



Broward County

Legislation Text

File #: 20-1491, Version: 1

Broward County Commission Regular Meeting

Director's Name: George Tablack

Department: Finance and Administrative Services **Division:** Purchasing

Information

Requested Action

A. MOTION TO APPROVE Agreement between Broward County and Calvin, Giordano & Associates, Inc., for Request for Proposals (RFP) No. PNC2119168P1, Continuing Engineering Services for Traffic, Roadway, and Civil Projects, in the annual amount of \$3,000,000, for an initial three-year contract term not-to-exceed \$9,000,000, and authorize the Director of Purchasing to renew the agreement for two one-year terms for a total five-year contract term not-to-exceed \$15,000,000 and authorize the Mayor and Clerk to execute same. The initial term of this agreement will be effective upon date of execution and will terminate three years from that date.

(Per the Tuesday Morning Memorandum, the signature pages from the Office of the County Attorney have been executed and included as part of the original Agreement.)

ACTION: (T-10:25 AM) Approved.

VOTE: 8-0. Commissioner Rich voted in the affirmative telephonically. Commissioner Sharief was not present.

ACTION: (T-10:30 AM) Commissioner Sharief requested being shown voting in the affirmative.

VOTE: 9-0.

B. MOTION TO APPROVE Agreement between Broward County and Metric Engineering, Inc., for Request for Proposals (RFP) No. PNC2119168P1, Continuing Engineering Services for Traffic, Roadway, and Civil Projects, in the annual amount of \$3,000,000, for an initial three-year contract term not-to-exceed \$9,000,000, and authorize the Director of Purchasing to renew the agreement for two one-year terms for a total five-year contract term not-to-exceed \$15,000,000, and authorize the Mayor and Clerk to execute same. The initial term of this agreement will be effective upon date of execution and will terminate three years from that date.

(Per the Tuesday Morning Memorandum, the signature pages from the Office of the County Attorney have been executed and included as part of the original Agreement.)

ACTION: (T-10:25 AM) Approved.

VOTE: 8-0. Commissioner Rich voted in the affirmative telephonically. Commissioner Sharief was not present.

ACTION: (T-10:30 AM) Commissioner Sharief requested being shown voting in the affirmative.

VOTE: 9-0.

Why Action is Necessary

Motions A and B: In accordance with the Broward County Procurement Code, Section 21.31.a.4, Award Authority, Board approval is required for awards exceeding \$500,000.

What Action Accomplishes

Motions A and B: Provides professional engineering and related services for traffic, roadway, and civil projects with construction costs estimated at \$2,000,000 or less.

Is this Action Goal Related

Yes

Previous Action Taken

None.

Summary Explanation/Background

THE PURCHASING DIVISION AND THE PUBLIC WORKS DEPARTMENT/HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTIONS.

This item supports the Board's Values of "Cooperatively delivering an efficient and accessible regional intermodal transportation network" and "Ensuring economic opportunities for Broward's diverse population and businesses."

The Office of Economic and Small Business Development (OESBD) established a County Business Enterprise (CBE) participation goal of 25% for these agreements. Calvin, Giordano & Associates, Inc. has committed to 26% CBE participation and Metric Engineering, Inc. has committed to 25% CBE participation, which have been reviewed and approved by the OESBD (Exhibit 5).

The purpose of the agreements is to provide professional engineering and related services for traffic, roadway, and civil projects with construction costs estimated at \$2,000,000 or less for the Broward County Highway Construction and Engineering Division (Exhibits 3 and 4).

On June 4, 2019 (Item No. 35), the Board voted to waive the Broward County Procurement Code, Section 21.85.f.3, requirement limiting the total annual cumulative fees for Consultants' Competitive Negotiation Act (CCNA) continuing contracts to not exceed \$1,000,000 for construction-related projects, \$500,000 for a study activity, and \$500,000 for "work of a specified nature" for any agreements (current or future) used for Surtax Supported Mobility Advancement Program projects.

On June 11, 2019 (Item No. 74), the Board authorized the County Administrator to approve RFP No. PNC2119168P1, Continuing Engineering Services for Traffic, Roadway, and Civil Projects, for advertisement during the 2019 Summer Recess. Eight firms submitted proposals to the RFP.

On November 14, 2019, an Initial Evaluation Committee (EC) meeting was held. The EC determined that six of the eight firms were both responsive and responsible to the RFP requirements and would move to the Final Evaluation to be numerically scored and ranked by the EC.

In accordance with the advertised RFP, Broward County Highway Construction and Engineering Division sought two firms to provide continuing engineering services for traffic, roadway, and civil projects.

On January 9, 2020, the Final Evaluation Committee (EC) meeting was held. After presentations, evaluation and ranking, the EC made a motion to consider two firms for award.

The EC selected the following two firms based on the rankings: Calvin, Giordano & Associates, Inc. (CGA) as the first-ranked firm and Metric Engineering, Inc. (Metric) as the second-ranked firm.

The EC's proposed recommendation of ranking was posted on the Purchasing Division's website from January 23 to January 27, 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 January 24, 2020, a Commissioner pulled the ranking to be presented to the Board.

On January 27, 2020, the Director of Purchasing received an objection letter from LSN Government Affairs on behalf of BCC Engineering, LLC. The objection letter stated the first-ranked firm, CGA, claimed a local headquarters in Broward County; however, CGA was acquired by a national firm, SAFEbuilt Inc., in 2018, which is headquartered in Loveland, Colorado. On April 21, 2020, the Director of Purchasing issued a response to LSN Government Affairs stating that upon review of the solicitation response, supporting documentation, procurement record, correspondence received by parties to the objection, and the proceedings of the EC, no significant new information was found to consider withdrawing location points to CGA or to reconvene the EC. The award of the location points to CGA was conducted appropriately and within the established guidelines, practices and procedures set forth in the Broward County Procurement Code, the County's local bidder preference ordinance, and existing written guidelines of the Purchasing Division.

The EC's final recommendation of ranking was posted on the Purchasing Division's website from April 23, 2020 to April 29, 2020, which provided an opportunity for any aggrieved proposer to file a formal protest. There was no protest filed within this timeframe.

On May 19, 2020 (Item No. 54), the Board voted to reconvene the EC in accordance with Section 21.84.h of the Procurement Code to consider new significant information as to whether CGA met the "nerve center" test in accordance with the U.S. Supreme Court Opinion in *Hertz v. Friend*, 559 U.S. 77 (2010) (Hertz).

On June 2, 2020, a reconvened Final EC meeting was held. Information was reviewed with the EC and the EC voted, unanimously, to ratify the final ranking list from the Final Evaluation Meeting held on January 9, 2020.

The first negotiation meeting for CGA was held on July 15, 2020; and the first negotiation meeting for Metric was held on July 16, 2020. The second and third negotiation meetings were held on July 27, 2020 and August 6, 2020, respectively, at different times with each firm. The meetings were attended by representatives from each firm, the County Attorney's Office, the Purchasing Division and the Highway Construction and Engineering Division.

Additional supporting documentation provided to the EC 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

The estimated amount for each agreement is \$3,000,000 per year, for a total potential not-to-exceed amount of \$15,000,000 for each agreement, for five years. Each individual work authorization will be funded by the appropriate source at the time of release, including budgeted Transportation Surtax funds.

Requisition No. HCN0000382