Broward County

Legislation Details (With Text)

File #:	20-1726 **Version:** 1		
		Status:	Agenda Ready
		In control:	PUBLIC WORKS DEPARTMENT
On agenda:	10/20/2020	**Final action:**	10/20/2020
Title:	MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. PNC2119546P1, Managing General Contractor, for the Broward County Office of Medical Examiner and Trauma Services (OMETS) and Broward Sheriff's Office (BSO) Crime Laboratory Combined Facility. The ranked firms are 1 - DPR Construction, Inc.; 2 - The Robins & Morton Group; 3 - The Weitz Company, LLC; 4 - The Whiting-Turner Contracting Co.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit 1 - Score Sheets and Summary, 2. Exhibit 2 - Evaluation Criteria, 3. Exhibit 3 - Objection Letter (from LSN on behalf of RMG) dated May 26, 2020, 4. Exhibit 4 - Objection Response Letter (from MMSS on behalf of DPR) dated June 16, 2020, 5. Exhibit 5 - Additional Information (from RMG) dated July 29, 2020, 6. Exhibit 6 - County Attorney's Office Supplemental Litigation Memorandum dated August 4, 2020, 7. Exhibit 7 - Director of Purchasing Response to Objection Letter dated August 28, 2020 (letter only), 8. Exhibit 8 - Cone of Silence Communication (from LSN on behalf of RMG) dated September 9, 2020, 9. Exhibit 9 - Director of Purchasing Reconvene Evaluation Committee Memorandum (memorandum only)		

Date	Ver.	Action By	Action	Result

Broward County Commission Regular Meeting
Director's Name: George Tablack
Department: Finance and Administrative Services **Division:** Purchasing

Information

Requested Action
MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. PNC2119546P1, Managing General Contractor, for the Broward County Office of Medical Examiner and Trauma Services (OMETS) and Broward Sheriff's Office (BSO) Crime Laboratory Combined Facility. The ranked firms are 1 - DPR Construction, Inc.; 2 - The Robins & Morton Group; 3 - The Weitz Company, LLC; 4 - The Whiting-Turner Contracting Co.

Why Action is Necessary
In accordance with Procurement Code, Section 21.84.h, Selection Committee and Selection/Evaluation Committee Composition, approval of final ranking of qualified firms requires Board approval when an objection or protest has been filed.

What Action Accomplishes
Approves the Evaluation Committee's recommendation of the final ranking of qualified firms.

Is this Action Goal Related

No

Previous Action Taken
None.

Summary Explanation/Background
THE PURCHASING DIVISION AND THE PUBLIC WORKS DEPARTMENT / CONSTRUCTION MANAGEMENT DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

The procurement was solicited for a qualified Managing General Contractor (MGC) to provide preconstruction and construction services for a new, state-of-the-art Broward County Office of Medical Examiner and Trauma Services (OMETS) and Broward Sheriff's Office (BSO) Crime Laboratory Combined Facility.

On November 5, 2019 (Item No. 75), the Board approved Request for Proposals (RFP) No. PNC2119546P1, Managing General Contractor, for OMETS and BSO Crime Laboratory Combined Facility. The RFP was advertised and at the time of the opening deadline on January 10, 2020, four firms submitted proposals.

On April 13, 2020, an Initial Evaluation Committee meeting was held. The Evaluation Committee determined that all four firms were both responsive and responsible to the RFP requirements and voted in favor of them advancing to be numerically scored and ranked by the Evaluation Committee.

On May 1, 2020, a Final Evaluation Committee meeting was held for the solicitation. The Evaluation Committee heard four vendor presentations, scored each vendor, and recommended DPR Construction, Inc. (DPR) as the first-ranked firm (Exhibits 1 and 2).

The Evaluation Committee's proposed recommendation of ranking was posted on the Purchasing Division website from May 21 - 26, 2020, which provided an opportunity for any proposer or interested party to present any new or additional information regarding the responsibility of the proposers.

On May 26, 2020, the Director of Purchasing received an objection letter from LSN Government Affairs (LSN) submitted on behalf of The Robins & Morton Group (RMG), the recommended second-ranked firm. RMG's objection made various assertions regarding DPR's qualifications and litigation history (Exhibit 3).

On June 16, 2020, the Director of Purchasing received a response to RMG's objection letter from Moskowitz, Mandell, Salim & Simowitz, P.A. (MMSS) submitted on behalf of DPR. In the letter, DPR denied the assertions regarding its qualifications and litigation history. In addition, DPR claimed RMG failed to disclose several "material" cases (Exhibit 4).

On July 24, 2020, the Purchasing Division requested additional documentation from RMG regarding additional lawsuits identified by DPR. On July 29, 2020, RMG provided supplemental documentation in response to the Purchasing Division's request for additional information dated July 24, 2020 (Exhibit 5).

On August 4, 2020, the County Attorney's Office issued a supplemental Litigation Review Memorandum (Exhibit 6).

On August 28, 2020, the Director of Purchasing issued a response to RMG's objection stating that upon review of the solicitation response, supporting documentation, procurement record, correspondence regarding the objection, and the proceedings of the Evaluation Committee, the undisclosed "material" cases involving DPR and RMG represent new significant information that should be taken into consideration by the Evaluation Committee. The remaining assertions made by RMG were not determined to be new or significant information according to Section 21.84.f of the Broward County Procurement Code (Exhibit 7).

On September 8, 2020, a Cone of Silence communication was submitted by LSN and it was transmitted to the Evaluation Committee (Exhibit 8).

On September 9, 2020, the Evaluation Committee was reconvened (Exhibit 9). The Evaluation Committee reaffirmed and ratified its previous ranking order from May 1, 2020.

The Evaluation Committee's final recommendation of ranking was posted on the Purchasing Division website from September 10 - 16, 2020, which provided an opportunity for any aggrieved proposer to file a formal protest. No formal protest was received.

In accordance with Procurement Code, Section 21.84.h, after the Final Recommendation of Ranking is posted, if a protest or objection has been filed, the Director of Purchasing shall present to the Board the ranking/evaluation for approval. The Board, by majority vote, has the option to either (1) approve the Committee's ranking/evaluation recommendation; (2) reject all submittals; or (3) send the ranking/evaluation back to the Committee to consider new significant information and either ratify the ranking/evaluation or reorder the list. The Board, by super majority vote, has the option to re-rank/re-evaluate the shortlisted firms following presentations to the Board.

Additional supporting documentation provided to the Evaluation Committee regarding this procurement can be found on Broward County's Purchasing Division website at <http://www.broward.org/Purchasing/Pages/Repository.aspx>.

Source of Additional Information
Brenda J. Billingsley, Director, Purchasing Division, (954) 357-6070

Fiscal Impact

Fiscal Impact/Cost Summary
There is no fiscal impact.