

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

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,

A handwritten signature in black ink that reads "Joshua Freeman". The signature is written in a cursive, flowing style.

Joshua Freeman
LSN Partners, LLC.

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.

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# 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.

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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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