



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

February 3, 2025

Joseph M. Goldstein, Partner
Janiel A. Morgan, Associate
Shutts & Bowen LLP
201 East Las Olas Blvd, Suite 2200
Fort Lauderdale, FL 33301

Re: Objection to Proposed Ranking – Request for Proposals (RFP) PNC2128678P1,
Engineering Services for District 3A System Fire Flow Improvements

Dear Mr. Goldstein and Ms. Morgan:

The Broward County Purchasing Division ("Purchasing") is in receipt of your firm's timely objection letter dated and received on November 18, 2024, on behalf of your client, Thompson & Associates, Inc., Civil Engineering ("T&A"), in objection to the proposed recommendation of ranking posted on the Purchasing Division website from November 13 - 18, 2024. Chen Moore and Associates, Inc. received the highest scores by the Evaluation Committee and is the first-ranked firm for this procurement.

After performing due diligence in reviewing all assertions, the solicitation requirements, and the processes the County followed in this procurement, the objection is respectfully denied, based on the following responses to each assertion:

Assertion No. 1 Failure to Notify Evaluation Committee of Project Approach Amendments:

Chen Moore and Associates, Inc. (CMA) failed to notify the members of the Evaluation Committee (EC) of major changes to their project approach, specifically, pipeline installation methods, as proposed in their original submittal of September 16, 2024, and their oral presentation to the EC on November 5, 2024.

County's Response to Assertion No. 1

In accordance with the solicitation, Vendors determined to be both responsive and responsible to the solicitation requirements and/or shortlisted had an opportunity to make an oral presentation to the EC on the Vendor's project approach and ability to perform.

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At any EC meeting, the EC Members may ask questions, request clarifications, or require additional information of any Vendor's submittal or proposal. Vendor's answers may impact evaluation (and scoring, if applicable).

Additionally, CMA's Project Manager also informed the EC of the significance of completing the benthic survey within the June 1 to September 30 window, as recommended by the regulatory agency for permits, leading to a potential time savings. During CMA's presentation, they made the EC aware there are multiple methods for the pipeline routing and installation at the various crossings and depending on the method(s) chosen, approval from the applicable regulatory agency would be required. Depending on the pipeline routing and installation method chosen and approved, there may be a cost reduction to the construction project estimate.

The Broward County Procurement Code, Section 21.42.h specifies *an objection must be based on information that was not presented or submitted to the Evaluation Committee when it made the ranking*. At the time of ranking, the EC was in possession of the CMA proposal together with their presentation and all questions and answers provided throughout the session.

Accordingly, this assertion is not a proper objection and is therefore denied.

Assertion No. 2 CMA presented the Evaluation Committee with False Information:

- a) **Team Lead Darren Badore's Position and Experience**
- b) **Project Experience and Cost Savings**
- c) **Representations about T & A**

County's Response to Assertion No. 2.a:

At the time of ranking, the EC was in possession of the advertised solicitation, including all requirements, vendor proposals, and staff analysis of vendor proposals, including vendor reference verifications. At the time of ranking, the EC was also in possession of the vendor's presentations. CMA's proposal included its proposed team with individual bios, licenses, educational degrees, and relevant experience on similar projects. CMA's proposal also included a bio for Mr. Badore indicating he held an associate degree in mechanical engineering and listed relevant experience on similar projects. CMA's proposal and presentation identified Darren Badore as Construction Manager.

The Broward County Procurement Code 21.42.h specifies *an objection must be based on information that was not presented or submitted to the Evaluation Committee when it made the ranking*. At the time of ranking, the EC was in possession of the vendor's proposal and presentation materials and listened to the vendor's oral presentation and participated in questions and answers.

Accordingly, this assertion is not a proper objection and is therefore denied.

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County's Response to Assertion No. 2.b:

The EC is charged with the responsibility of identifying what is necessary to award full points to each Evaluation Criteria, considering key factors of the project, determining how well each proposal supports the scope of work, and deciding the necessary and desired outcomes. As previously stated, at the time of ranking, the EC was in possession of the advertised solicitation, vendor proposals, and staff analysis of vendor proposals. The EC was also in possession of the vendor's presentation at the time of ranking. The EC listened to the vendor's oral presentation and participated in a question-and-answer session. At any committee meeting, the EC and the Project Manager may ask questions, request clarification, or require additional information of any Vendor's submittal or presentation. During the question-and-answer session, the EC posed questions to CMA and the Project Manager clarified CMA's claim about obtaining dewatering permits.

The Broward County Procurement Code 21.42.h specifies an *objection must be based on information that was not presented or submitted to the Evaluation Committee when it made the ranking*.

Accordingly, this assertion is not a proper objection and is therefore denied.

County's Response to Assertion No. 2.c:

At the time of the ranking, the EC was in possession of the advertised solicitation, including all requirements, vendor proposals, and staff analysis of vendor proposals, including vendor reference verifications, and Purchasing Division responsiveness recommendations.

On October 11, 2024, all proposing firms were provided an advance draft of the Director of Purchasing Memorandum and related attachments and supporting documentation (packet). During a 48-hour timeframe, all proposing firms had the opportunity to clarify any information that was included in the draft memo packet.

On October 15, 2024, during the 48-hour review period of the draft Director of Purchasing Memorandum packet, CMA responded challenging the reported payment amounts and associated points – allocated to both firms – for the Volume of Previous Work (paid) Evaluation and Tiebreaker Criterion.

T & A did not provide a response to the draft Director of Purchasing Memorandum packet.

In response to CMA's correspondence of October 15, 2024, a review of the reported payments (Prime and County Business Enterprise (CBE)) revealed a variance. On October 17, 2024, the Office of Economic and Small Business Development provided a revised Memorandum updating the amounts paid by CMA to CBE firms.

On October 24, 2024, the EC was provided with the final Director of Purchasing Memorandum packet, dated October 22, 2024, which included CMA's correspondence

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dated October 15, 2024, and the revised OESBD review Memorandum dated October 17, 2024. It is customary that correspondence received during the 48-hour review period of the draft Director of Purchasing Memorandum packet is included in the final Director of Purchasing Memorandum packet.

Also on October 24, 2024, the final Director of Purchasing Memorandum packet was posted to the Broward County Purchasing Division RLI/RFP Repository website. As customary, the publicly posted packet included CMA's correspondence dated October 15, 2024.

During the November 5, 2024, EC meeting, the EC was in possession of the advertised solicitation, including all requirements, vendor proposals, and staff analysis of vendor proposals, and Purchasing Division responsiveness recommendations. During the November 5, 2024, EC meeting, the EC was informed that a further review of the amounts paid by CMA to CBEs resulted in a revised OESBD Review Memorandum dated November 5, 2024, which necessitated an update to the final Director of Purchasing Memorandum packet dated October 22, 2024. During the November 5, 2024, EC meeting, the EC was provided a copy of the updated final Director of Purchasing Memorandum packet dated November 5, 2024. The update included the revised OESBD Memo and revision to the Responsiveness and Responsibility Matrix, Volume of Previous Work section. Specifically, the amount paid to CBE firms and the allocated scores. The Broward County Procurement Code 21.42.h specifies an *objection must be based on information that was not presented or submitted to the Evaluation Committee when it made the ranking*.

Accordingly, this assertion is not a proper objection and is therefore denied.

CMA's pipeline routing and installation method does not violate the requirements of the solicitation. CMA's project approach was reviewed and evaluated by each EC member. None of the EC members raised an issue with CMA's project approach. The evaluation process was conducted in accordance with the established evaluation criteria. CMA was determined to meet the necessary qualifications and provided a proposal and presentation that aligned with the project's requirements.

In accordance with Section 21.42 (g) of the Procurement Code, *"If, after the posting of a ranking, the Purchasing Division discovers new information that the Director of Purchasing determines would have been material to the Evaluation Committee's ranking, the Director of Purchasing shall promptly notify in writing each vendor that submitted a response to the solicitation and shall reconvene the Evaluation Committee to consider the information"*.

Upon review of the procurement record, correspondence received by parties to the objection, and the proceedings of the Evaluation Committee, we find that the issues raised in the objection are not of sufficient merit to recall or otherwise alter the

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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.


Because there is no new information that would have a material impact on the Evaluation Committee's ranking, your objection to the proposed recommendation of ranking is denied.

In conclusion, upon careful consideration of the objection assertions expressed regarding the recommendation for ranking, and evaluation of the responses received, and in consultation with the Office of the County Attorney, the objection filed by Thompson & Associates, Inc., Civil Engineering is hereby denied. The Recommendation of Ranking shall remain as originally indicated.

Hopefully the above clarifications help to address each of the issues you have raised. The County also recognizes the time and effort involved in submitting a proposal and fully appreciates Thompson & Associates, Inc., Civil Engineering's participation in this procurement.

Respectfully,

Robert
Gleason

 Digitally signed by Robert
Gleason
Date: 2025.02.03
16:47:37 -05'00'

Robert E. Gleason, Director
Purchasing Division

REG/cs/sl

Attachment:
Exhibit 1 - Letter of objection dated November 18, 2024

c: Alan Garcia, Director, Water and Wastewater Services Division
Sabrina Baglieri, Water and Wastewater Services (Project Manager)
Constance Mangan, Assistant Director, Purchasing Division
Christine Shorey, Senior Purchasing Manager, Purchasing Division
Nancy Olesen, Purchasing Assistant Manager, Purchasing Division
Fernando Amuchastegui, Senior Assistant County Attorney, Office of County Attorney
Sara Cohen, Assistant County Attorney, Office of County Attorney