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November 28, 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 PNC2124755P1, 2023 Port Everglades Master/Vision Plan Update ("RFP")
Objection Letter.**

Dear Mr. Gleason:

We are writing on behalf of Jacobs Engineering Group, Inc. ("Jacobs"), pursuant to Broward County's Code Section 21.42(h)(1), formally submits this Objection to the Proposed Recommendation for Ranking to the above referenced RFP. Jacobs was one of the proposers for this RFP. The proposed recommended rankings must be rejected and a new Evaluation Committee ("EC") with no fewer than three voting members must be convened.

Broward County Code Section 21.42(c) requires that ECs for all RFPs be in accordance with Section 21.45. Specifically, Code Section 21.45(a)(1) states, "The Evaluation Committee shall have no fewer than three (3) voting members." According to the official Broward County Purchasing website (located at <https://www.broward.org/Purchasing/Pages/CommitteeAppointment.aspx>), for this RFP, the County Administrator appointed one non-voting chairperson and three members. As indicated by official Purchasing website, the chairperson appointed was Christine Calhoun and the other three members were Derrick Chan, Jorge A. Hernández, and Josie Sesodia.

The County Code does not explicitly define the term "voting member." However, common sense and all practical applications would lead to the conclusion that a "voting member" is a member of the EC that votes. As of the posting of the proposed recommended rankings, the Purchasing Division had not posted the Final EC Summary Meeting Minutes to the RLI/RFP Repository. This is a deviation from established past practice within Broward County, nonetheless, it is evident from the video of the Final EC Meeting and the lack of a score sheet from Derrick Chan that he was not present at the Final EC Meeting and did not score the proposals. As indicated on the Score Summary Sheet, the total scores and ranking were based on

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the tally of only two voting members of the EC, Jorge A. Hernández and Josie Sesodia. Additionally, during the Final EC Meeting, there was no discussion or mention of the fact to the two EC members present that it is a violation of Code to have fewer than three voting members of an EC.

The County's procedure requires that the EC include at least three voting members. This is a mandatory provision of the Code. The rationale behind this requirement is to promote integrity of the process, to include evaluations from experts in a variety of subject matters, and to avoid any single voting member from having an outsized effect on the outcome. Procedurally, the RFP solicitation document requires that the County follow the rules established by the Code. Further, Florida law mandates that the County follow its own laws, rules and regulations and particularly the requirements of the RFP. *See Moore v. State Dep't of Health and Rehabilitative Services*, 596 So. 2d 759 (Fla. 1st DCA 1992).

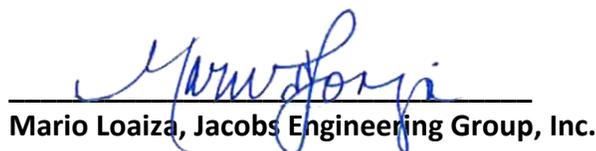
In conclusion, we respectfully submit that the County is obligated to follow its own procedures which require a new EC with at least three voting members, as specifically mandated by the County Code. To do otherwise would allow the selection for the long-term vision and planning of one of Broward County's most valuable regional assets to be tainted by a flawed process.

Sincerely,



Joshua Freeman
LSN Partners, LLC.

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



Mario Loaiza, Jacobs Engineering Group, Inc.

cc: Fernando Amuchastegui, Esq. (via email: fa@broward.org)
Michelle Lemire (via email: mlemire@broward.org)
Jacobs Engineering Group, Inc.