



Broward County

Legislation Text

File #: 23-1030, Version: 1

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 qualified firms for Request for Proposals (RFP) No. PNC2124755P1, 2023 Port Everglades Master/Vision Plan Update, for the Port Everglades Department. The ranked firms are: 1) AECOM Technical Services, Inc.; 2) Hatch Associates Consultants, 3) GHD Consulting Inc., dba GHD Inc.; 4) Jacobs Engineering Group Inc.; and 5) BEA Architects, Inc. **(Deferred from June 6, 2023 - Item No. 53)**

Why Action is Necessary

In accordance with Broward County Procurement Code Section 21.42.(j), Procedures for RFPs, RLIs, and RFQs, if an objection or protest has been filed with respect to an Evaluation Committee's ranking, the ranking must be submitted to the Board for final approval. The Board, by majority vote, may (1) accept the ranking as final; (2) reject all responses to the solicitation; or (3) direct the Evaluation Committee to reconvene to consider any new or additional information the Board directs the Evaluation Committee to consider. In addition, the Board may request presentations by the ranked vendors and may, by supermajority vote, re-rank those vendors in a final ranking.

What Action Accomplishes

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

Is this Action Goal Related

Yes

Previous Action Taken

None.

Summary Explanation/Background

THE PURCHASING DIVISION AND THE PORT EVERGLADES DEPARTMENT RECOMMEND APPROVAL OF THE ABOVE MOTION.

This item supports the Board's Value of "Building partnerships and working collaboratively with others to meet shared objectives," and Goal of "Cooperatively delivering an efficient and accessible regional intermodal transportation network."

On December 4, 2007 (Item No. 44), the Board approved the original 2006 Port Everglades Master/Vision Plan ("Plan"). As part of that approval, the Board directed the Port Everglades Department to update its Master/Vision Plan every two to three years.

On March 1, 2011 (Item No. 4), the Board approved the first update to the Plan.

On June 24, 2014 (Item No. 59), the Board approved the second update to the Plan.

On March 20, 2018 (Item No. 30), the Board approved an agreement with Bermello, Ajamil & Partners, Inc ("B&A") for 2018 Port Everglades Master/Vision Plan Update, RFP No. R2113514P1. The third update to the Plan is the current 2018 Master/Vision Plan ("2018 Plan"), which was developed by a project team led by consultants, B&A.

On June 16, 2020 (Item No. 70), the Board adopted the 2018 Plan.

On August 2, 2022, the County Administrator approved Request for Proposals (RFP) No. PNC2124755P1, Port Everglades 2023 Master/Vision Plan Update. The procurement was solicited to engage the services of a qualified firm to review the 2018 Plan; analyze related economic activity, as well as financial and market forecasts and conditions; and other relevant Broward County Port Everglades planning documents to provide an updated version. The RFP was advertised and, at the time of submittal deadline on August 26, 2022, five firms submitted proposals.

On October 28, 2022, an Initial Evaluation Committee (EC) meeting was held. The EC evaluated the responses and determined that all five firms were responsive and responsible to the RFP requirements and qualified to proceed to presentations, evaluation, scoring and ranking in a final EC meeting.

On November 4, 2022, a Final EC meeting was held. After presentations, evaluation, scoring and ranking, the EC named AECOM Technical Services, Inc. (AECOM) as the first-ranked firm with a total score of 175 points; Hatch Associates Consultants, Inc. (Hatch) as the second-ranked firm with a total score of 174 points; GHD Consulting Inc. dba GHD Inc. (GHD) as the third-ranked firm with a total score of 165 points; Jacobs Engineering Group Inc. (Jacobs) as the fourth-ranked firm with a total score of 157 points, and BEA Architects, Inc. (BEA) as the fifth-ranked firm with a total score of 134 points (Exhibit 1).

The EC's proposed recommendation of ranking was posted on the Purchasing Division website from November 21 - 28, 2022, which provided an opportunity for any proposer or interested party to object to the recommendation of ranking and present any new or additional information regarding the responsiveness and responsibility of the proposers.

On November 23, 2022, the Director of Purchasing received an objection to the proposed recommendation of ranking from the firm, Becker & Poliakoff, on behalf of its client, the proposing firm, Hatch. The Hatch objection letter claimed the following: 1) State of Florida filings and AECOM's website prove AECOM is not a Locally Based Subsidiary, 2) AECOM did not submit a Local Business Tax Receipt, 3) AECOM's Fort Lauderdale office is not the primary business address of the majority of its employees for this project, 4) AECOM's own proposal reveals its Fort Lauderdale office is not its principal place of business, 5) AECOM materially misrepresented that it was a Locally Based Subsidiary to secure additional points in its evaluation, and 6) in AECOM'S December 1, 2022 correspondence, it submitted information indicating that it was not a Locally Based Subsidiary, but rather a Local Business. The objection letter also contends that this information was submitted well after proposals were submitted, scored, and proposers were ranked. The objection letter further

contends that this information contradicts, and materially altered the information provided in AECOM'S proposal (Exhibit 2).

On November 28, 2022, the Director of Purchasing received an objection to the proposed recommendation of ranking from the firm, LSN Partners, LLC, on behalf of its client, the proposing firm, Jacobs. The Jacobs objection letter claimed the following: the proposed recommended rankings must be rejected and a new Evaluation Committee ("EC") with no fewer than three voting members must be convened (Exhibit 3).

On November 30, 2022, as a matter of due diligence, based on Hatch's assertions, the Purchasing Division, in consultation with the County Attorney's Office and the Port Everglades Department, requested additional information in the form of a questionnaire to AECOM to substantiate its eligibility as a Locally Based Subsidiary and Local Business.

On December 1, 2022, AECOM responded to Purchasing's request for additional information. AECOM retracted the claim of Locally Based Subsidiary and reiterated its eligibility as a Local Business in accordance with the solicitation requirements and Section 1-74 of the Broward County Code of Ordinances (Exhibit 4).

On December 20, 2022, the Director of Purchasing issued a response to Jacobs' objection stating that, after reviewing the procurement record, statements by parties to the objection, and the proceedings of the EC, the issue raised in the objection was not of sufficient merit to rescind or otherwise alter (reject) the proposed recommendation of ranking that resulted from the scoring and ranking by the EC members. No new substantive information was presented to warrant the reconvening of the Evaluation Committee. The meeting, composition of the EC, and EC members' scoring and ranking of firms was conducted appropriately and within the established guidelines, practices, and procedures set forth in the Broward County Procurement Code, Ordinances, and existing written guidelines. As such, the objection was denied (Exhibit 5).

On January 5, 2023, as a matter of due diligence, the Purchasing Division, in consultation with the County Attorney's Office and the Port Everglades Department, sent additional questions to AECOM regarding the firm's restated claim of Local Business eligibility. More specifically, AECOM was asked to identify the percentages of five key component services to be performed from its Broward County location.

On January 10, 2023, AECOM responded to Purchasing's request for additional information. AECOM confirmed its eligibility as a Local Business and provided the following percentages of the requested components of services that AECOM will perform from its Broward location: 97% Developing/Planning; 65% Analysis/Assessment; 60% Public Outreach; 60% 3D Development/Coordination; and 50% Projections/Forecasts (Exhibit 6).

On February 1, 2023, the Director of Purchasing received a follow-up to the objection to the proposed ranking from Becker & Poliakoff on behalf of its client, Hatch. The Hatch follow-up objection claimed that since AECOM made a "material misrepresentation in its proposal" and "is not permitted to make a material change to its proposal at this time", AECOM should be found nonresponsive or responsible to the solicitation requirements (Exhibit 7).

On February 16, 2023, the Purchasing Division, in consultation with the County Attorney's Office and the Port Everglades Department, requested additional information from AECOM regarding the firm's Location Certification Form.

On February 24, 2023, AECOM responded to Purchasing's request for additional information. AECOM reconfirmed its eligibility as a Local Business and provided its responses to the questions posed by the Purchasing Division (Exhibit 8).

On February 28, 2023, the Director of Purchasing received a second follow-up to the objection to the proposed ranking from Becker & Poliakoff on behalf of its client, Hatch, regarding the communication between AECOM and the Purchasing Division during the course of due diligence concerning its objection (Exhibit 9).

On March 7, 2023, the Director of Purchasing issued a response to Hatch's objection assertions stating that, after a careful review of all listed items, responses detailing actions and processes followed, the proceedings of the EC, a review of the Broward County Procurement Code, correspondence received by parties to the objection, and with review and consultation with counsel, some of the issues raised in the objection submitted by Hatch were of sufficient merit to recall or otherwise alter the recommendation of the EC. Specifically, the allocation of evaluation criteria points to AECOM for Location in error presented sufficient merit to warrant reconvening of the EC. As such, Hatch's objection assertions 1) and 4) were upheld, while assertions 2), 3), 5) and 6) were denied. Accordingly, the Director of Purchasing noted that the EC would be reconvened to consider the new information, remove the points initially allocated to AECOM for Location, apply Local Preference, and determine final rankings (Exhibit 10).

On March 10, 2023, the EC was reconvened to consider new information, remove the points initially allocated to AECOM for Location, apply Local Preference, and determine final rankings.

After removing the previously allocated six points for Location from AECOM's total points, AECOM was the second-ranked firm with a total score of 169 points (from 175 points), and Hatch was the first-ranked firm with a total score of 174 points.

Pursuant to Section 1-75(b)(1) of the Broward County Code of Ordinances, "If, upon the completion of final rankings (technical and price combined, if applicable) by the evaluation committee, a nonlocal vendor is the highest-ranked vendor and one or more local businesses are within five percent (5%) of the total points obtained by the nonlocal vendor, the highest-ranked local business shall be deemed to be the highest-ranked vendor overall, and the County shall proceed to negotiations with that vendor."

After applying the Local Preference process, since AECOM, a local business with total points within five percent of the total points obtained by Hatch, a non-local business, AECOM was deemed the first-ranked firm, Hatch as the second-ranked firm, GHD as the third-ranked firm, Jacobs as the fourth-ranked firm, and BEA as the fifth-ranked firm (Exhibit 11).

The final recommendation of ranking was posted on the Purchasing Division website from March 14 - 21, 2023, which provided an opportunity for any aggrieved proposer to file a formal protest. No formal protest was received.

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

Source of Additional Information

Robert E. Gleason, Director, Purchasing Division, (954) 357-6070

Fiscal Impact

Fiscal Impact/Cost Summary

This project will be funded by the appropriate source at the time of release.

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