, Gasser <GDouge@broward.org>; Davis, Kathleen <KDAVIS@broward.org>
Subject: Meeting Links and Additional Information for: Final Evaluation Committee Meeting for PNC2122842P1, Professional Consultant Services for Airport Utilities and Pavement Projects DBE
Importance: High

Good Afternoon,

The Final Evaluation Committee (EC) meeting for the above referenced solicitation will be held on **Wednesday, February 23, 2022 at 10:00 a.m.**

Please see below additional guidelines and instructions regarding the meeting(s):

1. The meeting link/phone information provided below is for the **open session**. Any interested parties can attend the open session meeting.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 754-900-8519,4648953#](tel:+175490085194648953) United States, Fort Lauderdale

Phone Conference ID: 464 895 3#

[Find a local number](#) | [Reset PIN](#)

Please "Mute" to limit background noise.

[Learn More](#) | [Meeting options](#) | [Legal](#)

2. The meeting link/phone information provided below is for **the closed presentation sessions**. E-mail updates will be sent throughout the meeting on current status (i.e., first presenter started 20 minute presentation, first presenter started unlimited Q & A, second presenter is requested to join). **Do not join/try to join the closed session until an email is sent from the Purchasing Division that requests your firm to join the closed session of the meeting.** If access to the closed session is denied, "Sorry, but you were denied access to the meeting." will be displayed. Please rejoin when requested. In order to transition quickly between the open and closed session, the first presenter should have majority of its team join the closed

session meeting link prior to the conclusion of the first open session of the meeting. Please ensure team members are joining the appropriate session (open vs. closed).

CLOSED MEETING INFORMATION:

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 754-900-8519,,267827237#](#) United States, Fort Lauderdale

Phone Conference ID: 267 827 237#

[Find a local number](#) | [Reset PIN](#)

Please "Mute" to limit background noise.

[Learn More](#) | [Meeting options](#) | [Legal](#)

3. Virtual rules apply! Mute when not speaking (and don't forget to unmute if you are going to speak), ensure that there is not feedback (computer microphone and phone cannot be connected at the same time without one being muted), etc.
4. **Presentation Files** – please submit your firm's full presentation and any supplemental "electronic" handouts in PDF form to the Purchasing Agent, Lashonne Williams-Canty (lwilliamscanty@broward.org) by 5:00 p.m. Monday, February 21, 2022. The document(s) will be distributed to the Evaluation Committee and applicable staff just prior to the meeting. Files will be subsequently posted to the Purchasing Division repository (after EC meeting – not prior). All electronic documents should be in Adobe pdf format. If there are issues for sharing presentation, we will default to EC using presentation files distributed.
5. **List of attendees** – Please provide a list of attendees from your firm (with e-mail address & phone numbers included) that you would like to receive the E-mail updates and communications.

6. During the Initial Evaluation Meeting held on January 31, 2022, the Evaluation Committee requested firm Project Managers present and the following topics to be covered in your 15 minute presentations:

1. Identify one stakeholder concern for this project your firm believes is the most important. Briefly discuss the details, and how does your team plan to handle the concern, and why did you chose this concern.
2. Provide details of firm's past performance of similar projects.
3. Explain the Project Manager's plans for change orders and prevention plan.
4. Provide specific details regarding firm's experience in similar projects at US airports.
5. Provide details of firm's ability regarding quality control.
6. Prime firm, provide details of previous experience working with your firm's proposed subconsultants on engineering design projects.
7. Explain in detail firm's plan to meet budget and schedule.
8. State if firm has a public involvement plan and what's the firm approach if applicable.
9. Explain firm's ability and capacity to meet post COVID/post pandemic changes that may arise during construction delivery of project.

Cone of Silence

In accordance with Section 1-266 of Broward County Ordinance No. 2001-15, a Cone of Silence is in effect for this RFP. Each firm conducting business with the County is required to comply with this Ordinance. A copy of the ordinance can be found at: <http://www.broward.org/Purchasing/Documents/ConeOfSilence.pdf>.

If you have any questions, please contact me.

Regards,



Lashonne Williams-Canty

Purchasing Agent

Broward County Purchasing Division

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Please contact my Manager, Christine Calhoun, at CCALHOUN@broward.org with feedback.