



Finance and Administrative Services Department

PURCHASING DIVISION

115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6066 • FAX 954-357-8535

Via Email Transmittal

March 7, 2023

Mark J. Stempler
Becker & Poliakoff
625 N. Flagler Drive, 7th Floor
West Palm Beach, FL 33401

Re: Objection to Proposed Ranking - Request for Proposals (RFP) PNC2124755P1,
2023 Port Everglades Master/Vision Plan Update

Dear Mr. Stempler:

The Broward County Purchasing Division ("Purchasing") is in receipt of your firm's timely objection letter dated and received on November 23, 2022, on behalf of your client, Hatch Associates Consultants, Inc. ("Hatch"), in objection to the Proposed Recommendation of Ranking for RFP No. PNC2124755P1. The Proposed Recommendation of Ranking was posted from November 21 - 28, 2022.

This response addresses the following six objections that were made in Hatch's November 23, 2022, correspondence, as well as its supplemental correspondence dated February 1, 2023.

Objection No. 1:

State Filings and AECOM's Own Website Prove AECOM is not a Locally Based Subsidiary.

County Response No. 1:

The County agrees that AECOM is not a Locally Based Subsidiary. AECOM recognized same in its December 1, 2022, letter (**See Exhibit 1, attached**). Accordingly, Hatch's objection No. 1 is upheld.

Objection No. 2:

AECOM did not Submit a Local Business Tax Receipt.

County Response No. 2:

The Location Certification Form included in the solicitation provided two instructions for the provision of a Local Business Tax Receipt: (1) a vendor could either submit the Local Business Tax Receipt at the time the vendor submits its response to the solicitation, or (2) within three (3) days after the County's written request. Failure to submit the required forms or information by the stated timeframes would deem the vendor ineligible for local preference.

AECOM did not submit a copy of its local business tax receipt at the time of submittal. However, on September 8, 2022, the County requested additional documents from AECOM, including documents related to the location certification response and a copy of its Broward County Local Business tax receipt. AECOM provided the requested documents, including its Broward County

Mark J. Stempler, Becker & Poliakoff

Objection to Proposed Ranking – PNC2124755P1, 2023 Port Everglades Master/Vision Plan Update

local business tax receipt, within the three (3) day timeframe as required by solicitation (**See Exhibit 2, attached**).

By responding to the County's request within three (3) days, AECOM complied with the requirements of the solicitation. Consequently, Hatch's objection No. 2 is denied.

Objection No. 3:

AECOM's Fort Lauderdale Office is not the Primary Business Address of the Majority of its Employees for this Project.

Your objection asserts that a majority of the AECOM employees listed in its proposal do not primarily work out of the Fort Lauderdale office. The objection further alleges that if most of the employees do not have a primary business address at the purported Local Business Location, AECOM does not satisfy that prong of the Local Certification Form, or Broward County's Code of Ordinances.

County Response No. 3:

As a matter of due diligence, on January 5, 2023, the County requested additional information from AECOM to determine whether the firm would, if awarded the contract, perform a substantial component of the services being offered to the County from the firm's Broward location. The County identified five core elements of the services to be provided and asked the firm to specify the percentage of each element that, if awarded, AECOM would perform at its Broward location, and the number of employees who would perform each element. (**See Exhibit 3, attached**).

On January 10, 2023, AECOM responded to the County's request for additional information and provided a detailed breakdown of the percentage of core services to be performed at its Local Business Location by locally based employees (**See Exhibit 4, attached**).

Based on AECOM's response to the RFP and additional information requested and received as part of the County's due diligence, AECOM has submitted documentation to my satisfaction demonstrating its Local Business Location for the required duration to qualify as a Local Business.

Objection No. 4:

AECOM's Own Proposal Reveals its Fort Lauderdale Office is not its Principal Place of Business.

County Response No. 4:

Based upon the representations and revised information submitted by AECOM on December 1, 2022, this is correct, and AECOM has withdrawn its claim as a Locally Based Subsidiary. Consequently, this objection is upheld.

Objection No. 5:

AECOM Materially Misrepresented that it was a Locally Based Subsidiary to Secure Additional Points in its Evaluation.

County Response No. 5:

The documentation received in connection with the objection, including the additional information requested and received as part of the County's due diligence, does not prove that AECOM materially misrepresented its claim as a locally based subsidiary. A "material misrepresentation" involves making a false or misleading assertion with the intent to deceive. I do not find that AECOM made a false or misleading assertion regarding its claim as a Locally Based Subsidiary

Mark J. Stempler, Becker & Poliakoff

Objection to Proposed Ranking – PNC2124755P1, 2023 Port Everglades Master/Vision Plan Update

with the intent to deceive Purchasing into allocating evaluation criteria location points and otherwise rendering AECOM eligible for local preference. As noted in its correspondence dated December 1, 2022, AECOM claims it made this selection based on an erroneous understanding that it qualified as a Locally Based Subsidiary of its ultimate parent company AECOM. The evidence presented does not clearly refute AECOM's explanation. As previously noted, AECOM has withdrawn its claim as a Locally Based Subsidiary and the County will reconvene the Evaluation Committee to remove the evaluation criteria location points incorrectly awarded to AECOM. Accordingly, objection No. 5 is denied.

Objection No. 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. This Submission of Information, well after Proposals were Submitted and Scored and Proposers were Ranked, Contradicts and Materially Alters the Information Provided in AECOM'S Proposal.

County Response No. 6:

At all times, AECOM evidenced an intent to claim local preference. By initially selecting Option 3 (Locally Based Subsidiary) in its Location Certification Form, AECOM certified that it is both a Local Business and a Locally Based Subsidiary. A firm does not qualify as a Locally Based Subsidiary unless it also meets the criteria of a Local Business. AECOM provided a copy of its local business tax receipt to support its claim as a Local Business. Accordingly, objection No. 6 is denied.

Summary:

After a careful review of all above-listed items, responses detailing actions and processes followed, the proceedings of the Evaluation Committee, a review of the Broward County Procurement Code, correspondence received by the parties to the objection, and with review and consultation with counsel, Hatch's objection No. 1 and No. 4 are upheld, and denied as to objections No. 2, No. 3, No. 5, and No. 6.

The issues raised in your objection regarding AECOM's evaluation criteria location points are of sufficient merit to reconvene the Evaluation Committee. Therefore, in accordance with Section 21.42(h)(3) of the Procurement Code, the Evaluation Committee shall be reconvened to: 1) consider the new information; 2) to remove the points initially allocated to AECOM for evaluation criteria location points; 3) to apply local preference; and 4) to determine final rankings.

Respectfully,

**Robert
Gleason**

Digitally signed by Robert
Gleason
Date: 2023.03.07
16:02:32 -05'00'

Robert E. Gleason, Director
Purchasing Division

Attachments

REG/ccs/mml/

c: Natacha Yacinthe, Port Planning Manager, Port Everglades Department (Project Manager)
Fernando Amuchastegui, Senior Assistant County Attorney, Office of the County Attorney
Christine Shorey, Purchasing Manager, Purchasing Division
Michelle Lemire, Purchasing Agent Senior, Purchasing Division

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November 23, 2022

Via Email: rgleason@broward.org

Robert Gleason, Director
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

**Re: RFP No. PNC2124755P1 - 2023 Port Everglades Master/Vision Plan
Update ("RFP") Objection Letter**

Dear Mr. Gleason:

The undersigned law firm represents Hatch Associates Consultants, Inc. ("Hatch"). Hatch submits this Objection to the Recommendation of Ranking of the RFP, dated November 21, 2022, pursuant to Section 21.42(h) of the Broward County Procurement Code.

The top-ranked proposer, AECOM Technical Services, Inc. ("AECOM"), received a total six points under the Evaluation Criteria based on its attestation that it is a local business and a locally based subsidiary. **That, however, appears to be incorrect. AECOM's principal place of business is in Los Angeles, California, and it further fails to meet multiple criteria to be considered a locally based subsidiary. Based on this new information, AECOM is not entitled to receive any points for being a locally based subsidiary or local business pursuant to the RFP's evaluation criteria.**

As such, when the scores are recalculated, the award should be issued to Hatch.

For those reasons, as more specifically described below, the County must uphold this objection, re-evaluate AECOM's proposal and recalculate the points that it received for being a locally based subsidiary. The RFP, Broward County's Code, and Florida law require this result.

Robert Gleason, Director
November 23, 2022
Page 2

I. BACKGROUND

The RFP was issued on August 4, 2022. It sought proposers to perform services to review and update the existing 2018 Port Everglades Master/Vision Plan Update, and related economic activity, financial and market forecasts and conditions, and other information set forth in the RFP's Scope of Work. The County Commission had directed the Port Everglades Department to update its Master/Vision Plan every two to three years. The contract for these services is three (3) years, with two potential (2) annual renewals. This RFP was issued pursuant to Section 287.055, the Consultants' Competitive Negotiation Act ("CCNA"). Therefore, price was not considered in the evaluation and ranking of the qualified firms.

The Evaluation Criteria is based on a 100-point scoring system. Points were to be awarded for seven categories, and there were subsections within those categories. Category 5 states:

"Location: (Maximum 5 Points)

Refer to **Location Certification Form** and submit as instructed. Points shall be allocated as follows based on the vendor's selection of one of the five options in the Location Certification Form: Option 1 (0 points); Option 2 (5 points); Option 3 (3 points); Option 4 (points range from 0-5 depending on the composition of the joint venture); and Option 5 (0 points)."¹

A vendor which selects Option 3 was to be awarded a maximum of 3 points, per evaluator. There were two members on this Evaluation Committee.

The Location Certification Form (the "Form") was contained in the RFP. It provided the Options set forth above that a vendor could select if they qualified. For each Option, the Form lists all the requirements a vendor must satisfy to qualify of a type of local business. At the end of the Form is an attestation that the vendor must sign and attest that any misleading inaccurate, or false information or documentation submitted could lead to suspension, debarment, or civil or criminal penalties.

AECOM selected Option 3 of the Form, certifying that it was both a "Local Business and a Locally Based Subsidiary as each term is defined by Section 1-74 of the Broward County Code

¹ The RFP contains standard instructions to vendors. Consistently with the Evaluation Criteria, Section Q of the Special Instructions pertains to local preference. Section Q(b) states, "Three percent (3%) of the available points shall be awarded to each locally based subsidiary". Thus, a vendor qualifying as a Locally Based Subsidiary could receive a maximum of 3 points from each evaluator.

Robert Gleason, Director
November 23, 2022
Page 3

of Ordinances.” A copy of AECOM’s completed Form from its proposal is attached hereto as Exhibit “A”.

Section 1-74 of the Broward County Code of Ordinances defines “local business,” and “locally based subsidiary,” as follows:

Local business means the vendor has continuously maintained, for at least the one (1) year period immediately preceding the bid posting date, a physical business address located within the limits of Broward County, listed on the vendor’s valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements), in an area zoned for the conduct of such business, that the vendor owns or has the legal right to use **and from which the vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation (“Local Business Location”).** Vendors shall be required to submit documentation, including the Broward County business tax receipt (unless exempt), to the satisfaction of the Director of Purchasing, demonstrating the Local Business Location for the required duration. A post office box does not qualify as a Local Business Location.

Locally based subsidiary means **a local business as defined in this section** that has, for at least the one (1) year period immediately preceding the bid posting date, **continuously maintained its principal place of business at the Local Business Location, and at least fifty percent (50%) of the total equity interests in the business are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County.**

Further, Section 1-74 of the Code defines “principal place of business” and what is required to prove that to the County:

***Principal place of business* means the nerve center or center of overall direction, control, and coordination of the activities of the vendor, from which the vendor's officers or principals direct, control, and coordinate the entity's day-to-day activities. A vendor may not have more than one (1) principal place of business at a time.** The "principal address" or other location(s) on file with the Florida Department of State Division of Corporations shall not be determinative of the vendor's principal place of business. To qualify as a locally based business or

Robert Gleason, Director
November 23, 2022
Page 4

a locally based subsidiary, the vendor must submit written evidence (as further specified below) that it meets the following three (3) criteria, as determined by the Director of Purchasing:

(1) Local Employees: Attestation that the Local Business Location is the primary business address of the majority of the vendor's employees as of the bid posting date, or that the majority of the work under the competitive solicitation, if awarded to the vendor, will be performed by employees of the vendor whose primary business address is the Local Business Location;

(2) Local Management: Attestation that the vendor's management directs, controls, and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations) from the Local Business Location; and

(3) Single Principal Place of Business: Attestation that the vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date.

Notwithstanding anything else in this section, if fifty percent (50%) or more of the total equity interests in the vendor are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County, it shall be presumed that the vendor does not have its principal place of business in Broward County. Such vendor may rebut the presumption only by submitting clear and convincing written evidence to the Director of Purchasing demonstrating that the vendor's principal place of business is located in Broward County.

In addition, Section F of the Standard Instructions under the RFP states the "Vendor's failure to respond to evaluation criteria will not be considered a matter of responsiveness or responsibility. **Vendors that fail to submit any information and/or documentation required by an evaluation criterion will not be evaluated or scored for the corresponding evaluation criteria.**" (Emphasis added).

On November 4, 2022, the proposers were scored by the two-member Evaluation Committee. AECOM received a total of six (6) points for qualifying as a locally based subsidiary because it received three points from each evaluator. The points were originally determined and designated by the Purchasing Division, as set forth in the Purchasing Director's Memorandum dated October 4, 2022, and provided to the Evaluation Committee.

Robert Gleason, Director
November 23, 2022
Page 5

AECOM was ranked first by 1 point ahead of Hatch. The scoring difference was the six points AECOM received for Location:

<i>Firm Name</i>	<i>Total Points</i>	<i>Ranking</i>
AECOM	175	1
Hatch	174	2
GHD Consulting Inc.	165	3
Jacobs Engineering Group Inc.	157	4
BEA Architects, Inc.	134	5

II. LEGAL STANDARD

Pursuant to Section 21.42(h), Hatch submits this Objection to the Recommendation of Ranking under this RFP.

The purpose of the public procurement process is to, “To provide for equitable treatment of participating vendors; To provide safeguards to ensure and maintain the quality and integrity of the County’s procurement system; and To promote public confidence in the procedures followed in public procurement by promoting transparency and uniformity in application.” Broward County Procurement Code §21.2(e)-(g).

Public authorities have wide discretion in awarding a public contract through the competitive procurement process. That discretion, however, “must be exercised based upon clearly defined criteria, and may not be exercised arbitrarily or capriciously.” Liberty County v. Baxter’s Asphalt & Concrete, Inc., 421 So. 2d 505 (Fla. 1982). An agency’s wide discretion in evaluating bids will not be interfered with unless exercised arbitrarily or capriciously, or unless based upon misconception of law, or upon ignorance through lack of inquiry, or in violation of the law, or was the result of improper influence. William A. Berbusse, Jr., Inc. v. North Broward Hospital District, 117 So. 2d 550, 551 (Fla. 2d DCA 1960).

Further, the irregularities in applying the evaluation criteria cannot provide one proposer with an unfair competitive advantage, and cannot be deemed minor technicalities. See Robinson Electrical Co., Inc. v. Dade County, 417 So. 2d 1032 (Fla. 3d DCA 1982).

III. OBJECTION

The Evaluation Committee did not have all the information which clearly shows AECOM is not a locally based subsidiary or a local business. Rather, AECOM misled the Evaluation Committee and the Purchasing Division by attesting to information in its proposal which is not accurate.

Robert Gleason, Director
November 23, 2022
Page 6

In the Form in its proposal, AECOM represented to the County that:

- its primary business address and principal place of business was in Fort Lauderdale, Florida;
- that office was AECOM's nerve center;
- the majority of its employees who would work on this project used the Fort Lauderdale office as their primary business address;
- its management directs, controls and coordinates all day-to-day operations of AECOM from the Fort Lauderdale office; and
- it had not claimed any other location as its principal place of business within a year immediately preceding the bid posting date.

Each one of these attestations is inaccurate.

AECOM is a California company with a principal place of business in Los Angeles, California. The majority of its employees identified to work on this project are not based in Fort Lauderdale. AECOM's receipt of points as a locally based subsidiary is improper and incorrectly resulted in it being the top-ranked firm.

A. AECOM Does Not Meet the Requirements of a Local Business or a Locally Based Subsidiary

i. State Filings and AECOM's Own Website Prove AECOM is not a Locally Based Subsidiary

AECOM's proposal fails to meet the requirements under the RFP and Broward County's Code of Ordinances to qualify as a local business or a locally based subsidiary. First, AECOM is listed with Florida's Division of Corporations as a "Foreign Profit Corporation." Documents obtained through Sunbiz.org confirm that its principal address, and its mailing address, is at "300 South Grand Avenue, 9th Floor, Los Angeles, California 90071" ("Principal Address"). See, Florida Division of Corporation records attached hereto as Composite Exhibit "B". In addition, all its officers are listed at the Los Angeles, California address. Exhibit "B." Similarly, the state of California's filings confirm that AECOM is a California corporation with a "Principal Executive Office" located at the same Principal Address. See, California corporation filing, attached as Exhibit "C" (downloaded from AECOM's own website at <https://aecom.com/wp-content/uploads/documents/financial/AECOM-Technical-Services-CA-SOS-SOI.pdf>).

Although the address listed with Florida's Division of Corporations is not determinative of where AECOM's principal place of business is located (per the Code), that coupled with the

Robert Gleason, Director
November 23, 2022
Page 7

filing in California are clear indicators of where the principal place of business is located. In addition, AECOM's own website further confirms the Los Angeles office is the corporation's principle executive office. The website states:

"AECOM Technical Services, Inc. (ATS) is a subsidiary of AECOM, the world's trusted infrastructure consulting firm, delivering professional services throughout the project lifecycle – from planning, design and engineering to program and construction management.

ATS is a California corporation, with its principal executive office in Los Angeles, California. Additional information on the company is below, with a download of the company's most recent Statement of Information as filed with the State of California available to the right.

Principal Executive Office:
300 South Grand Avenue, 9th Floor
Los Angeles, California 90071
United States of America"

See, <https://aecom.com/aecom-technical-services/>, Exhibit "D." See also, AECOM's listing of Regional Offices, which lists the Los Angeles office as the regional office of the Americas, and its office in Dallas, Texas as the global headquarters. AECOM does have an office in Fort Lauderdale, Florida, but it also has offices in many other states and cities as well.

By AECOM's own admission, the Fort Lauderdale office is not the office in which AECOM's management, "directs, controls and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations), pursuant to Option 3, subsection C of the Local Certification Form in the RFP and 1-74 of the Code of Ordinances. It is not AECOM's nerve center. AECOM's Fort Lauderdale office is not its principal place of business.

AECOM also fails to satisfy the requirement of Local Certification Form Option 3, Subsection D, and Section 1-74's definition of principal place of business, Section (3), which state, "The Vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date." AECOM has claimed its Los Angeles, California location as its principal place of business within the last year, and it is AECOM's current principal place of business.

Therefore, **AECOM is not a locally based subsidiary**, and is not qualified to receive evaluation points for that.

Robert Gleason, Director
November 23, 2022
Page 8

ii. AECOM Did Not Submit a Local Business Tax Receipt

As described above, Section F of the RFP's Standard Instructions requires vendors to submit evaluation criteria with their proposals and if they do not, they are not to be evaluated or scored for the corresponding evaluation criteria. The Director of Purchasing's October 4th Memorandum allocated three (3) points to AECOM based on evaluation criteria in the RFP. *See*, Section C – Additional Requirements/Information on the Responsiveness Requirements attached to the Memo. That conclusion was adopted by the evaluators on the Evaluation Committee. However, Section D of the Matrix notes AECOM does not qualify for the "tiebreaker" because it did not submit its Broward County local business tax receipt. No local business tax receipt was submitted with AECOM's proposal. That directly impacts the analysis of whether it could qualify as a locally based subsidiary.

The Evaluation Committee should take specific note that the submission of a Broward County local business tax receipt is required to prove AECOM is a locally based subsidiary. It is specifically required in the Local Preference Form. Further, Section 1-74 of the Code of Ordinances defines locally based subsidiary as, "a local business as defined in this section that has, for at least the one (1) year period immediately preceding the bid posting date, continuously maintained its principal place of business at the Local Business Location,...". Section 1-74 states vendors, "**shall be required to submit documentation, including the Broward County business tax receipt (unless exempt), to the satisfaction of the Director of Purchasing, demonstrating the Local Business Location for the required duration.**" (Emphasis added). By failing to submit a local business tax receipt with its proposal, AECOM could not have established its Local Business Location, and therefore could not be considered a locally based subsidiary.

iii. AECOM's Fort Lauderdale Office is not the Primary Business Address of the Majority of its Employees for this Project

Option 3, Subsection B of the Local Certification Form required that AECOM attest that,

"The Local Business Location is the primary business address of the majority of the Vendor's employees as of the bid posting date, and/or the majority of the work under the solicitation, if awarded to the Vendor, will be performed by employees of the Vendor whose primary business address is the Local Business Location;"

Upon information and belief, a majority of the AECOM employees listed in its proposal do not primarily work out of the Fort Lauderdale office. If most of the employees do not have a primary business address at the purported Local Business Location, AECOM does not satisfy that prong of the Local Certification Form, or Broward's Code of Ordinances.

Robert Gleason, Director
November 23, 2022
Page 9

iv. AECOM's Own Proposal Reveals its Fort Lauderdale Office is not its Principal Place of Business

Page 205 of AECOM's proposal, states its principal place of business is, "300 South Grand Avenue, Suite 1100, Los Angeles, CA 90071." A copy of that page of the proposal is attached as Exhibit "E." In addition, page 166 of AECOM's proposal contains a certification from the State of Florida Department of State. The certification states AECOM is a California corporation. A copy of the form is attached as Exhibit "F." At the same time AECOM sought to convince Purchasing and the Evaluation Committee that its principal place of business is in Fort Lauderdale, AECOM states in its RFP that its principal place of business is in California.

IV. CONCLUSION

AECOM's top ranking for this RFP is improper because it received points for being a locally based subsidiary when it does not qualify as one. Filings with the state of Florida and California, AECOM's website, and AECOM's RFP response, all confirm its Fort Lauderdale office is not AECOM's principal place of business, and that AECOM fails to meet the qualifications of a locally based subsidiary. This significant new information provided with this Objection should be taken into consideration by the Evaluation Committee. The six locally based subsidiary points AECOM received must be deducted from its score.

In addition, as noted above, AECOM failed to submit a Broward County tax receipt so it could not have qualified for the locally based subsidiary evaluation points. Thus, it should not be allowed after the procurement submission to correct their failure to do so.

Based on the foregoing new information which was not considered by the Evaluation Committee or the Purchasing Division, this Objection must be granted. The County should correct the scoring and rankings based on the information provided in this Objection. Please consider this a Cone of Silence communication to the Evaluation Committee and the Board of County Commissioners and please distribute this letter accordingly.

Respectfully submitted,



Mark J. Stempler
For the Firm

Robert Gleason, Director
November 23, 2022
Page 10

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

A handwritten signature in blue ink, appearing to be 'D. J.', is positioned above a horizontal line.

Hatch Associates Consultants, Inc.

MJS/lb
Enclosures

cc: Fernando Amuchastegui (via email: fa@broward.org)
Michelle Lemire (via email: mlemire@broward.org)
Hatch Associates Consultants, Inc.

Exhibit “A”

Supplier: **AECOM**

LOCATION CERTIFICATION

Refer to applicable sections for submittal instructions. Failure to submit required forms or information by stated timeframes will deem vendor ineligible for local preference or location tiebreaker.

Broward County Code of Ordinances, Section 1-74, et seq., provides certain preferences to Local Businesses, Locally Based Businesses, and Locally Based Subsidiaries, and the Broward County Procurement Code provides location as the first tiebreaker criteria. Refer to the ordinance for additional information regarding eligibility for local preference.

For Invitation for Bids:

To be eligible for the Local Preference best and final offer ("BAFO") and location tiebreaker, the Vendor **must** submit this fully completed form and a copy of its Broward County local business tax receipt **at the same time it submits its bid. Vendors who fail to comply with this submittal deadline will not be eligible for either the BAFO or the location tiebreaker.**

For Request for Proposals (RFPs), Request for Letters of Interest (RLIs), or Request for Qualifications (RFQs):

For Local Preference eligibility, the Vendor **should** submit this fully **completed form and all Required Supporting Documentation** (as indicated below) at the time Vendor submits its response to the procurement solicitation. If not provided with submittal, the Vendor **must** submit within three business days after County's written request. Failure to submit required forms or information by stated timeframes will deem the Vendor ineligible for local preference.

To be eligible for the location tiebreaker, **the Vendor must submit this fully completed form and a copy of its Broward County local business tax receipt at the same time it submits its response.** Vendors who fail to comply with this submittal deadline will not be eligible for the location tiebreaker.

The undersigned Vendor hereby certifies that (check the box for only one option below):

☐ **Option 1:** The Vendor is a **Local Business**, but does not qualify as a **Locally Based Business** or a **Locally Based Subsidiary**, as each term is defined by Section 1-74, Broward County Code of Ordinances. The Vendor further certifies that:

- A. It has continuously maintained, for at least the one (1) year period immediately preceding the bid posting date (i.e., the date on which the solicitation was advertised),
 - i. a physical business address located within the limits of Broward County, listed on the Vendor's valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements),
 - ii. in an area zoned for the conduct of such business,
 - iii. that the Vendor owns or has the legal right to use, and
 - iv. from which the Vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation (as so defined, the "Local Business Location").

If Option 1 selected, indicate **Local Business Location**:

☐ **Option 2:** The Vendor is both a **Local Business** and a **Locally Based Business** as each term is defined by Section 1-74, Broward County Code of Ordinances. The Vendor further certifies that:

- A. The Vendor has continuously maintained, for at least the one (1) year period immediately preceding the bid posting date (i.e., the date on which the solicitation was advertised),

Broward County Board of
County Commissioners

PNC2124755P1

- i. a physical business address located within the limits of Broward County, listed on the Vendor's valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements),
 - ii. in an area zoned for the conduct of such business,
 - iii. that the Vendor owns or has the legal right to use, and
 - iv. from which the Vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation as so defined, the "Local Business Location");
- B. The Local Business Location is the primary business address of the majority of the Vendor's employees as of the bid posting date, and/or the majority of the work under the solicitation, if awarded to the Vendor, will be performed by employees of the Vendor whose primary business address is the Local Business Location;
- C. The Vendor's management directs, controls, and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations) from the Local Business Location;
- D. The Vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date; and
- E. Less than fifty percent (50%) of the total equity interests in the business are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County. The Vendor certifies that the total equity interests in the owned, directly or indirectly, by one or more entities with a principal place of business Vendor located outside of Broward County is .

If Option 2 selected, indicate **Local Business Location**:

☒ **Option 3:** The Vendor is both a **Local Business** and a **Locally Based Subsidiary** as each term is defined by Section 1-74, Broward County Code of Ordinances. The Vendor further certifies that:

- A. The Vendor has continuously maintained:
- i. for at least the one (1) year period immediately preceding the bid posting date (i.e., the date on which the solicitation was advertised),
 - ii. a physical business address located within the limits of Broward County, listed on the Vendor's valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements),
 - iii. in an area zoned for the conduct of such business,
 - iv. that the Vendor owns or has the legal right to use, and
 - v. from which the Vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation (as so defined, the "Local Business Location");
- B. The Local Business Location is the primary business address of the majority of the Vendor's employees as of the bid posting date, and/or the majority of the work under the solicitation, if awarded to the Vendor, will be performed by employees of the Vendor whose primary business address is the Local Business Location;
- C. The Vendor's management directs, controls, and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations) from the Local Business Location;
- D. The Vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date; and
- E. At least fifty percent (50%) of the total equity interests in the business are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County. The Vendor certifies that the total equity interests in the Vendor owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County is **Greater than 50%**.

If Option 3 selected, indicate **Local Business Location**:

110 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301

Broward County Board of
County Commissioners

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- ☐ **Option 4:** The Vendor is a **joint venture** composed of one or more Local Businesses, Locally Based Businesses, or Locally Based Subsidiaries, as each term is defined by Section 1-74, Broward County Code of Ordinances. Fill in blanks with percentage equity interest or list "N/A" if section does not apply. The Vendor further certifies that:

- A. The proportion of equity interests in the joint venture owned by **Local Business(es)** (each Local Business must comply with all of the requirements stated in Option 1) is % of the total equity interests in the joint venture; and/or
- B. The proportion of equity interests in the joint venture owned by **Locally Based Business(es)** (each Locally Based Business must comply with all of the requirements stated in Option 2) is % of the total equity interests in the joint venture; and/or
- C. The proportion of equity interests in the joint venture owned by **Locally Based Subsidiary(ies)** (each Locally Based Subsidiary must comply with all of the requirements stated in Option 3) is % of the total equity interests in the joint venture.

If Option 4 selected, indicate the Local Business Location(s) (es) on separate sheet.

- ☐ **Option 5:** Vendor is not a Local Business, a Locally Based Business, or a Locally Based Subsidiary, as each term is defined by Section 1-74, Broward County Code of Ordinances.

Required Supporting Documentation (in addition to this form): Option 1 or 2 (**Local Business or Locally Based Business**):

1. Broward County local business tax receipt.

Option 3 (Locally Based Subsidiary)

1. Broward County local business tax receipt.
2. Documentation identifying the Vendor's vertical corporate organization and names of parent entities if the Vendor is a Locally Based Subsidiary.

Option 4 (joint venture composed of one or more Local Business(es), Locally Based Business(es), or Locally Based Subsidiary(ies):

1. Broward County local business tax receipt(s) for each Local Business(es), Locally Based Business(es), and/or Locally Based Subsidiary(ies).
2. Executed joint venture agreement, if the Vendor is a joint venture.
3. If joint venture is comprised of one or more Locally Based Subsidiary(ies), submit documentation identifying the vertical corporate organization and parent entities name(s) of each Locally Based Subsidiary.

If requested by County (any option):

1. Written proof of the Vendor's ownership or right to use the real property at the Local Business Location.
2. Additional documentation relating to the parent entities of the Vendor.
3. Additional documentation demonstrating the applicable percentage of equity interests in the joint venture, if not shown in the joint venture agreement.
4. Any other documentation requested by County regarding the location from which the activities of the Vendor are directed, controlled, and coordinated.

By submitting this form, the Vendor certifies that if awarded a contract, it is the intent of the Vendor to remain at the Local Business Location address listed below (or another qualifying Local Business Location within Broward County) for the duration of the contract term, including any renewals or extensions. (If nonlocal Vendor, leave Local Business Location blank.)

Indicate Local Business Location:

True and Correct Attestations:

Any misleading, inaccurate, or false information or documentation submitted by any party affiliated with this procurement may lead to suspension and/or debarment from doing business with Broward County as authorized by

Broward County Board of
County Commissioners

PNC2124755P1

the Broward County Procurement Code. The Vendor understands that, if after contract award, the County learns that any of the information provided by the Vendor on this was false, and the County determines, upon investigation, that the Vendor's provision of such false information was willful or intentional, the County may exercise any contractual right to terminate the contract. The provision of false or fraudulent information or documentation by a Vendor may subject the Vendor to civil and criminal penalties.

AUTHORIZED SIGNATURE/NAME: Christopher Bucknor

TITLE: Principal-in-Charge/Authorized Signatory

VENDOR NAME: AECOM Technical Services, Inc.

DATE: 8/26/2022

Revised May 1, 2021

Exhibit “B”



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Foreign Profit Corporation
AECOM TECHNICAL SERVICES, INC.

Cross Reference Name

EARTH TECH, INC.

Filing Information

Document Number	F95000004014
FEI/EIN Number	95-2661922
Date Filed	08/21/1995
State	CA
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	08/20/2020
Event Effective Date	NONE

Principal Address

300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Changed: 01/19/2021

Mailing Address

300 South Grand Avenue
9th Floor
Los Angeles, CA 90071

Changed: 04/05/2018

Registered Agent Name & Address

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

Officer/Director Detail

Name & Address

Title President, Director

Boone, Travis
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Treasurer, Director

Hall, Allison
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Secretary

Tatevossian, Armond
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Financially Responsible Officer

Alfonso, Juan
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Authorized Signatory

Blanchard, Mark
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Director

Rosenstein, Jeffrey P
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Director

Jensen, Karl
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Authorized Signatory

Tronel, Claire
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Annual Reports

Report Year	Filed Date
2021	01/19/2021
2022	03/07/2022
2022	03/23/2022

Document Images

<u>03/23/2022 -- AMENDED ANNUAL REPORT</u>	View image in PDF format
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<u>09/16/2021 -- AMENDED ANNUAL REPORT</u>	View image in PDF format
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<u>01/19/2021 -- ANNUAL REPORT</u>	View image in PDF format
<u>08/20/2020 -- Amendment</u>	View image in PDF format
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<u>05/21/2015 -- AMENDED ANNUAL REPORT</u>	View image in PDF format
<u>04/21/2015 -- ANNUAL REPORT</u>	View image in PDF format
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<u>07/02/2012 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/14/2012 -- ANNUAL REPORT</u>	View image in PDF format
<u>06/06/2011 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/07/2011 -- ANNUAL REPORT</u>	View image in PDF format
<u>08/19/2010 -- ANNUAL REPORT</u>	View image in PDF format
<u>02/18/2010 -- ANNUAL REPORT</u>	View image in PDF format
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<u>10/27/2009 -- ANNUAL REPORT</u>	View image in PDF format
<u>10/23/2009 -- ANNUAL REPORT</u>	View image in PDF format
<u>02/03/2009 -- ANNUAL REPORT</u>	View image in PDF format
<u>12/22/2008 -- Dom/For AR</u>	View image in PDF format
<u>12/04/2008 -- Name Change</u>	View image in PDF format
<u>04/30/2008 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/10/2007 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/27/2006 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/15/2005 -- ANNUAL REPORT</u>	View image in PDF format
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<u>04/10/2003 -- ANNUAL REPORT</u>	View image in PDF format
<u>08/26/2002 -- ANNUAL REPORT</u>	View image in PDF format
<u>05/10/2001 -- ANNUAL REPORT</u>	View image in PDF format
<u>05/01/2000 -- ANNUAL REPORT</u>	View image in PDF format
<u>03/04/1999 -- ANNUAL REPORT</u>	View image in PDF format
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05/15/1996 -- ANNUAL REPORT

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08/21/1995 -- DOCUMENTS PRIOR TO 1997

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Florida Department of State, Division of Corporations

Exhibit “C”

22-605627

	Secretary of State Statement of Information (California Stock, Agricultural Cooperative and Foreign Corporations)	SI-550 94
	IMPORTANT — <u>Read instructions</u> before completing this form. Fees (Filing plus Disclosure) - \$25.00; Copy Fees - First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00 plus copy fees	
1. Corporation Name (Enter the exact name of the corporation as it is recorded with the California Secretary of State. Note: If you registered in California using an assumed name, <u>see instructions</u> .) AECOM Technical Services, Inc.		

FILED
Secretary of State
State of California

MAR 15 2022

7.50/NF/CC

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2. 7-Digit Secretary of State Entity Number

C0608461

3. Business Addresses

a. Street Address of Principal Executive Office - Do not list a P.O. Box 300 South Grand Ave. 9th Floor	City (no abbreviations) Los Angeles	State CA	Zip Code 90071
b. Mailing Address of Corporation, if different than item 3a	City (no abbreviations)	State	Zip Code
c. Street Address of Principal California Office, if any and if different than Item 3a - Do not list a P.O. Box	City (no abbreviations)	State CA	Zip Code

4. Officers

The Corporation is required to list all three of the officers set forth below. An additional title for the Chief Executive Officer and Chief Financial Officer may be added; however, the preprinted titles on this form must not be altered.

a. Chief Executive Officer	First Name Karl	Middle Name E.	Last Name Jensen	Suffix
Address 300 South Grand Ave, 9th Floor			City (no abbreviations) Los Angeles	State CA
Address 300 South Grand Ave, 9th Floor			Zip Code 90071	
b. Secretary	First Name Armond	Middle Name	Last Name Tatevossian	Suffix
Address 300 South Grand Ave, 9th Floor			City (no abbreviations) Los Angeles	State CA
Address 300 South Grand Ave, 9th Floor			Zip Code 90071	
c. Chief Financial Officer	First Name Allison	Middle Name	Last Name Hall	Suffix
Address 300 South Grand Ave, 9th Floor			City (no abbreviations) Los Angeles	State CA
Address 300 South Grand Ave, 9th Floor			Zip Code 90071	

SI-550 (REV 11/2021)

A201 - 1 4/2022 Walters Kluwer Online

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1/4

22-605627

5. Director(s)

California Stock and Agricultural Cooperative Corporations ONLY: Item 5a: At least one name and address must be listed. If the Corporation has additional directors, enter the name(s) and addresses on Form SI-550A (see instructions).

a. First Name Travis	Middle Name	Last Name Boone	Suffix
Address 300 South Grand Ave, 9th Floor		City (no abbreviations) Los Angeles	State CA Zip Code 90071
b. Number of Vacancies on the Board of Directors, if any 0			

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL - Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box		City (no abbreviations)	State CA Zip Code

CORPORATION - Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete Item 6a or 6b
CT Corporation System 00168406

7. Type of Business

Describe the type of business or services of the Corporation Professional Services

8. Labor Judgment

Does an Officer or Director have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

9. The Information contained herein, including in any attachments, is true and correct.

03-15-2022

Date

Bethany Ware Purkett


Type or Print Name

Assistant Secretary

Title

Bethany Ware Purkett
Signature

22-605627

 Attachment to Statement of Information (California Stock and Agricultural Cooperative Corporations)	SI-550A Attachment
	A. Corporation Name AECOM Technical Services, Inc.
B. 7-Digit Secretary of State Entity Number C0608461	

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C. List of Additional Director(s) – If the corporation has more than one director, enter the additional directors' names and addresses.

5b. First Name Karl	Middle Name E.	Last Name Jensen	Suffix
Address 300 South Grand Ave, 9th Floor		City (no abbreviations) Los Angeles	State CA Zip Code 90071
5c. First Name Jeffrey	Middle Name	Last Name Rosenstein	Suffix
Address 300 South Grand Ave, 9th Floor		City (no abbreviations) Los Angeles	State CA Zip Code 90071
5d. First Name Allison	Middle Name	Last Name Hall	Suffix
Address 300 South Grand Ave, 9th Floor		City (no abbreviations) Los Angeles	State CA Zip Code 90071
5e. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5f. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5g. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5h. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5i. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5j. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code

SI-550A - Attachment (REV 11/2021)

2021 California Secretary of State
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22-605627

EXHIBIT A
ADDITIONAL OFFICERS

NAME	ADDRESS	TITLE
Travis Boone	300 South Grand Avenue, 9 th Floor, Los Angeles, CA 90071	President
Glen T. Davis	999 Town & Country Road Orange, CA 92868	Vice President
Eric D. Lang	3995 Via Oro Long Beach, CA 90810	Vice President

4/4



I hereby certify that the foregoing
transcript of 4 page(s)
is a full, true and correct copy of the
original record in the custody of the
California Secretary of State's office.

MAR 28 2022

SHIRLEY N. WEBER, Ph.D., Secretary of State

Exhibit “D”

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AECOM Technical Services

AECOM Technical Services, Inc. (ATS) is a subsidiary of AECOM, the world's trusted infrastructure consulting firm, delivering professional services throughout the project lifecycle – from planning, design and engineering to program and construction management.

**AECOM
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[Q](#)

California available to the right.

Principal Executive Office:

300 South Grand Avenue, 9th Floor

Los Angeles, California 90071

United States of America

Officers:

Chief Executive Officer – Karl Jensen

President – Travis Boone

Secretary – Armond Tatevossian

Chief Financial Officer – Allison Hall

Directors:

Travis Boone

Jeffrey P Rosenstein

Karl Jensen

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Los Angeles, CA 90071

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London E1 8FA

T +44 (0)20 7061 7000

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Abu Dhabi

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United Arab Emirates
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F +971 2 613 4001

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(Asia Pacific headquarters)
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138 Shatin Rural Committee Road
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N.T. Hong Kong
Hong Kong S. A. R.
T +852 3922 9000 F +852 2691 2649

Southeast Asia

Singapore

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#23-00 The Concourse
Singapore, 199555
Singapore
T +65 6299 2466 F +65 6299 0297

Australia | New Zealand

Brisbane

Level 8, 540 Wickham Street
Fortitude Valley, QLD 4006
Australia
T +61 7 3553 2000 F +61 7 3553 2050

India

Gurugram

9th Floor, Infinity Tower C
DLF Cyber City, DLF Phase II

Gurgaon

HR, 122002

India

T +91 124 4830100 F +91 124 4830108

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AECOM



Exhibit “E”

Broward County Board of
County Commissioners

PNC2124755P1

Supplier: AECOM

VENDOR QUESTIONNAIRE AND STANDARD CERTIFICATIONS
Request for Proposals, Request for Qualifications, or Request for Letters of Interest

The completed form, including acknowledgment of the standard certifications and should be submitted with the solicitation response. If not submitted with solicitation response, it must be submitted within three business days of County's written request. Failure to timely submit may affect Vendor's evaluation.

If a response requires additional information, the Vendor should upload a written detailed response with submittal; each response should be numbered to match the question number. The completed questionnaire and attached responses will become part of the procurement record. It is imperative that the person completing the Vendor Questionnaire be knowledgeable about the proposing Vendor's business and operations.

1. Legal business name: **AECOM Technical Services, Inc.**
2. Doing Business As/ Fictitious Name (if applicable): **Not Applicable**
3. Federal Employer I.D. no. (FEIN): **95-2661922**
4. Dun and Bradstreet No.: **003184462**
5. Website address (if applicable): **www.aecom.com**
6. Principal place of business address: **300 South Grand Avenue, Suite 1100, Los Angeles, CA 90071**
7. Office location responsible for this project: **110 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301**
8. Telephone no.: **561.962.2570** Fax no.: **Not Applicable**
9. Type of business (check appropriate box):

Corporation (specify the state of incorporation:	<input checked="" type="checkbox"/> California
Sole Proprietor	<input type="checkbox"/>
Limited Liability Company (LLC)	<input type="checkbox"/>
Limited Partnership	<input type="checkbox"/>
General Partnership (State and County Filed In)	<input type="checkbox"/>
Other – Specify	<input type="checkbox"/>
10. List Florida Department of State, Division of Corporations document number (or registration number if fictitious name):
F95000004014
11. List name and title of each principal, owner, officer, and major shareholder:
 - a) **Travis Boone, President, Director**
 - b) **Allison Hall, Treasurer, Director**
 - c) **Armond Tatevossian, Secretary**

Broward County Board of
County Commissioners

PNC2124755P1

d) **Juan Alfonso, Financially Responsible Officer**

12. AUTHORIZED CONTACT(S) FOR YOUR FIRM:

Name: **Christopher Bucknor**

Title: **Principal-in-Charge/Authorized Signatory**

E-mail: **chris.bucknor@aecom.com**

Telephone No.: **561.962.0901**

Name:

Title:

E-mail:

Telephone No.:

13. Has your firm, its principals, officers or predecessor organization(s) been debarred or suspended by any government entity within the last three years? If yes, specify details in an attached written response. ☐ Yes ☒ No
14. Has your firm, its principals, officers or predecessor organization(s) ever been debarred or suspended by any government entity? If yes, specify details in an attached written response, including the reinstatement date, if granted. ☐ Yes ☒ No
15. Has your firm ever failed to complete any services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response. ☐ Yes ☒ No
16. Is your firm or any of its principals or officers currently principals or officers of another organization? If yes, specify details in an attached written response. ☐ Yes ☒ No
17. Have any voluntary or involuntary bankruptcy petitions been filed by or against your firm, its parent or subsidiaries or predecessor organizations during the last three years? If yes, specify details in an attached written response. ☐ Yes ☒ No
18. Has your firm's surety ever intervened to assist in the completion of a contract of have Performance and/or Payment Bond claims been made to your firm or its predecessor's sureties during the last three years? If yes, specify details in an attached written response, including contact information for owner and surety. ☐ Yes ☒ No
19. Has your firm ever failed to complete any work awarded to you, services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response. ☒ Yes ☐ No
20. Has your ever been terminated from a contract within the last three years? If yes, specify details in an attached written response. ☒ Yes ☐ No
21. Living Wage solicitations only: In determining what, if any, fiscal impact(s) are a result of the Ordinance for this solicitation, provide the following for informational purposes only. Response is not considered in determining the award of this contract.
- Living Wage had an effect on the pricing. ☐ Yes ☐ No ☒ N/A
- If yes, Living Wage increased the pricing by: %.

22. Participation in Solicitation Development:

☒ I have not participated in the preparation or drafting of any language, scope, or specification that would provide my firm or any affiliate an unfair advantage of securing this solicitation that has been let on behalf of Broward County Board of County Commissioners.

☐ I have provided information regarding the specifications and/or products listed in this solicitation that has been let on behalf of Broward County Board of County Commissioners.

If this box is checked, provide the following: Name of Person the information was provided:

Title:

Date information provided:

For what purpose was the information provided?

Drug-Free Workplace Requirements Certification:

Broward County Board of
County Commissioners

PNC2124755P1

Section 21.23(f) of the Broward County Procurement Code requires awards of all competitive solicitations requiring Board award be made only to firms certifying the establishment of a drug free workplace program.

- ☒ The Vendor hereby certifies that it has established a drug free workplace program in accordance with the requirements of Section 1-71, et. Seq., of the Broward County Code of Ordinances (Procurement From Businesses With Drug-Free Workplace Program).

Non-Collusion Certification:

Vendor shall disclose, to their best knowledge, any Broward County officer or employee, or any relative of any such officer or employee as defined in Section 112.3135 (1) (c), Florida Statutes, who is an officer or director of, or has a material interest in, the Vendor's business, who is in a position to influence this procurement. Any Broward County officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement. Failure of a Vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the Broward County Procurement Code.

The Vendor hereby certifies that: (select one)

- ☒ The Vendor certifies that this offer is made independently and free from collusion; or
- ☐ The Vendor is disclosing names of officers or employees who have a material interest in this procurement and is in a position to influence this procurement. Vendor must include a list of name(s), and relationship(s) with its submittal.

Public Entities Crimes Certification:

In accordance with Public Entity Crimes, Section 287.133, Florida Statutes, a person or affiliate placed on the convicted vendor list following a conviction for a public entity crime may not submit on a contract: to provide any goods or services; for construction or repair of a public building or public work; for leases of real property to a public entity; and may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for Category Two for a period of 36 months following the date of being placed on the convicted vendor list.

The Vendor hereby certifies that: (check box)

- ☒ The Vendor certifies that no person or affiliates of the Vendor are currently on the convicted vendor list and/or has not been found to commit a public entity crime, as described in the statutes.

Scrutinized Companies List Certification:

Any company, principals, or owners on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List is prohibited from submitting a response to a solicitation for goods or services in an amount equal to or greater than \$1 million.

The Vendor hereby certifies that: (check each box)

- ☒ The Vendor, owners, or principals are aware of the requirements of Sections 287.135, 215.473, and 215.4275, Florida Statutes, regarding Companies on the Scrutinized Companies with Activities in Sudan List the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List; and
- ☒ The Vendor, owners, or principals, are eligible to participate in this solicitation and are not listed on either the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List; and
- ☒ If awarded the Contract, the Vendor, owners, or principals will immediately notify the County in writing if any of its principals are placed on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List.

I hereby certify the information provided in the Vendor Questionnaire and Standard Certifications:

Christopher Bucknor

**Principal-in-Charge/Authorized
Signatory**

8/26/2022

*AUTHORIZED SIGNATURE/NAME

TITLE

DATE

Broward County Board of
County Commissioners

PNC2124755P1

Vendor Name: **AECOM Technical Services, Inc.**

* I certify that I am authorized to sign this solicitation response on behalf of the Vendor as indicated in Certificate as to Corporate Principal, designation letter by Director/Corporate Officer, or other business authorization to bind on behalf of the Vendor. As the Vendor's authorized representative, I attest that any and all statements, oral, written or otherwise, made in support of the Vendor's response, are accurate, true and correct. I also acknowledge that inaccurate, untruthful, or incorrect statements made in support of the Vendor's response may be used by the County as a basis for rejection, rescission of the award, or termination of the contract and may also serve as the basis for debarment of Vendor pursuant to PART XI of the Broward County Procurement Code. I certify that the Vendor's response is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a response for the same items/services, and is in all respects fair and without collusion or fraud. I also certify that the Vendor agrees to abide by all terms and conditions of this solicitation, acknowledge and accept all of the solicitation pages as well as any special instructions sheet(s).

Exhibit “F”

Broward County, Florida

Broward County Board of Port Everglades Master/Vision Plan Update | Sol. No. PRC-21-0355P1
County Commissioners

STANDARD INSTRUCTIONS: B. Responsibility Criteria - Authority to Conduct Business in Florida

State of Florida Department of State

I certify from the records of this office that AECOM TECHNICAL SERVICES, INC. is a California corporation authorized to transact business in the State of Florida, qualified on August 21, 1995.

The document number of this corporation is F95000004014.

I further certify that said corporation has paid all fees due this office through December 31, 2022, that its most recent annual report/uniform business report was filed on March 7, 2022, and that its status is active.

I further certify that said corporation has not filed a Certificate of Withdrawal.

*Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this
the Fourteenth day of March,
2022*



Randy R. Lee
Secretary of State

Tracking Number: 2194512940CU

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

Mark J. Stempler
Shareholder
Board Certified Construction Lawyer
LEED Green Associate
Phone: 561.820.2884 Fax: 561.832.8987
mstempler@beckerlawyers.com



Becker & Poliakoff
625 N. Flagler Drive
7th Floor
West Palm Beach, FL 33401

February 1, 2023

Via Email: rgleason@broward.org

Robert Gleason, Director
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

**Re: RFP No. PNC2124755P1 - 2023 Port Everglades Master/Vision Plan
Update ("RFP")**

Dear Mr. Gleason:

Hatch Associates Consultants, Inc. ("Hatch") submitted an Objection Letter on November 28, 2022, concerning the above-referenced RFP. While the Purchasing Division has not yet responded to the Objection, we submit this correspondence after reviewing public records produced yesterday by Broward County in response to our request on December 9, 2022. The County produced documents concerning communications with AECOM Technical Services, Inc. ("AECOM"), the current firm recommended for award for the RFP, since the date of Hatch's Objection.

There are two sets of communications which prompt this correspondence, both of which are attached. First, on December 1, 2022, AECOM admitted to Broward County that it incorrectly represented that it was qualified as a "locally based subsidiary" under Broward County's Code of Ordinances, Section 1-74. In its proposal to the County under the RFP, AECOM submitted a Location Certification representing it was a locally based subsidiary and received local preference points based on its certification. Without these local preference points Hatch would have been awarded the project. However, on December 1st, months after it submitted its proposal and months after its proposal was evaluated and scored, AECOM acknowledged that its certification was erroneous and sought to change its local certification to a "local business," under that same ordinance section.

Instead of determining that AECOM would not be permitted to make a material change to its proposal, the County on January 5, 2023, sought additional information from AECOM regarding the percentage of tasks to be performed from AECOM's Broward-based office under

Robert Gleason, Director
February 1, 2023
Page 2

the proposal at issue. On January 10th, AECOM responded by claiming percentages of performance of the service from its, "Broward based offices," (plural).

Hatch does not presume to know how the Purchasing Division will determine Hatch's Objection. However, Hatch presumes the Purchasing Division will follow its established guidelines set forth in the County's Procurement Code, the RFP, and as well as Florida case law in determining AECOM made a material misrepresentation in its proposal, and is not permitted to make a material change to its proposal at this time.

First, the Procurement Code is clear that misrepresentations in a proposal shall be grounds for finding a vendor nonresponsive or nonresponsible. Section 21.36 of the Procurement Code states:

A vendor's material misrepresentation in a response to a solicitation shall be grounds for finding a vendor nonresponsive or nonresponsible and may be grounds for suspension or debarment of the vendor. ...

Section 21.40 of the Procurement Code pertains to determinations of responsiveness and responsibility. Section 21.40b(4) states that while, "a vendor may submit information regarding its responsibility; **provided, however, that such information shall not be considered if it contradicts or materially alters the information provided by the vendor in its original response to the solicitation.**" The RFP states that, "A Responsible (Vendor) means a vendor who is determined to have the capability in all respects to perform fully the requirements of a solicitation, as well as the integrity and reliability that will ensure good faith performance." That section goes on to include the same language set forth in Section 21.40 of the Procurement Code regarding the submission of information after proposals are submitted.

Here, AECOM materially misrepresented that it was a locally based subsidiary to secure additional points in its evaluation. In fact, AECOM's misrepresentation resulted in it receiving an additional six points for being a locally based subsidiary, when in fact it did not qualify as such. This was not detected by the Purchasing Division during its review of the proposal, despite clear contradictions in AECOM's proposal as identified in Hatch's Objection.

Again, on December 1, 2022, it submitted information indicating that it was not a locally based subsidiary, but rather a local business. This submission of information well after proposals were submitted and scored, and proposers were ranked, contradicts and materially alters the information provided in the proposal. As such, AECOM must be found nonresponsible, or must not be permitted to materially change the Location Certification in its proposal. Making material misrepresentations to achieve additional local points does not lend to the integrity and reliability of a vendor.

Robert Gleason, Director
February 1, 2023
Page 3

The purpose of the public procurement process is, “To provide for equitable treatment of participating vendors; To provide safeguards to ensure and maintain the quality and integrity of the County’s procurement system; and To promote public confidence in the procedures followed in public procurement by promoting transparency and uniformity in application.” Broward County Procurement Code §21.2(e)-(g). The object of competitive procurement is, “to close all avenues to favoritism and fraud in its various forms; to secure the best values for the county at the lowest possible expense; and to afford an equal advantage to all desiring to do business with the county, by affording an opportunity for an exact comparison of bids’....” *Harry Pepper & Associates, Inc. v. City of Cape Coral*, 352 So. 2d 1190, 1192 (Fla. 2d DCA 1190).

Public authorities have wide discretion in awarding a public contract through the competitive procurement process. That discretion, however, “must be exercised based upon clearly defined criteria, and may not be exercised arbitrarily or capriciously.” Liberty County v. Baxter’s Asphalt & Concrete, Inc., 421 So. 2d 505 (Fla. 1982). An agency abuses that wide discretion when it acts arbitrarily or capriciously, based upon misconception of law, ignorance through lack of inquiry, in violation of the law, or as a result of improper influence. William A. Berbusse, Jr., Inc. v. North Broward Hospital District, 117 So. 2d 550, 551 (Fla. 2d DCA 1960). **This means that irregularities in applying the evaluation criteria cannot provide one proposer with an unfair competitive advantage, and cannot be deemed minor technicalities.** See Robinson Electrical Co., Inc. v. Dade County, 417 So. 2d 1032 (Fla. 3d DCA 1032). **A bidder cannot be permitted to change its proposal after the proposals are opened, except to cure minor irregularities.** *Harry Pepper & Associates, Inc.* 352 So. 2d at 193. Irregularities in applying the evaluation criteria cannot provide one proposer with an unfair competitive advantage, and cannot be deemed minor technicalities. See *Robinson Electrical Co., Inc. v. Dade County*, 417 So. 2d 1032 (Fla. 3rd DCA 1032). Further, “a public body is not entitled to omit or alter **material** provisions required by the RFP because in doing so the public body fails to ‘inspire public confidence in the fairness of the [RFP] process.’” *Emerald Corr. Mgmt. v. Bay Cty. Bd. of Cty. Comm’rs*, 955 So. 2d 647, 653 (Fla. 1st DCA 2007); quoting *State, Dep’t of Lottery v. Gtech Corp.*, 816 So. 2d 648 (Fla. 1st DCA 2001). **If an agency fails to observe pre-established specifications, or its code, “that action will render meaningless the basis upon which bids were initially sought, and so must be deemed arbitrary, illegal, fraudulent, or dishonest.”** *MCI Telecommunications Corp. v. Dept. of Corrections*, 1995 WL 1053092 (Fla. Div. Admin. Hrgs.) (Emphasis added). In one case, a school board’s request for proposal (RFP) process for obtaining Internet service provider was in violation of law, where bidder was permitted to revise its price after opening of sealed proposals. *Bright House Networks v. AT&T Corp.*, 205 So. 3d 837 (Fla. 5th DCA 2016).

Here, AECOM’s alteration of its Location Certification to try to qualify as a local business months after it was submitted, evaluated and scored is a material alteration that is impermissible, and should not be considered in the evaluation under this RFP. Since AECOM admits it was not a locally based subsidiary as represented in its proposal, it can no longer keep the six points it was awarded for being a locally based subsidiary. When those six points are subtracted, Hatch will have the highest total points, and must be recommended for award.

Robert Gleason, Director
February 1, 2023
Page 4

CONCLUSION

The Purchasing Division must grant Hatch's Objection to the recommendation of award, and determine that Hatch is the top ranked proposer. The information provided in response to Hatch's public records request confirms that. Allowing AECOM to make a material change to its proposal after submission and after scoring would violate the County's Procurement Code, the specifications of the RFP, and well established Florida law. Hatch looks forward to the County's response to its Objection, and remains ready, willing and able to perform these important services for the County at Port Everglades.

Thank you for your consideration of this issue.

Respectfully submitted,



Mark J. Stempler
For the Firm

MJS/lb

cc: Fernando Amuchastegui (via email: fa@broward.org)
Michelle Lemire (via email: mlemire@broward.org)
Andrew Meyers, Esq. (via email: ameyers@broward.org)
Rene Harrod, Esq. (via email: rharrod@broward.org)
Connie Mangan (via email: cmangan@broward.org)
Christine Calhoun (via email: ccalhoun@broward.org)
Hatch Associates Consultants, Inc

Please accept our sincere apologies for any undue administrative burden this may have placed on the staff of Broward County. We attach our updated Location Certification form as Attachment 1, confirming ATS is a Local Business and ATS Local Business Tax Receipt as Attachment 2.

Sincerely,



Mark Blanchard
Vice President / Principal-in-Charge

cc: Philip Hadfield, PE – AECOM Project Manager

Attachments

Robert Gleason, Director
February 1, 2023
Page 4

CONCLUSION

The Purchasing Division must grant Hatch's Objection to the recommendation of award, and determine that Hatch is the top ranked proposer. The information provided in response to Hatch's public records request confirms that. Allowing AECOM to make a material change to its proposal after submission and after scoring would violate the County's Procurement Code, the specifications of the RFP, and well established Florida law. Hatch looks forward to the County's response to its Objection, and remains ready, willing and able to perform these important services for the County at Port Everglades.

Thank you for your consideration of this issue.

Respectfully submitted,



Mark J. Stempler
For the Firm

MJS/lb

cc: Fernando Amuchastegui (via email: fa@broward.org)
Michelle Lemire (via email: mlemire@broward.org)
Andrew Meyers, Esq. (via email: ameyers@broward.org)
Rene Harrod, Esq. (via email: rharrod@broward.org)
Connie Mangan (via email: cmangan@broward.org)
Christine Calhoun (via email: ccalhoun@broward.org)
Hatch Associates Consultants, Inc

Robert Gleason, Director
February 28, 2023
Page 2

The answer to the question raised in Section No. 3 of the Questionnaire is something the Purchasing Division should already know. It is unclear why this question would be posed.

The questions raised in Section No. 5 of the Questionnaire are pertinent, but ultimately without merit. AECOM did not respond to the Purchasing Director's Memorandum, and opted to accept Purchasing's improper designation of a Locally Based Subsidiary. Why AECOM did not respond to the Memorandum does not matter in the evaluation of the RFP or Hatch's Objection. Though its lack of response is telling of its aim to be designated as a Locally Based Subsidiary.

As to Section No. 6 of the Questionnaire, it is unclear why which key terms AECOM felt were left out of the definitions of a Locally Based Subsidiary are relevant to this evaluation. The definitions of a Locally Based Subsidiary are what they are. AECOM does not meet those definitions. If AECOM was unclear about them, it could have raised a question at the appropriate time, or it could have filed a Specification Challenge. The time to do either of those things has long passed. Purchasing could not use any response to this question in furtherance of its evaluation of AECOM, or in evaluation of Hatch's Objection.

Regarding the questions raised in Section No. 8, again, this is irrelevant. Whether Mr. Bucknor submitted responses to prior solicitations does not matter in the evaluation of this proposal.

The questions raised by the Purchasing Division in furtherance of its evaluation of AECOM's proposal, or Hatch's Objection, are troubling. Proposals are to be evaluated based on their four corners. The questions raised by Purchasing far exceed any requests for clarification it is permitted under the Code, the RFP or Florida law. By asking these questions of AECOM, Purchasing is raising issues which are irrelevant to what should be an apples-to-apples comparison of proposals in this procurement. The questions could be interpreted as giving one proposer an unfair advantage over others. Neither the RFP, the County's Procurement Code, or Florida law allow for this type of inquiry to factor into the evaluation process, or into Purchasing's evaluation of Hatch's Objection.

AECOM's scant response to the Questionnaire is indicative. Despite being given an opportunity to address Purchasing's questions, it largely sidestepped them. After all these months since the Recommendation of Ranking was issued, what remains is that AECOM's top ranking is improper. It was the top-ranked firm by just one point, and only because it received points for being a Locally Based Subsidiary when it does not qualify as one. Those points must be deducted from its score, and as a result, Hatch should be recommended for this award as the top-ranked proposer.

Despite the foregoing, Hatch remains hopeful the Purchasing Division will uphold its Objection to the rankings and recommend Hatch for award. Again, Hatch remains ready, willing and able to perform these services.

Robert Gleason, Director
February 28, 2023
Page 3

Thank you for your attention to the foregoing.

Sincerely,

A handwritten signature in blue ink that reads "Mark J. Stempler". The signature is written in a cursive, flowing style.

Mark J. Stempler
For the Firm

MJS/lb

cc: Fernando Amuchastegui (via email: fa@broward.org)
Michelle Lemire (via email: mlemire@broward.org)
Andrew Meyers, Esq. (via email: ameyers@broward.org)
Rene Harrod, Esq. (via email: rharrod@broward.org)
Connie Mangan (via email: cmangan@broward.org)
Christine Calhoun (via email: ccalhoun@broward.org)
Hatch Associates Consultants, Inc.

1. In previous responses to Broward County solicitations, your firm checked Option 1 (Local Business) not Option 3 (Locally Based Subsidiary) in the Location Certification Form. What was the basis for your firm's selection of Option 3 (Locally Based Subsidiary) in response to this solicitation (RFP No. PNC2124755P1) considering that you have not selected this option in response to prior solicitations?
2. In preparing a response to this solicitation, did your firm review paragraphs "A" through "E" directly underneath Option 3 (Locally Based Subsidiary) in the Location Certification Form? If so, did you have any questions at that time regarding your firm's eligibility to qualify as a "Local Business" AND a "Locally Based Subsidiary" as those terms are defined by Section 1-74 of the Broward County Code of Ordinances?
3. In response to this solicitation, did your firm submit any questions to Purchasing regarding the County's Bidding Preference for Local Vendors, codified in Section 1-74, et seq. of the Broward County Code of Ordinances?
4. In response to this solicitation, your firm clearly indicated on the Vendor Questionnaire and Standard Certifications, that the principal place of business address for your firm is 300 South Grand Avenue, Suite 1100, Los Angeles, CA 90071. Accordingly, what was your firm's understanding of the Location Certification Form, Option 3, paragraph "D" which clearly stated: "The Vendor has not claimed any other location as its principal place of business within one (1) year period immediately preceding the bid posting date"?
5. All firms were provided an advance (draft) copy of the Director of Purchasing Memorandum which indicated in Section "C" Additional Requirements/Information, that your firm was a Locally Based Subsidiary and entitled to three points (per Evaluation Committee member) for evaluation criteria location points. This point allocation was based on your firm's selection of Option 3 (Locally Based Subsidiary) of the Location Certification form submitted in response to this solicitation. The draft Director of Purchasing Memorandum provided instruction to proposers that desired to clarify any information provided in their response to do so in writing. Upon receipt of the draft Director of Purchasing Memorandum, why did your firm not provide clarification on your status as a Locally Based Subsidiary and request a change in the Location Certification Form from Option 3 (Locally Based Subsidiary) to Option 1 (Local Business) at that time?
6. In your correspondence to the County dated December 1, 2022, AECOM Technical Services claims that the Location Certification Form left out "key terms relevant to the definitions" of a Locally Based Subsidiary. Which specific key terms does AECOM Technical Services believe were not properly defined or explained in Option 3 (Locally Based Subsidiary) of the Location Certification Form?
7. How long has Christopher Bucknor worked at AECOM Technical Services? Please provide hiring data and timeframe of all positions held by Mr. Bucknor at AECOM, along with a job description for each position. For each position, please indicate whether Mr. Bucknor performed any procurement related functions on behalf of AECOM Technical Services, including but not limited to, submitting responses to solicitations issued by Broward County or any other governmental or public entity.
8. When was the first time Mr. Bucknor submitted a response to a solicitation on behalf of AECOM Technical Services? In total, how many solicitations (issued by any entity) has Mr. Bucknor responded to on behalf of AECOM Technical Services? Has Mr. Bucknor ever completed a certification form addressing local preference for any of these submittals? If so, please provide a copy of all location preference forms completed by Mr. Bucknor.

Mark J. Stempler
Shareholder
Board Certified Construction Lawyer
LEED Green Associate
Phone: 561.820.2884 Fax: 561.832.8987
mstempler@beckerlawyers.com



Becker & Poliakoff
625 N. Flagler Drive
7th Floor
West Palm Beach, FL 33401

February 28, 2023

Via Email: rgleason@broward.org

Robert Gleason, Director
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

**Re: RFP No. PNC2124755P1 - 2023 Port Everglades Master/Vision Plan
Update ("RFP")**

Dear Mr. Gleason:

As you know, we represent Hatch Associates Consultants, Inc. ("Hatch") regarding the above-referenced RFP. Hatch's Objection to the Recommendation of Ranking was submitted to you on November 23, 2022 and remains pending. We are in receipt of the Purchasing Division's correspondence to AECOM from February 16, 2023, and AECOM's response to same on February 24, 2023. In sum, the information sought by the Purchasing Division, and the limited information supplied by AECOM, has no bearing on and is not determinative of the issues raised in Hatch's Objection.

On February 16, 2023, the Purchasing Division submitted eight (8) sections of questions to AECOM. A copy of the questions as received from the Purchasing Division is attached (the "Questionnaire"). The questions raised in Section 1 of the Questionnaire are irrelevant to the evaluation of AECOM's proposal. It does not matter why AECOM selected the "Locally Based Subsidiary" category for local certification in its proposal. What matters is that AECOM stated it was a Locally Based Subsidiary despite contradicting statements its own RFP, and despite the fact it did not meet the criteria established for that designation.

Similarly, Category No. 2 asks whether AECOM reviewed certain paragraphs of the RFP specifications. Whether AECOM did or did not is irrelevant. It is presumed to have understood the RFP's specifications and requirements. Otherwise, AECOM could have raised questions during the appropriate time during the solicitation process. The questions raised in Category No. 4 are irrelevant for the same reasons.

- A. The Vendor has continuously maintained, for at least the one (1) year period immediately preceding the bid posting date (i.e., the date on which the solicitation was advertised),
 - i. a physical business address located within the limits of Broward County, listed on the Vendor's valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements),
 - ii. in an area zoned for the conduct of such business,
 - iii. that the Vendor owns or has the legal right to use, and
 - iv. from which the Vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation as so defined, the "Local Business Location");
- B. The Local Business Location is the primary business address of the majority of the Vendor's employees as of the bid posting date, and/or the majority of the work under the solicitation, if awarded to the Vendor, will be performed by employees of the Vendor whose primary business address is the Local Business Location;
- C. The Vendor's management directs, controls, and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations) from the Local Business Location;
- D. The Vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date; and
- E. Less than fifty percent (50%) of the total equity interests in the business are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County. The Vendor certifies that the total equity interests in the owned, directly or indirectly, by one or more entities with a principal place of business Vendor located outside of Broward County is .

If Option 2 selected, indicate **Local Business Location**:

☐ **Option 3:** The Vendor is both a **Local Business** and a **Locally Based Subsidiary** as each term is defined by Section 1-74, Broward County Code of Ordinances. The Vendor further certifies that:

- A. The Vendor has continuously maintained:
 - i. for at least the one (1) year period immediately preceding the bid posting date (i.e., the date on which the solicitation was advertised),
 - ii. a physical business address located within the limits of Broward County, listed on the Vendor's valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements),
 - iii. in an area zoned for the conduct of such business,
 - iv. that the Vendor owns or has the legal right to use, and
 - v. from which the Vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation (as so defined, the "Local Business Location");
- B. The Local Business Location is the primary business address of the majority of the Vendor's employees as of the bid posting date, and/or the majority of the work under the solicitation, if awarded to the Vendor, will be performed by employees of the Vendor whose primary business address is the Local Business Location;
- C. The Vendor's management directs, controls, and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations) from the Local Business Location;
- D. The Vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date; and
- E. At least fifty percent (50%) of the total equity interests in the business are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County. The Vendor certifies that the total equity interests in the Vendor owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County is .

If Option 3 selected, indicate **Local Business Location**:

- ☐ **Option 4:** The Vendor is a **joint venture** composed of one or more Local Businesses, Locally Based Businesses, or Locally Based Subsidiaries, as each term is defined by Section 1-74, Broward County Code of Ordinances. Fill in blanks with percentage equity interest or list "N/A" if section does not apply. The Vendor further certifies that:

- A. The proportion of equity interests in the joint venture owned by **Local Business(es)** (each Local Business must comply with all of the requirements stated in Option 1) is % of the total equity interests in the joint venture; and/or
- B. The proportion of equity interests in the joint venture owned by **Locally Based Business(es)** (each Locally Based Business must comply with all of the requirements stated in Option 2) is % of the total equity interests in the joint venture; and/or
- C. The proportion of equity interests in the joint venture owned by **Locally Based Subsidiary(ies)** (each Locally Based Subsidiary must comply with all of the requirements stated in Option 3) is % of the total equity interests in the joint venture.

If Option 4 selected, indicate the Local Business Location(s) (es) on separate sheet.

- ☐ **Option 5:** Vendor is not a Local Business, a Locally Based Business, or a Locally Based Subsidiary, as each term is defined by Section 1-74, Broward County Code of Ordinances.

Required Supporting Documentation (in addition to this form): Option 1 or 2 (**Local Business or Locally Based Business**):

1. Broward County local business tax receipt.

Option 3 (Locally Based Subsidiary)

1. Broward County local business tax receipt.
2. Documentation identifying the Vendor's vertical corporate organization and names of parent entities if the Vendor is a Locally Based Subsidiary.

Option 4 (joint venture composed of one or more Local Business(es), Locally Based Business(es), or Locally Based Subsidiary(ies):

1. Broward County local business tax receipt(s) for each Local Business(es), Locally Based Business(es), and/or Locally Based Subsidiary(ies).
2. Executed joint venture agreement, if the Vendor is a joint venture.
3. If joint venture is comprised of one or more Locally Based Subsidiary(ies), submit documentation identifying the vertical corporate organization and parent entities name(s) of each Locally Based Subsidiary.

If requested by County (any option):

1. Written proof of the Vendor's ownership or right to use the real property at the Local Business Location.
2. Additional documentation relating to the parent entities of the Vendor.
3. Additional documentation demonstrating the applicable percentage of equity interests in the joint venture, if not shown in the joint venture agreement.
4. Any other documentation requested by County regarding the location from which the activities of the Vendor are directed, controlled, and coordinated.

Broward County Board of
County Commissioners

Bid PNC2124755P1

By submitting this form, the Vendor certifies that if awarded a contract, it is the intent of the Vendor to remain at the Local Business Location address listed below (or another qualifying Local Business Location within Broward County) for the duration of the contract term, including any renewals or extensions. (If nonlocal Vendor, leave Local Business Location blank.)

Indicate Local Business Location:

True and Correct Attestations:

Any misleading, inaccurate, or false information or documentation submitted by any party affiliated with this procurement may lead to suspension and/or debarment from doing business with Broward County as authorized by the Broward County Procurement Code. The Vendor understands that, if after contract award, the County learns that any of the information provided by the Vendor on this was false, and the County determines, upon investigation, that the Vendor's provision of such false information was willful or intentional, the County may exercise any contractual right to terminate the contract. The provision of false or fraudulent information or documentation by a Vendor may subject the Vendor to civil and criminal penalties.

AUTHORIZED SIGNATURE/NAME:



Mark Blanchard

TITLE: Principal-in-Charge

VENDOR NAME: AECOM Technical Services, Inc.

DATE: 11/29/2022

Revised May 1, 2021

Attachment 2

BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT

115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 – 954-831-4000

VALID OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022

DBA:
Business Name: AECOM TECHNICAL SERVICES INC

Receipt #: 315-263752
Business Type: ENGINEER

Owner Name: AECOM TECHNICAL SERVICES, INC
Business Location: 110 E BROWARD BLVD STE 700
FT LAUDERDALE
Business Phone: 804-515-8418

Business Opened: 10/01/2006
State/County/Cert/Reg: 22820112975
Exemption Code:

Rooms **Seats** **Employees** **Machines** **Professionals**
45

For Vending Business Only						
Number of Machines:				Vending Type:		
Tax Amount	Transfer Fee	NSF Fee	Penalty	Prior Years	Collection Cost	Total Paid
45.00	0.00	0.00	0.00	0.00	0.00	45.00

THIS RECEIPT MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS

THIS BECOMES A TAX RECEIPT

WHEN VALIDATED

This tax is levied for the privilege of doing business within Broward County and is non-regulatory in nature. You must meet all County and/or Municipality planning and zoning requirements. This Business Tax Receipt must be transferred when the business is sold, business name has changed or you have moved the business location. This receipt does not indicate that the business is legal or that it is in compliance with State or local laws and regulations.

Mailing Address:

AECOM TECHNICAL SERVICES, INC
4840 COX ROAD
GLEN ALLEN, VA 23060

Receipt # WWW-20-00231622
Paid 08/19/2021 45.00

2021 - 2022

BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT

115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 – 954-831-4000

VALID OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022

DBA:
Business Name: AECOM TECHNICAL SERVICES INC

Receipt #: 315-263752
Business Type: ENGINEER

Owner Name: AECOM TECHNICAL SERVICES, INC
Business Location: 110 E BROWARD BLVD STE 700
FT LAUDERDALE
Business Phone: 804-515-8418

Business Opened: 10/01/2006
State/County/Cert/Reg: 22820112975
Exemption Code:

Rooms **Seats** **Employees** **Machines** **Professionals**
45

For Vending Business Only						
Number of Machines:				Vending Type:		
Signature	Tax Amount	Transfer Fee	NSF Fee	Penalty	Prior Years	Collection Cost
	45.00	0.00	0.00	0.00	0.00	0.00
						45.00

Receipt # WWW-20-00231622
Paid 08/19/2021 45.00



CITY OF FORT LAUDERDALE BUSINESS TAX YEAR 2021-2022



Business Tax Division

700 NW 19TH AVE. | FORT LAUDERDALE, FL 33311 | (954) 828 - 5195

Business ID: BT-GEN-20090056

Business Name: AECOM TECHNICAL SERVICES INC

Business Address: 110 E BROWARD BLVD # 700

SHIRLEY STARK
AECOM TECHNICAL SERVICES
110 E COMMERCIAL BLVD # 700
FORT LAUDERDALE FL 33301

TAX CATEGORIES

418300 PROFESSIONAL OFC (ADMINISTRATION)

Contact: SANDRA PARET

Business Email: Dcsdivisiontaxrequest@Aecom.Com

- This Receipt is issued for the period commencing October 1st and ending September 30th of the years shown above.
- If you have closed or moved out of the city, please email businesstax@fortlauderdale.gov and include the Business ID #.
- A transfer of business location within city limits is subject to zoning approval. Complete a Business Tax Transfer Application online to obtain the necessary approval. A transfer fee of 10% of the Business Tax fee applies, not less than \$3.00, no more than \$25.00.
- If you have sold your business, please email a copy of the Bill of Sale to businesstax@fortlauderdale.gov and include the Business ID #. A transfer of ownership will incur a transfer fee of 10% of the Business Tax fee, not less than \$3.00, no more than \$25.00.

Please be advised that this issuance of a Business Tax Receipt establishes that the business you intend to conduct is a use permitted by the City Zoning Code for the location at which you intend to operate. The issuance of a Business Tax Receipt in no way certifies that the property located at this address is in compliance with other provisions of the City Code of Ordinances.

From: [Minnery, Mark](#)
To: [Lemire, Michelle](#)
Cc: [Bucknor, Chris](#); [Hadfield, Philip](#)
Subject: RE: Additional Information Request for: Broward County RFP No. PNC2124755P1 2023 Port Everglades Master/Vision Plan Update
Date: Thursday, September 8, 2022 2:04:17 PM
Attachments: [image.png](#)
[AECOM Response.pdf](#)

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Ms. Lemire –

Attached please find the requested documentation. Please let us know if you have any questions or require additional information.

Kindest Regards,

Mark Minnery
Marketing Manager

M +1-305-804-6689
mark.minnery@aecom.com

AECOM
150 N. Orange Avenue
Suite 200
Orlando, FL 32801, USA
aecom.com

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From: Bucknor, Chris <Chris.Bucknor@aecom.com>
Sent: Thursday, September 8, 2022 12:16 PM
To: Lemire, Michelle <MLEMIRE@broward.org>
Cc: Minnery, Mark <mark.minnery@aecom.com>
Subject: RE: Additional Information Request for: Broward County RFP No. PNC2124755P1 2023 Port Everglades Master/Vision Plan Update

Ms. Lemire:

Thank you for providing Broward County's request for the supporting documentation for our Location Certification. AECOM will provide the requested documentation by the stipulated deadline.

Regards,

Christopher Bucknor, PE, ENV SP
Vice President
South Florida Transportation Director
D +1-561-962-0901
M +1-954-328-0186
Chris.Bucknor@aecom.com

AECOM
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Coral Gables, Florida 33134, USA
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aecom.com

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From: Lemire, Michelle <MLEMIRE@broward.org>
Sent: Thursday, September 8, 2022 12:00 PM
To: Bucknor, Chris <Chris.Bucknor@aecom.com>
Subject: [EXTERNAL] Additional Information Request for: Broward County RFP No. PNC2124755P1
2023 Port Everglades Master/Vision Plan Update

Good morning,

Thank you for your recent submittal for PNC2124755P1 2023 Port Everglades Master/Vision Plan Update with Broward County Port Everglades. Broward County staff are currently reviewing submittals and preparing for the Evaluation Committee meeting. Your submittal was missing the below documents, as required by the RFP.

Please provide the following documents to me by COB on Tuesday, September 13 , 2022 or sooner.

1. **Location Certification: Your firm selected Option 3 but did not provide the required supporting documentation (listed on page 3 of the attached document).**

If you have any questions, please let me know.

Thank you,

Michelle Lemire, Purchasing Agent Senior
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301
Office: 954-357-6782

www.broward.org



Customer Care is my priority. How am I doing? Please contact my Manager, Christine Calhoun, at ccalhoun@broward.org with feedback.

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

December 1, 2022

VIA ELECTRONIC TRANSMITTAL (MLEMIRE@broward.org)

Broward County Purchasing Division
Attn: Ms. Michelle Lemire
Purchasing Agent
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

**Subject: Broward County RFP No. PNC2124755P1 2023 Port Everglades Master/Vision Plan
Update – Reply Letter**

Dear Ms. Lemire:

After further review, AECOM Technical Services, Inc. (ATS) would like to notify Broward County that it misinterpreted the requirements of Option 3 of the Location Certification Form. When reading the options in the Location Certification form earlier, ATS incorrectly understood that it qualified as a Locally Based Subsidiary of its ultimate parent company AECOM. The definition from the Code of Ordinances, Section 1-74 of *Locally Based Subsidiary* was referenced but not included in the language of the Location Certification form. Section E of Option 3 in the Location Certification form paraphrases the definitions included in Section 1-74 leaving out key terms relevant to the definitions.

Although not a Locally Based Subsidiary, ATS is a Local Business which has continuously maintained, for more than one year, a physical business address located within the limits of Broward County, listed on ATS business tax receipt. See Attachment 1. Further, ATS operates and performs on a day-to-day basis business locally that is a substantial component of the services that will be provided, and the majority of the work under this contract would be performed by local Broward County based staff.

Since ATS is submitting a corrected Location Certification form, we would like Broward County's confirmation that there is no need for ATS to respond to the additional Questions requested via email on November 30, 2022.

ATS values its relationship with Broward County and would like to take this opportunity to reiterate its position that we have the right local team with the set of skills necessary to deliver the 2023 Master/Vision Plan for the Port Everglades and Broward County as originally recommended and approved by Broward County Procurement.

From: [Lemire, Michelle](#)
To: [Blanchard, Mark](#); [Hadfield, Philip](#)
Cc: [Shorey, Christine](#); [Yacinthe, Natacha](#)
Subject: Additional Information Request: PNC2124755P1 2023 Port Everglades M/V Plan Update
Date: Thursday, January 5, 2023 3:09:00 PM
Attachments: [HATCH Comments Letter.pdf](#)
[Exhibit 2 - AECOM Comments - January 5, 2023 dated 12.01.2022.pdf](#)

Good afternoon:

On November 23, 2022, we received an objection to the Proposed Recommendation of Ranking for the above referenced solicitation from Hatch Associates Consultants, Inc. ("Hatch") contending that AECOM Technical Services, Inc. ("ATS") should not qualify for the County's local preference because ATS does not allegedly perform a "substantial component" of the services required by the County from ATS's Broward location. In order to qualify as a local business under the County's Local Preference Ordinance, a vendor must, among other things, "operate and perform on a day-to-day basis business that is a substantial component of the goods and services being offered to Broward County in connection with the applicable competitive solicitation." See Section 1-74 of the County's Code of Ordinances.

On December 1, 2022, we received ATS's response to the objection. ATS claims that it meets all criteria required to qualify as a "local business" as defined by County's Local Preference Ordinance. We have identified the following as the five major components of the work that the County will require under this solicitation:

Contract Components (Tasks)	Percentage of Tasks to be performed by AECOM from AECOM's Broward-based office (local)	Number of AECOM's Broward-based employees (local) to perform Tasks
1. Public Outreach		
2. Projections /Forecasts		
3. Analysis/Assessment		
4. Developing/Planning		
5. 3D development/Coordination		

Please state: ^(a) what percentages of each of these components of work ATS would perform from its Broward location if awarded this solicitation and ^(b) the number of staff at ATS's Broward location that would perform such work.

Please respond by 5:00 PM, Tuesday, January 10, 2023, or sooner.

Thank you,

Michelle Lemire, Purchasing Agent Senior
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301
Office: 954-357-6782

www.broward.org



Customer Care is my priority. How am I doing? Please contact my Manager, Christine Shorey, at cshorey@broward.org with feedback.



AECOM
110 East Broward Boulevard, Suite 700
Fort Lauderdale, FL 33301

954.662.1607 tel

January 10, 2023

VIA ELECTRONIC TRANSMITTAL

Broward County Purchasing Division
Attn: Ms. Michelle Lemire
Purchasing Agent
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

Subject: Broward County RFP No. PNC2124755P1 2023 Port Everglades Master/Vision Plan Update

Dear Ms. Lemire:

AECOM (through its predecessor organizations) has been in operation in Broward County since 1969. Our local office in Fort Lauderdale is located at 110 East Broward Boulevard. With over 94 local staff members, we provide a variety of planning, environmental, design and construction phase services in support of our federal, state, and local municipal clients. We have had the privilege of serving several Broward County Departments including Port Everglades, Broward County Aviation Department, and Broward County Public Works, to name a few. The AECOM team has the local resources and commitment to meet your schedule, time, and budget expectations for the Port Everglades Master/Vision Plan (M/VP) Update.

AECOM's local presence in Broward County, married with our strong partnerships with local CBE/SBE/MWBE firms, has helped provide comprehensive Port Planning services to Broward County. AECOM assisted Broward County in the development of the M/VP in 2009. For the 2023 Port Everglades Master / Vision Plan update, AECOM's team is similarly structured and will deliver the work using majority of its Broward based employees and partners.

Based upon our analysis of the scope and schedule provided within the RFP, AECOM has committed a minimum 25% CBE/MWBE/SBE goal in this solicitation, and we plan to utilize local firms and local Broward County based resources in delivering all of the tasks listed below. Our plan is to use local CBE firms to deliver approximately 40% of the Public Outreach tasks, 30% of the Analysis/Assessment tasks, 20% of the Developing/Planning tasks and 40% of the 3D Development/Coordination tasks. AECOM also plans to use Broward based non-CBE firms to deliver approximately 25% of Projections/Forecast task, 17% of Analysis/Assessment tasks and 15% of Developing/Planning tasks.

We anticipate that 38% of the work will be delivered by AECOM's long-standing partners who are Broward based firms including the CBE and non-CBE firms, 7% by non-Broward based non-CBE firms and the balance of 55% of the contracted work will be delivered by AECOM.

Out of this total work that will be undertaken by AECOM, the following table provides a summary of the approximate breakdown of work that will be done by AECOM staff from our Broward County based office which have been an integral part of servicing Broward County and Port Everglades. As requested, the following table also provides the count of AECOM's key Broward County based employees who will be assisting in delivering the 2023 Port Everglades Master / Vision Plan update. These represent the key resources to support the project, however we anticipate additional key local staff will be required.

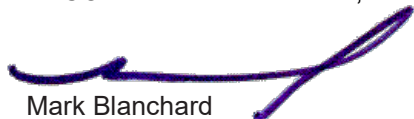
Contract Components (Tasks)	Percentage of Tasks to be performed by AECOM from AECOM's Broward-based office (local)	Number of AECOM's Broward-based employees (local) to perform Tasks
1. Public Outreach	60%	10
2. Projections /Forecasts	50%	7
3. Analysis/Assessment	65%	15
4. Developing/Planning	67%	13
5. 3D Development/ Coordination	60%	10

*Note: The proposed percentages above represent the amount of work AECOM will be undertaking from Broward based offices. Please note, this percentage is calculated after subtracting AECOM's commitment to Broward based and non-Broward based partners.

Should you have any questions or require additional information, please contact me by e-mail at mark.blanchard@aecom.com or by telephone at 954.662.1607 and philip.hadfield@aecom.com or by telephone at 213.713.0540. Thank you for the opportunity to serve Broward County.

Sincerely,

AECOM Technical Services, Inc.



Mark Blanchard
Vice President / Principal-in-Charge

CC: Philip Hadfield, PE – AECOM Project Manager

Mark J. Stempler
Shareholder
Board Certified Construction Lawyer
LEED Green Associate
Phone: 561.820.2884 Fax: 561.832.8987
mstempler@beckerlawyers.com



Becker & Poliakoff
625 N. Flagler Drive
7th Floor
West Palm Beach, FL 33401

February 1, 2023

Via Email: rgleason@broward.org

Robert Gleason, Director
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

**Re: RFP No. PNC2124755P1 - 2023 Port Everglades Master/Vision Plan
Update ("RFP")**

Dear Mr. Gleason:

Hatch Associates Consultants, Inc. ("Hatch") submitted an Objection Letter on November 28, 2022, concerning the above-referenced RFP. While the Purchasing Division has not yet responded to the Objection, we submit this correspondence after reviewing public records produced yesterday by Broward County in response to our request on December 9, 2022. The County produced documents concerning communications with AECOM Technical Services, Inc. ("AECOM"), the current firm recommended for award for the RFP, since the date of Hatch's Objection.

There are two sets of communications which prompt this correspondence, both of which are attached. First, on December 1, 2022, AECOM admitted to Broward County that it incorrectly represented that it was qualified as a "locally based subsidiary" under Broward County's Code of Ordinances, Section 1-74. In its proposal to the County under the RFP, AECOM submitted a Location Certification representing it was a locally based subsidiary and received local preference points based on its certification. Without these local preference points Hatch would have been awarded the project. However, on December 1st, months after it submitted its proposal and months after its proposal was evaluated and scored, AECOM acknowledged that its certification was erroneous and sought to change its local certification to a "local business," under that same ordinance section.

Instead of determining that AECOM would not be permitted to make a material change to its proposal, the County on January 5, 2023, sought additional information from AECOM regarding the percentage of tasks to be performed from AECOM's Broward-based office under

Robert Gleason, Director
February 1, 2023
Page 2

the proposal at issue. On January 10th, AECOM responded by claiming percentages of performance of the service from its, "Broward based offices," (plural).

Hatch does not presume to know how the Purchasing Division will determine Hatch's Objection. However, Hatch presumes the Purchasing Division will follow its established guidelines set forth in the County's Procurement Code, the RFP, and as well as Florida case law in determining AECOM made a material misrepresentation in its proposal, and is not permitted to make a material change to its proposal at this time.

First, the Procurement Code is clear that misrepresentations in a proposal shall be grounds for finding a vendor nonresponsive or nonresponsible. Section 21.36 of the Procurement Code states:

A vendor's material misrepresentation in a response to a solicitation shall be grounds for finding a vendor nonresponsive or nonresponsible and may be grounds for suspension or debarment of the vendor. ...

Section 21.40 of the Procurement Code pertains to determinations of responsiveness and responsibility. Section 21.40b(4) states that while, "a vendor may submit information regarding its responsibility; **provided, however, that such information shall not be considered if it contradicts or materially alters the information provided by the vendor in its original response to the solicitation.**" The RFP states that, "A Responsible (Vendor) means a vendor who is determined to have the capability in all respects to perform fully the requirements of a solicitation, as well as the integrity and reliability that will ensure good faith performance." That section goes on to include the same language set forth in Section 21.40 of the Procurement Code regarding the submission of information after proposals are submitted.

Here, AECOM materially misrepresented that it was a locally based subsidiary to secure additional points in its evaluation. In fact, AECOM's misrepresentation resulted in it receiving an additional six points for being a locally based subsidiary, when in fact it did not qualify as such. This was not detected by the Purchasing Division during its review of the proposal, despite clear contradictions in AECOM's proposal as identified in Hatch's Objection.

Again, on December 1, 2022, it submitted information indicating that it was not a locally based subsidiary, but rather a local business. This submission of information well after proposals were submitted and scored, and proposers were ranked, contradicts and materially alters the information provided in the proposal. As such, AECOM must be found nonresponsible, or must not be permitted to materially change the Location Certification in its proposal. Making material misrepresentations to achieve additional local points does not lend to the integrity and reliability of a vendor.

Robert Gleason, Director
February 1, 2023
Page 3

The purpose of the public procurement process is, “To provide for equitable treatment of participating vendors; To provide safeguards to ensure and maintain the quality and integrity of the County’s procurement system; and To promote public confidence in the procedures followed in public procurement by promoting transparency and uniformity in application.” Broward County Procurement Code §21.2(e)-(g). The object of competitive procurement is, “to close all avenues to favoritism and fraud in its various forms; to secure the best values for the county at the lowest possible expense; and to afford an equal advantage to all desiring to do business with the county, by affording an opportunity for an exact comparison of bids’....” *Harry Pepper & Associates, Inc. v. City of Cape Coral*, 352 So. 2d 1190, 1192 (Fla. 2d DCA 1190).

Public authorities have wide discretion in awarding a public contract through the competitive procurement process. That discretion, however, “must be exercised based upon clearly defined criteria, and may not be exercised arbitrarily or capriciously.” Liberty County v. Baxter’s Asphalt & Concrete, Inc., 421 So. 2d 505 (Fla. 1982). An agency abuses that wide discretion when it acts arbitrarily or capriciously, based upon misconception of law, ignorance through lack of inquiry, in violation of the law, or as a result of improper influence. William A. Berbusse, Jr., Inc. v. North Broward Hospital District, 117 So. 2d 550, 551 (Fla. 2d DCA 1960). **This means that irregularities in applying the evaluation criteria cannot provide one proposer with an unfair competitive advantage, and cannot be deemed minor technicalities.** See Robinson Electrical Co., Inc. v. Dade County, 417 So. 2d 1032 (Fla. 3d DCA 1032). **A bidder cannot be permitted to change its proposal after the proposals are opened, except to cure minor irregularities.** *Harry Pepper & Associates, Inc.* 352 So. 2d at 193. Irregularities in applying the evaluation criteria cannot provide one proposer with an unfair competitive advantage, and cannot be deemed minor technicalities. See *Robinson Electrical Co., Inc. v. Dade County*, 417 So. 2d 1032 (Fla. 3rd DCA 1032). Further, “a public body is not entitled to omit or alter **material** provisions required by the RFP because in doing so the public body fails to ‘inspire public confidence in the fairness of the [RFP] process.’” *Emerald Corr. Mgmt. v. Bay Cty. Bd. of Cty. Comm’rs*, 955 So. 2d 647, 653 (Fla. 1st DCA 2007); quoting *State, Dep’t of Lottery v. Gtech Corp.*, 816 So. 2d 648 (Fla. 1st DCA 2001). **If an agency fails to observe pre-established specifications, or its code, “that action will render meaningless the basis upon which bids were initially sought, and so must be deemed arbitrary, illegal, fraudulent, or dishonest.”** *MCI Telecommunications Corp. v. Dept. of Corrections*, 1995 WL 1053092 (Fla. Div. Admin. Hrgs.) (Emphasis added). In one case, a school board’s request for proposal (RFP) process for obtaining Internet service provider was in violation of law, where bidder was permitted to revise its price after opening of sealed proposals. *Bright House Networks v. AT&T Corp.*, 205 So. 3d 837 (Fla. 5th DCA 2016).

Here, AECOM’s alteration of its Location Certification to try to qualify as a local business months after it was submitted, evaluated and scored is a material alteration that is impermissible, and should not be considered in the evaluation under this RFP. Since AECOM admits it was not a locally based subsidiary as represented in its proposal, it can no longer keep the six points it was awarded for being a locally based subsidiary. When those six points are subtracted, Hatch will have the highest total points, and must be recommended for award.

Robert Gleason, Director
February 1, 2023
Page 4

CONCLUSION

The Purchasing Division must grant Hatch's Objection to the recommendation of award, and determine that Hatch is the top ranked proposer. The information provided in response to Hatch's public records request confirms that. Allowing AECOM to make a material change to its proposal after submission and after scoring would violate the County's Procurement Code, the specifications of the RFP, and well established Florida law. Hatch looks forward to the County's response to its Objection, and remains ready, willing and able to perform these important services for the County at Port Everglades.

Thank you for your consideration of this issue.

Respectfully submitted,



Mark J. Stempler
For the Firm

MJS/lb

cc: Fernando Amuchastegui (via email: fa@broward.org)
Michelle Lemire (via email: mlemire@broward.org)
Andrew Meyers, Esq. (via email: ameyers@broward.org)
Rene Harrod, Esq. (via email: rharrod@broward.org)
Connie Mangan (via email: cmangan@broward.org)
Christine Calhoun (via email: ccalhoun@broward.org)
Hatch Associates Consultants, Inc

Mark J. Stempler
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Board Certified Construction Lawyer
LEED Green Associate
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mstempler@beckerlawyers.com



Becker & Poliakoff
625 N. Flagler Drive
7th Floor
West Palm Beach, FL 33401

February 28, 2023

Via Email: rgleason@broward.org

Robert Gleason, Director
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

**Re: RFP No. PNC2124755P1 - 2023 Port Everglades Master/Vision Plan
Update ("RFP")**

Dear Mr. Gleason:

As you know, we represent Hatch Associates Consultants, Inc. ("Hatch") regarding the above-referenced RFP. Hatch's Objection to the Recommendation of Ranking was submitted to you on November 23, 2022 and remains pending. We are in receipt of the Purchasing Division's correspondence to AECOM from February 16, 2023, and AECOM's response to same on February 24, 2023. In sum, the information sought by the Purchasing Division, and the limited information supplied by AECOM, has no bearing on and is not determinative of the issues raised in Hatch's Objection.

On February 16, 2023, the Purchasing Division submitted eight (8) sections of questions to AECOM. A copy of the questions as received from the Purchasing Division is attached (the "Questionnaire"). The questions raised in Section 1 of the Questionnaire are irrelevant to the evaluation of AECOM's proposal. It does not matter why AECOM selected the "Locally Based Subsidiary" category for local certification in its proposal. What matters is that AECOM stated it was a Locally Based Subsidiary despite contradicting statements its own RFP, and despite the fact it did not meet the criteria established for that designation.

Similarly, Category No. 2 asks whether AECOM reviewed certain paragraphs of the RFP specifications. Whether AECOM did or did not is irrelevant. It is presumed to have understood the RFP's specifications and requirements. Otherwise, AECOM could have raised questions during the appropriate time during the solicitation process. The questions raised in Category No. 4 are irrelevant for the same reasons.

Robert Gleason, Director
February 28, 2023
Page 2

The answer to the question raised in Section No. 3 of the Questionnaire is something the Purchasing Division should already know. It is unclear why this question would be posed.

The questions raised in Section No. 5 of the Questionnaire are pertinent, but ultimately without merit. AECOM did not respond to the Purchasing Director's Memorandum, and opted to accept Purchasing's improper designation of a Locally Based Subsidiary. Why AECOM did not respond to the Memorandum does not matter in the evaluation of the RFP or Hatch's Objection. Though its lack of response is telling of its aim to be designated as a Locally Based Subsidiary.

As to Section No. 6 of the Questionnaire, it is unclear why which key terms AECOM felt were left out of the definitions of a Locally Based Subsidiary are relevant to this evaluation. The definitions of a Locally Based Subsidiary are what they are. AECOM does not meet those definitions. If AECOM was unclear about them, it could have raised a question at the appropriate time, or it could have filed a Specification Challenge. The time to do either of those things has long passed. Purchasing could not use any response to this question in furtherance of its evaluation of AECOM, or in evaluation of Hatch's Objection.

Regarding the questions raised in Section No. 8, again, this is irrelevant. Whether Mr. Bucknor submitted responses to prior solicitations does not matter in the evaluation of this proposal.

The questions raised by the Purchasing Division in furtherance of its evaluation of AECOM's proposal, or Hatch's Objection, are troubling. Proposals are to be evaluated based on their four corners. The questions raised by Purchasing far exceed any requests for clarification it is permitted under the Code, the RFP or Florida law. By asking these questions of AECOM, Purchasing is raising issues which are irrelevant to what should be an apples-to-apples comparison of proposals in this procurement. The questions could be interpreted as giving one proposer an unfair advantage over others. Neither the RFP, the County's Procurement Code, or Florida law allow for this type of inquiry to factor into the evaluation process, or into Purchasing's evaluation of Hatch's Objection.

AECOM's scant response to the Questionnaire is indicative. Despite being given an opportunity to address Purchasing's questions, it largely sidestepped them. After all these months since the Recommendation of Ranking was issued, what remains is that AECOM's top ranking is improper. It was the top-ranked firm by just one point, and only because it received points for being a Locally Based Subsidiary when it does not qualify as one. Those points must be deducted from its score, and as a result, Hatch should be recommended for this award as the top-ranked proposer.

Despite the foregoing, Hatch remains hopeful the Purchasing Division will uphold its Objection to the rankings and recommend Hatch for award. Again, Hatch remains ready, willing and able to perform these services.

Robert Gleason, Director
February 28, 2023
Page 3

Thank you for your attention to the foregoing.

Sincerely,

A handwritten signature in blue ink that reads "Mark J. Stempler". The signature is written in a cursive, flowing style.

Mark J. Stempler
For the Firm

MJS/lb

cc: Fernando Amuchastegui (via email: fa@broward.org)
Michelle Lemire (via email: mlemire@broward.org)
Andrew Meyers, Esq. (via email: ameyers@broward.org)
Rene Harrod, Esq. (via email: rharrod@broward.org)
Connie Mangan (via email: cmangan@broward.org)
Christine Calhoun (via email: ccalhoun@broward.org)
Hatch Associates Consultants, Inc.

1. In previous responses to Broward County solicitations, your firm checked Option 1 (Local Business) not Option 3 (Locally Based Subsidiary) in the Location Certification Form. What was the basis for your firm's selection of Option 3 (Locally Based Subsidiary) in response to this solicitation (RFP No. PNC2124755P1) considering that you have not selected this option in response to prior solicitations?
2. In preparing a response to this solicitation, did your firm review paragraphs "A" through "E" directly underneath Option 3 (Locally Based Subsidiary) in the Location Certification Form? If so, did you have any questions at that time regarding your firm's eligibility to qualify as a "Local Business" AND a "Locally Based Subsidiary" as those terms are defined by Section 1-74 of the Broward County Code of Ordinances?
3. In response to this solicitation, did your firm submit any questions to Purchasing regarding the County's Bidding Preference for Local Vendors, codified in Section 1-74, et seq. of the Broward County Code of Ordinances?
4. In response to this solicitation, your firm clearly indicated on the Vendor Questionnaire and Standard Certifications, that the principal place of business address for your firm is 300 South Grand Avenue, Suite 1100, Los Angeles, CA 90071. Accordingly, what was your firm's understanding of the Location Certification Form, Option 3, paragraph "D" which clearly stated: "The Vendor has not claimed any other location as its principal place of business within one (1) year period immediately preceding the bid posting date"?
5. All firms were provided an advance (draft) copy of the Director of Purchasing Memorandum which indicated in Section "C" Additional Requirements/Information, that your firm was a Locally Based Subsidiary and entitled to three points (per Evaluation Committee member) for evaluation criteria location points. This point allocation was based on your firm's selection of Option 3 (Locally Based Subsidiary) of the Location Certification form submitted in response to this solicitation. The draft Director of Purchasing Memorandum provided instruction to proposers that desired to clarify any information provided in their response to do so in writing. Upon receipt of the draft Director of Purchasing Memorandum, why did your firm not provide clarification on your status as a Locally Based Subsidiary and request a change in the Location Certification Form from Option 3 (Locally Based Subsidiary) to Option 1 (Local Business) at that time?
6. In your correspondence to the County dated December 1, 2022, AECOM Technical Services claims that the Location Certification Form left out "key terms relevant to the definitions" of a Locally Based Subsidiary. Which specific key terms does AECOM Technical Services believe were not properly defined or explained in Option 3 (Locally Based Subsidiary) of the Location Certification Form?
7. How long has Christopher Bucknor worked at AECOM Technical Services? Please provide hiring data and timeframe of all positions held by Mr. Bucknor at AECOM, along with a job description for each position. For each position, please indicate whether Mr. Bucknor performed any procurement related functions on behalf of AECOM Technical Services, including but not limited to, submitting responses to solicitations issued by Broward County or any other governmental or public entity.
8. When was the first time Mr. Bucknor submitted a response to a solicitation on behalf of AECOM Technical Services? In total, how many solicitations (issued by any entity) has Mr. Bucknor responded to on behalf of AECOM Technical Services? Has Mr. Bucknor ever completed a certification form addressing local preference for any of these submittals? If so, please provide a copy of all location preference forms completed by Mr. Bucknor.

Mark J. Stempler
Shareholder
Board Certified Construction Lawyer
LEED Green Associate
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Becker

Becker & Poliakoff
625 N. Flagler Drive
7th Floor
West Palm Beach, FL 33401

November 23, 2022

Via Email: rgleason@broward.org

Robert Gleason, Director
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

**Re: RFP No. PNC2124755P1 - 2023 Port Everglades Master/Vision Plan
Update ("RFP") Objection Letter**

Dear Mr. Gleason:

The undersigned law firm represents Hatch Associates Consultants, Inc. ("Hatch"). Hatch submits this Objection to the Recommendation of Ranking of the RFP, dated November 21, 2022, pursuant to Section 21.42(h) of the Broward County Procurement Code.

The top-ranked proposer, AECOM Technical Services, Inc. ("AECOM"), received a total six points under the Evaluation Criteria based on its attestation that it is a local business and a locally based subsidiary. **That, however, appears to be incorrect. AECOM's principal place of business is in Los Angeles, California, and it further fails to meet multiple criteria to be considered a locally based subsidiary. Based on this new information, AECOM is not entitled to receive any points for being a locally based subsidiary or local business pursuant to the RFP's evaluation criteria.**

As such, when the scores are recalculated, the award should be issued to Hatch.

For those reasons, as more specifically described below, the County must uphold this objection, re-evaluate AECOM's proposal and recalculate the points that it received for being a locally based subsidiary. The RFP, Broward County's Code, and Florida law require this result.

Robert Gleason, Director
November 23, 2022
Page 2

I. BACKGROUND

The RFP was issued on August 4, 2022. It sought proposers to perform services to review and update the existing 2018 Port Everglades Master/Vision Plan Update, and related economic activity, financial and market forecasts and conditions, and other information set forth in the RFP's Scope of Work. The County Commission had directed the Port Everglades Department to update its Master/Vision Plan every two to three years. The contract for these services is three (3) years, with two potential (2) annual renewals. This RFP was issued pursuant to Section 287.055, the Consultants' Competitive Negotiation Act ("CCNA"). Therefore, price was not considered in the evaluation and ranking of the qualified firms.

The Evaluation Criteria is based on a 100-point scoring system. Points were to be awarded for seven categories, and there were subsections within those categories. Category 5 states:

"Location: (Maximum 5 Points)

Refer to **Location Certification Form** and submit as instructed. Points shall be allocated as follows based on the vendor's selection of one of the five options in the Location Certification Form: Option 1 (0 points); Option 2 (5 points); Option 3 (3 points); Option 4 (points range from 0-5 depending on the composition of the joint venture); and Option 5 (0 points)."¹

A vendor which selects Option 3 was to be awarded a maximum of 3 points, per evaluator. There were two members on this Evaluation Committee.

The Location Certification Form (the "Form") was contained in the RFP. It provided the Options set forth above that a vendor could select if they qualified. For each Option, the Form lists all the requirements a vendor must satisfy to qualify of a type of local business. At the end of the Form is an attestation that the vendor must sign and attest that any misleading inaccurate, or false information or documentation submitted could lead to suspension, debarment, or civil or criminal penalties.

AECOM selected Option 3 of the Form, certifying that it was both a "Local Business and a Locally Based Subsidiary as each term is defined by Section 1-74 of the Broward County Code

¹ The RFP contains standard instructions to vendors. Consistently with the Evaluation Criteria, Section Q of the Special Instructions pertains to local preference. Section Q(b) states, "Three percent (3%) of the available points shall be awarded to each locally based subsidiary". Thus, a vendor qualifying as a Locally Based Subsidiary could receive a maximum of 3 points from each evaluator.

Robert Gleason, Director
November 23, 2022
Page 3

of Ordinances.” A copy of AECOM’s completed Form from its proposal is attached hereto as Exhibit “A”.

Section 1-74 of the Broward County Code of Ordinances defines “local business,” and “locally based subsidiary,” as follows:

Local business means the vendor has continuously maintained, for at least the one (1) year period immediately preceding the bid posting date, a physical business address located within the limits of Broward County, listed on the vendor’s valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements), in an area zoned for the conduct of such business, that the vendor owns or has the legal right to use **and from which the vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation (“Local Business Location”).** Vendors shall be required to submit documentation, including the Broward County business tax receipt (unless exempt), to the satisfaction of the Director of Purchasing, demonstrating the **Local Business Location for the required duration.** A post office box does not qualify as a Local Business Location.

Locally based subsidiary means **a local business as defined in this section** that has, for at least the one (1) year period immediately preceding the bid posting date, **continuously maintained its principal place of business at the Local Business Location, and at least fifty percent (50%) of the total equity interests in the business are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County.**

Further, Section 1-74 of the Code defines “principal place of business” and what is required to prove that to the County:

***Principal place of business* means the nerve center or center of overall direction, control, and coordination of the activities of the vendor, from which the vendor's officers or principals direct, control, and coordinate the entity's day-to-day activities. A vendor may not have more than one (1) principal place of business at a time.** The “principal address” or other location(s) on file with the Florida Department of State Division of Corporations shall not be determinative of the vendor's principal place of business. To qualify as a locally based business or

Robert Gleason, Director
November 23, 2022
Page 4

a locally based subsidiary, the vendor must submit written evidence (as further specified below) that it meets the following three (3) criteria, as determined by the Director of Purchasing:

(1) Local Employees: Attestation that the Local Business Location is the primary business address of the majority of the vendor's employees as of the bid posting date, or that the majority of the work under the competitive solicitation, if awarded to the vendor, will be performed by employees of the vendor whose primary business address is the Local Business Location;

(2) Local Management: Attestation that the vendor's management directs, controls, and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations) from the Local Business Location; and

(3) Single Principal Place of Business: Attestation that the vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date.

Notwithstanding anything else in this section, if fifty percent (50%) or more of the total equity interests in the vendor are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County, it shall be presumed that the vendor does not have its principal place of business in Broward County. Such vendor may rebut the presumption only by submitting clear and convincing written evidence to the Director of Purchasing demonstrating that the vendor's principal place of business is located in Broward County.

In addition, Section F of the Standard Instructions under the RFP states the "Vendor's failure to respond to evaluation criteria will not be considered a matter of responsiveness or responsibility. **Vendors that fail to submit any information and/or documentation required by an evaluation criterion will not be evaluated or scored for the corresponding evaluation criteria.**" (Emphasis added).

On November 4, 2022, the proposers were scored by the two-member Evaluation Committee. AECOM received a total of six (6) points for qualifying as a locally based subsidiary because it received three points from each evaluator. The points were originally determined and designated by the Purchasing Division, as set forth in the Purchasing Director's Memorandum dated October 4, 2022, and provided to the Evaluation Committee.

Robert Gleason, Director
November 23, 2022
Page 5

AECOM was ranked first by 1 point ahead of Hatch. The scoring difference was the six points AECOM received for Location:

<i>Firm Name</i>	<i>Total Points</i>	<i>Ranking</i>
AECOM	175	1
Hatch	174	2
GHD Consulting Inc.	165	3
Jacobs Engineering Group Inc.	157	4
BEA Architects, Inc.	134	5

II. LEGAL STANDARD

Pursuant to Section 21.42(h), Hatch submits this Objection to the Recommendation of Ranking under this RFP.

The purpose of the public procurement process is to, “To provide for equitable treatment of participating vendors; To provide safeguards to ensure and maintain the quality and integrity of the County’s procurement system; and To promote public confidence in the procedures followed in public procurement by promoting transparency and uniformity in application.” Broward County Procurement Code §21.2(e)-(g).

Public authorities have wide discretion in awarding a public contract through the competitive procurement process. That discretion, however, “must be exercised based upon clearly defined criteria, and may not be exercised arbitrarily or capriciously.” Liberty County v. Baxter’s Asphalt & Concrete, Inc., 421 So. 2d 505 (Fla. 1982). An agency’s wide discretion in evaluating bids will not be interfered with unless exercised arbitrarily or capriciously, or unless based upon misconception of law, or upon ignorance through lack of inquiry, or in violation of the law, or was the result of improper influence. William A. Berbusse, Jr., Inc. v. North Broward Hospital District, 117 So. 2d 550, 551 (Fla. 2d DCA 1960).

Further, the irregularities in applying the evaluation criteria cannot provide one proposer with an unfair competitive advantage, and cannot be deemed minor technicalities. See Robinson Electrical Co., Inc. v. Dade County, 417 So. 2d 1032 (Fla. 3d DCA 1982).

III. OBJECTION

The Evaluation Committee did not have all the information which clearly shows AECOM is not a locally based subsidiary or a local business. Rather, AECOM misled the Evaluation Committee and the Purchasing Division by attesting to information in its proposal which is not accurate.

Robert Gleason, Director
November 23, 2022
Page 6

In the Form in its proposal, AECOM represented to the County that:

- its primary business address and principal place of business was in Fort Lauderdale, Florida;
- that office was AECOM's nerve center;
- the majority of its employees who would work on this project used the Fort Lauderdale office as their primary business address;
- its management directs, controls and coordinates all day-to-day operations of AECOM from the Fort Lauderdale office; and
- it had not claimed any other location as its principal place of business within a year immediately preceding the bid posting date.

Each one of these attestations is inaccurate.

AECOM is a California company with a principal place of business in Los Angeles, California. The majority of its employees identified to work on this project are not based in Fort Lauderdale. AECOM's receipt of points as a locally based subsidiary is improper and incorrectly resulted in it being the top-ranked firm.

A. AECOM Does Not Meet the Requirements of a Local Business or a Locally Based Subsidiary

i. State Filings and AECOM's Own Website Prove AECOM is not a Locally Based Subsidiary

AECOM's proposal fails to meet the requirements under the RFP and Broward County's Code of Ordinances to qualify as a local business or a locally based subsidiary. First, AECOM is listed with Florida's Division of Corporations as a "Foreign Profit Corporation." Documents obtained through Sunbiz.org confirm that its principal address, and its mailing address, is at "300 South Grand Avenue, 9th Floor, Los Angeles, California 90071" ("Principal Address"). See, Florida Division of Corporation records attached hereto as Composite Exhibit "B". In addition, all its officers are listed at the Los Angeles, California address. Exhibit "B." Similarly, the state of California's filings confirm that AECOM is a California corporation with a "Principal Executive Office" located at the same Principal Address. See, California corporation filing, attached as Exhibit "C" (downloaded from AECOM's own website at <https://aecom.com/wp-content/uploads/documents/financial/AECOM-Technical-Services-CA-SOS-SOI.pdf>).

Although the address listed with Florida's Division of Corporations is not determinative of where AECOM's principal place of business is located (per the Code), that coupled with the

Robert Gleason, Director
November 23, 2022
Page 7

filing in California are clear indicators of where the principal place of business is located. In addition, AECOM's own website further confirms the Los Angeles office is the corporation's principle executive office. The website states:

"AECOM Technical Services, Inc. (ATS) is a subsidiary of AECOM, the world's trusted infrastructure consulting firm, delivering professional services throughout the project lifecycle – from planning, design and engineering to program and construction management.

ATS is a California corporation, with its principal executive office in Los Angeles, California. Additional information on the company is below, with a download of the company's most recent Statement of Information as filed with the State of California available to the right.

Principal Executive Office:
300 South Grand Avenue, 9th Floor
Los Angeles, California 90071
United States of America"

See, <https://aecom.com/aecom-technical-services/>, Exhibit "D." See also, AECOM's listing of Regional Offices, which lists the Los Angeles office as the regional office of the Americas, and its office in Dallas, Texas as the global headquarters. AECOM does have an office in Fort Lauderdale, Florida, but it also has offices in many other states and cities as well.

By AECOM's own admission, the Fort Lauderdale office is not the office in which AECOM's management, "directs, controls and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations), pursuant to Option 3, subsection C of the Local Certification Form in the RFP and 1-74 of the Code of Ordinances. It is not AECOM's nerve center. AECOM's Fort Lauderdale office is not its principal place of business.

AECOM also fails to satisfy the requirement of Local Certification Form Option 3, Subsection D, and Section 1-74's definition of principal place of business, Section (3), which state, "The Vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date." AECOM has claimed its Los Angeles, California location as its principal place of business within the last year, and it is AECOM's current principal place of business.

Therefore, **AECOM is not a locally based subsidiary**, and is not qualified to receive evaluation points for that.

Robert Gleason, Director
November 23, 2022
Page 8

ii. AECOM Did Not Submit a Local Business Tax Receipt

As described above, Section F of the RFP's Standard Instructions requires vendors to submit evaluation criteria with their proposals and if they do not, they are not to be evaluated or scored for the corresponding evaluation criteria. The Director of Purchasing's October 4th Memorandum allocated three (3) points to AECOM based on evaluation criteria in the RFP. *See*, Section C – Additional Requirements/Information on the Responsiveness Requirements attached to the Memo. That conclusion was adopted by the evaluators on the Evaluation Committee. However, Section D of the Matrix notes AECOM does not qualify for the "tiebreaker" because it did not submit its Broward County local business tax receipt. No local business tax receipt was submitted with AECOM's proposal. That directly impacts the analysis of whether it could qualify as a locally based subsidiary.

The Evaluation Committee should take specific note that the submission of a Broward County local business tax receipt is required to prove AECOM is a locally based subsidiary. It is specifically required in the Local Preference Form. Further, Section 1-74 of the Code of Ordinances defines locally based subsidiary as, "a local business as defined in this section that has, for at least the one (1) year period immediately preceding the bid posting date, continuously maintained its principal place of business at the Local Business Location,...". Section 1-74 states vendors, "**shall be required to submit documentation, including the Broward County business tax receipt (unless exempt)**, to the satisfaction of the Director of Purchasing, demonstrating the Local Business Location for the required duration." (Emphasis added). By failing to submit a local business tax receipt with its proposal, AECOM could not have established its Local Business Location, and therefore could not be considered a locally based subsidiary.

iii. AECOM's Fort Lauderdale Office is not the Primary Business Address of the Majority of its Employees for this Project

Option 3, Subsection B of the Local Certification Form required that AECOM attest that,

"The Local Business Location is the primary business address of the majority of the Vendor's employees as of the bid posting date, and/or the majority of the work under the solicitation, if awarded to the Vendor, will be performed by employees of the Vendor whose primary business address is the Local Business Location;"

Upon information and belief, a majority of the AECOM employees listed in its proposal do not primarily work out of the Fort Lauderdale office. If most of the employees do not have a primary business address at the purported Local Business Location, AECOM does not satisfy that prong of the Local Certification Form, or Broward's Code of Ordinances.

Robert Gleason, Director
November 23, 2022
Page 9

iv. AECOM's Own Proposal Reveals its Fort Lauderdale Office is not its Principal Place of Business

Page 205 of AECOM's proposal, states its principal place of business is, "300 South Grand Avenue, Suite 1100, Los Angeles, CA 90071." A copy of that page of the proposal is attached as Exhibit "E." In addition, page 166 of AECOM's proposal contains a certification from the State of Florida Department of State. The certification states AECOM is a California corporation. A copy of the form is attached as Exhibit "F." At the same time AECOM sought to convince Purchasing and the Evaluation Committee that its principal place of business is in Fort Lauderdale, AECOM states in its RFP that its principal place of business is in California.

IV. CONCLUSION

AECOM's top ranking for this RFP is improper because it received points for being a locally based subsidiary when it does not qualify as one. Filings with the state of Florida and California, AECOM's website, and AECOM's RFP response, all confirm its Fort Lauderdale office is not AECOM's principal place of business, and that AECOM fails to meet the qualifications of a locally based subsidiary. This significant new information provided with this Objection should be taken into consideration by the Evaluation Committee. The six locally based subsidiary points AECOM received must be deducted from its score.

In addition, as noted above, AECOM failed to submit a Broward County tax receipt so it could not have qualified for the locally based subsidiary evaluation points. Thus, it should not be allowed after the procurement submission to correct their failure to do so.

Based on the foregoing new information which was not considered by the Evaluation Committee or the Purchasing Division, this Objection must be granted. The County should correct the scoring and rankings based on the information provided in this Objection. Please consider this a Cone of Silence communication to the Evaluation Committee and the Board of County Commissioners and please distribute this letter accordingly.

Respectfully submitted,



Mark J. Stempler
For the Firm

Robert Gleason, Director
November 23, 2022
Page 10

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

A handwritten signature in blue ink, appearing to be 'D. J.', is located above a horizontal line.

Hatch Associates Consultants, Inc.

MJS/lb
Enclosures

cc: Fernando Amuchastegui (via email: fa@broward.org)
Michelle Lemire (via email: mlemire@broward.org)
Hatch Associates Consultants, Inc.

Exhibit “A”

Supplier: **AECOM**

LOCATION CERTIFICATION

Refer to applicable sections for submittal instructions. Failure to submit required forms or information by stated timeframes will deem vendor ineligible for local preference or location tiebreaker.

Broward County [Code of Ordinances, Section 1-74](#), et seq., provides certain preferences to Local Businesses, Locally Based Businesses, and Locally Based Subsidiaries, and the [Broward County Procurement Code](#) provides location as the first tiebreaker criteria. Refer to the ordinance for additional information regarding eligibility for local preference.

For Invitation for Bids:

To be eligible for the Local Preference best and final offer ("BAFO") and location tiebreaker, the Vendor **must** submit this fully completed form and a copy of its Broward County local business tax receipt **at the same time it submits its bid. Vendors who fail to comply with this submittal deadline will not be eligible for either the BAFO or the location tiebreaker.**

For Request for Proposals (RFPs), Request for Letters of Interest (RLIs), or Request for Qualifications (RFQs):

For Local Preference eligibility, the Vendor **should** submit this fully **completed form and all Required Supporting Documentation** (as indicated below) at the time Vendor submits its response to the procurement solicitation. If not provided with submittal, the Vendor **must** submit within three business days after County's written request. Failure to submit required forms or information by stated timeframes will deem the Vendor ineligible for local preference.

To be eligible for the location tiebreaker, **the Vendor must submit this fully completed form and a copy of its Broward County local business tax receipt at the same time it submits its response.** Vendors who fail to comply with this submittal deadline will not be eligible for the location tiebreaker.

The undersigned Vendor hereby certifies that (check the box for only one option below):

☐ **Option 1:** The Vendor is a **Local Business**, but does not qualify as a **Locally Based Business** or a **Locally Based Subsidiary**, as each term is defined by [Section 1-74, Broward County Code of Ordinances](#). The Vendor further certifies that:

- A. It has continuously maintained, for at least the one (1) year period immediately preceding the bid posting date (i.e., the date on which the solicitation was advertised),
 - i. a physical business address located within the limits of Broward County, listed on the Vendor's valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements),
 - ii. in an area zoned for the conduct of such business,
 - iii. that the Vendor owns or has the legal right to use, and
 - iv. from which the Vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation (as so defined, the "Local Business Location").

If Option 1 selected, indicate **Local Business Location**:

☐ **Option 2:** The Vendor is both a **Local Business** and a **Locally Based Business** as each term is defined by [Section 1-74, Broward County Code of Ordinances](#). The Vendor further certifies that:

- A. The Vendor has continuously maintained, for at least the one (1) year period immediately preceding the bid posting date (i.e., the date on which the solicitation was advertised),

Broward County Board of
County Commissioners

PNC2124755P1

- i. a physical business address located within the limits of Broward County, listed on the Vendor's valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements),
 - ii. in an area zoned for the conduct of such business,
 - iii. that the Vendor owns or has the legal right to use, and
 - iv. from which the Vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation as so defined, the "Local Business Location");
- B. The Local Business Location is the primary business address of the majority of the Vendor's employees as of the bid posting date, and/or the majority of the work under the solicitation, if awarded to the Vendor, will be performed by employees of the Vendor whose primary business address is the Local Business Location;
- C. The Vendor's management directs, controls, and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations) from the Local Business Location;
- D. The Vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date; and
- E. Less than fifty percent (50%) of the total equity interests in the business are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County. The Vendor certifies that the total equity interests in the owned, directly or indirectly, by one or more entities with a principal place of business Vendor located outside of Broward County is .

If Option 2 selected, indicate **Local Business Location**:

☒ **Option 3:** The Vendor is both a **Local Business** and a **Locally Based Subsidiary** as each term is defined by Section 1-74, Broward County Code of Ordinances. The Vendor further certifies that:

- A. The Vendor has continuously maintained:
- i. for at least the one (1) year period immediately preceding the bid posting date (i.e., the date on which the solicitation was advertised),
 - ii. a physical business address located within the limits of Broward County, listed on the Vendor's valid business tax receipt issued by Broward County (unless exempt from business tax receipt requirements),
 - iii. in an area zoned for the conduct of such business,
 - iv. that the Vendor owns or has the legal right to use, and
 - v. from which the Vendor operates and performs on a day-to-day basis business that is a substantial component of the goods or services being offered to Broward County in connection with the applicable competitive solicitation (as so defined, the "Local Business Location");
- B. The Local Business Location is the primary business address of the majority of the Vendor's employees as of the bid posting date, and/or the majority of the work under the solicitation, if awarded to the Vendor, will be performed by employees of the Vendor whose primary business address is the Local Business Location;
- C. The Vendor's management directs, controls, and coordinates all or substantially all of the day-to-day activities of the entity (such as marketing, finance, accounting, human resources, payroll, and operations) from the Local Business Location;
- D. The Vendor has not claimed any other location as its principal place of business within the one (1) year period immediately preceding the bid posting date; and
- E. At least fifty percent (50%) of the total equity interests in the business are owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County. The Vendor certifies that the total equity interests in the Vendor owned, directly or indirectly, by one or more entities with a principal place of business located outside of Broward County is **Greater than 50%**.

If Option 3 selected, indicate **Local Business Location**:

110 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301

Broward County Board of
County Commissioners

PNC2124755P1

- ☐ **Option 4:** The Vendor is a **joint venture** composed of one or more Local Businesses, Locally Based Businesses, or Locally Based Subsidiaries, as each term is defined by Section 1-74, Broward County Code of Ordinances. Fill in blanks with percentage equity interest or list "N/A" if section does not apply. The Vendor further certifies that:

- A. The proportion of equity interests in the joint venture owned by **Local Business(es)** (each Local Business must comply with all of the requirements stated in Option 1) is % of the total equity interests in the joint venture; and/or
- B. The proportion of equity interests in the joint venture owned by **Locally Based Business(es)** (each Locally Based Business must comply with all of the requirements stated in Option 2) is % of the total equity interests in the joint venture; and/or
- C. The proportion of equity interests in the joint venture owned by **Locally Based Subsidiary(ies)** (each Locally Based Subsidiary must comply with all of the requirements stated in Option 3) is % of the total equity interests in the joint venture.

If Option 4 selected, indicate the Local Business Location(s) (es) on separate sheet.

- ☐ **Option 5:** Vendor is not a Local Business, a Locally Based Business, or a Locally Based Subsidiary, as each term is defined by Section 1-74, Broward County Code of Ordinances.

Required Supporting Documentation (in addition to this form): Option 1 or 2 (**Local Business or Locally Based Business**):

1. Broward County local business tax receipt.

Option 3 (Locally Based Subsidiary)

1. Broward County local business tax receipt.
2. Documentation identifying the Vendor's vertical corporate organization and names of parent entities if the Vendor is a Locally Based Subsidiary.

Option 4 (joint venture composed of one or more Local Business(es), Locally Based Business(es), or Locally Based Subsidiary(ies):

1. Broward County local business tax receipt(s) for each Local Business(es), Locally Based Business(es), and/or Locally Based Subsidiary(ies).
2. Executed joint venture agreement, if the Vendor is a joint venture.
3. If joint venture is comprised of one or more Locally Based Subsidiary(ies), submit documentation identifying the vertical corporate organization and parent entities name(s) of each Locally Based Subsidiary.

If requested by County (any option):

1. Written proof of the Vendor's ownership or right to use the real property at the Local Business Location.
2. Additional documentation relating to the parent entities of the Vendor.
3. Additional documentation demonstrating the applicable percentage of equity interests in the joint venture, if not shown in the joint venture agreement.
4. Any other documentation requested by County regarding the location from which the activities of the Vendor are directed, controlled, and coordinated.

By submitting this form, the Vendor certifies that if awarded a contract, it is the intent of the Vendor to remain at the Local Business Location address listed below (or another qualifying Local Business Location within Broward County) for the duration of the contract term, including any renewals or extensions. (If nonlocal Vendor, leave Local Business Location blank.)

Indicate Local Business Location:

True and Correct Attestations:

Any misleading, inaccurate, or false information or documentation submitted by any party affiliated with this procurement may lead to suspension and/or debarment from doing business with Broward County as authorized by

Broward County Board of
County Commissioners

PNC2124755P1

the Broward County Procurement Code. The Vendor understands that, if after contract award, the County learns that any of the information provided by the Vendor on this was false, and the County determines, upon investigation, that the Vendor's provision of such false information was willful or intentional, the County may exercise any contractual right to terminate the contract. The provision of false or fraudulent information or documentation by a Vendor may subject the Vendor to civil and criminal penalties.

AUTHORIZED SIGNATURE/NAME: Christopher Bucknor

TITLE: Principal-in-Charge/Authorized Signatory

VENDOR NAME: AECOM Technical Services, Inc.

DATE: 8/26/2022

Revised May 1, 2021

Exhibit “B”



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Foreign Profit Corporation
AECOM TECHNICAL SERVICES, INC.

Cross Reference Name

EARTH TECH, INC.

Filing Information

Document Number	F95000004014
FEI/EIN Number	95-2661922
Date Filed	08/21/1995
State	CA
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	08/20/2020
Event Effective Date	NONE

Principal Address

300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Changed: 01/19/2021

Mailing Address

300 South Grand Avenue
9th Floor
Los Angeles, CA 90071

Changed: 04/05/2018

Registered Agent Name & Address

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

Officer/Director Detail

Name & Address

Title President, Director

Boone, Travis
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Treasurer, Director

Hall, Allison
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Secretary

Tatevossian, Armond
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Financially Responsible Officer

Alfonso, Juan
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Authorized Signatory

Blanchard, Mark
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Director

Rosenstein, Jeffrey P
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Director

Jensen, Karl
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Title Authorized Signatory

Tronel, Claire
300 South Grand Avenue, 9th Floor
Los Angeles, CA 90071

Annual Reports

Report Year	Filed Date
2021	01/19/2021
2022	03/07/2022
2022	03/23/2022

Document Images

<u>03/23/2022 -- AMENDED ANNUAL REPORT</u>	View image in PDF format
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<u>02/18/2010 -- ANNUAL REPORT</u>	View image in PDF format
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<u>10/27/2009 -- ANNUAL REPORT</u>	View image in PDF format
<u>10/23/2009 -- ANNUAL REPORT</u>	View image in PDF format
<u>02/03/2009 -- ANNUAL REPORT</u>	View image in PDF format
<u>12/22/2008 -- Dom/For AR</u>	View image in PDF format
<u>12/04/2008 -- Name Change</u>	View image in PDF format
<u>04/30/2008 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/10/2007 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/27/2006 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/15/2005 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/14/2004 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/22/2003 -- ANNUAL REPORT</u>	View image in PDF format
<u>04/10/2003 -- ANNUAL REPORT</u>	View image in PDF format
<u>08/26/2002 -- ANNUAL REPORT</u>	View image in PDF format
<u>05/10/2001 -- ANNUAL REPORT</u>	View image in PDF format
<u>05/01/2000 -- ANNUAL REPORT</u>	View image in PDF format
<u>03/04/1999 -- ANNUAL REPORT</u>	View image in PDF format
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05/15/1996 -- ANNUAL REPORT

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08/21/1995 -- DOCUMENTS PRIOR TO 1997

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Florida Department of State, Division of Corporations

Exhibit “C”

22-605627

	Secretary of State Statement of Information (California Stock, Agricultural Cooperative and Foreign Corporations)	SI-550 94
	IMPORTANT — <u>Read instructions</u> before completing this form. Fees (Filing plus Disclosure) - \$25.00; Copy Fees - First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00 plus copy fees	
1. Corporation Name (Enter the exact name of the corporation as it is recorded with the California Secretary of State. Note: If you registered in California using an assumed name, <u>see instructions</u> .) AECOM Technical Services, Inc.		

FILED
Secretary of State
State of California

MAR 15 2022

7.50/NF/CC

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2. 7-Digit Secretary of State Entity Number

C0608461

3. Business Addresses

a. Street Address of Principal Executive Office - Do not list a P.O. Box 300 South Grand Ave. 9th Floor	City (no abbreviations) Los Angeles	State CA	Zip Code 90071
b. Mailing Address of Corporation, if different than item 3a	City (no abbreviations)	State	Zip Code
c. Street Address of Principal California Office, if any and if different than Item 3a - Do not list a P.O. Box	City (no abbreviations)	State CA	Zip Code

4. Officers

The Corporation is required to list all three of the officers set forth below. An additional title for the Chief Executive Officer and Chief Financial Officer may be added; however, the preprinted titles on this form must not be altered.

a. Chief Executive Officer	First Name Karl	Middle Name E.	Last Name Jensen	Suffix
Address 300 South Grand Ave, 9th Floor			City (no abbreviations) Los Angeles	State CA
Address 300 South Grand Ave, 9th Floor			Zip Code 90071	
b. Secretary	First Name Armond	Middle Name	Last Name Tatevossian	Suffix
Address 300 South Grand Ave, 9th Floor			City (no abbreviations) Los Angeles	State CA
Address 300 South Grand Ave, 9th Floor			Zip Code 90071	
c. Chief Financial Officer	First Name Allison	Middle Name	Last Name Hall	Suffix
Address 300 South Grand Ave, 9th Floor			City (no abbreviations) Los Angeles	State CA
Address 300 South Grand Ave, 9th Floor			Zip Code 90071	

SI-550 (REV 11/2021)

A201 - 1 4/2022 Walters Kluwer Online

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1/4

22-605627

5. Director(s)

California Stock and Agricultural Cooperative Corporations ONLY: Item 5a: At least one name and address must be listed. If the Corporation has additional directors, enter the name(s) and addresses on Form SI-550A (see instructions).

a. First Name Travis	Middle Name	Last Name Boone	Suffix
Address 300 South Grand Ave, 9th Floor		City (no abbreviations) Los Angeles	State CA Zip Code 90071
b. Number of Vacancies on the Board of Directors, if any 0			

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL - Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box		City (no abbreviations)	State CA Zip Code

CORPORATION - Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete Item 6a or 6b CT Corporation System	CO168406
--	----------

7. Type of Business

Describe the type of business or services of the Corporation Professional Services

8. Labor Judgment

Does an Officer or Director have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

9. The Information contained herein, including in any attachments, is true and correct.

03-15-2022

Date

Bethany Ware Purkett


Type or Print Name

Assistant Secretary

Title

Bethany Ware Purkett
Signature

22-605627

 Attachment to Statement of Information (California Stock and Agricultural Cooperative Corporations)	SI-550A Attachment
	A. Corporation Name AECOM Technical Services, Inc.
B. 7-Digit Secretary of State Entity Number C0608461	

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C. List of Additional Director(s) – If the corporation has more than one director, enter the additional directors' names and addresses.

5b. First Name Karl	Middle Name E.	Last Name Jensen	Suffix
Address 300 South Grand Ave, 9th Floor		City (no abbreviations) Los Angeles	State CA Zip Code 90071
5c. First Name Jeffrey	Middle Name	Last Name Rosenstein	Suffix
Address 300 South Grand Ave, 9th Floor		City (no abbreviations) Los Angeles	State CA Zip Code 90071
5d. First Name Allison	Middle Name	Last Name Hall	Suffix
Address 300 South Grand Ave, 9th Floor		City (no abbreviations) Los Angeles	State CA Zip Code 90071
5e. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5f. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5g. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5h. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5i. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code
5j. First Name	Middle Name	Last Name	Suffix
Address		City (no abbreviations)	State Zip Code

SI-550A - Attachment (REV 11/2021)

2021 California Secretary of State
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22-605627

EXHIBIT A
ADDITIONAL OFFICERS

NAME	ADDRESS	TITLE
Travis Boone	300 South Grand Avenue, 9 th Floor, Los Angeles, CA 90071	President
Glen T. Davis	999 Town & Country Road Orange, CA 92868	Vice President
Eric D. Lang	3995 Via Oro Long Beach, CA 90810	Vice President

4/4



I hereby certify that the foregoing
transcript of 4 page(s)
is a full, true and correct copy of the
original record in the custody of the
California Secretary of State's office.

MAR 28 2022

SHIRLEY N. WEBER, Ph.D., Secretary of State

Exhibit “D”

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AECOM Technical Services

AECOM Technical Services, Inc. (ATS) is a subsidiary of AECOM, the world's trusted infrastructure consulting firm, delivering professional services throughout the project lifecycle – from planning, design and engineering to program and construction management.

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Technical
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Statement
of
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[Q](#)

California available to the right.

Principal Executive Office:

300 South Grand Avenue, 9th Floor

Los Angeles, California 90071

United States of America

Officers:

Chief Executive Officer – Karl Jensen

President – Travis Boone

Secretary – Armond Tatevossian

Chief Financial Officer – Allison Hall

Directors:

Travis Boone

Jeffrey P Rosenstein

Karl Jensen

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Dallas, Texas 75240

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Los Angeles, CA 90071

United States

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London E1 8FA

T +44 (0)20 7061 7000

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United Arab Emirates
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F +971 2 613 4001

Greater China

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12/F, Tower 2, Grand Central Plaza
138 Shatin Rural Committee Road
Shatin
N.T. Hong Kong
Hong Kong S. A. R.
T +852 3922 9000 F +852 2691 2649

Southeast Asia

Singapore

300 Beach Road
#23-00 The Concourse
Singapore, 199555
Singapore
T +65 6299 2466 F +65 6299 0297

Australia | New Zealand

Brisbane

Level 8, 540 Wickham Street
Fortitude Valley, QLD 4006
Australia
T +61 7 3553 2000 F +61 7 3553 2050

India

Gurugram

9th Floor, Infinity Tower C
DLF Cyber City, DLF Phase II

Gurgaon

HR, 122002

India

T +91 124 4830100 F +91 124 4830108

AECOM has offices across the globe. To find one nearest you, please contact the closest regional office for information.

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CONTRACT VEHICLES

TERMS OF USE

PRIVACY POLICY

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AECOM



Exhibit “E”

Supplier: **AECOM**

VENDOR QUESTIONNAIRE AND STANDARD CERTIFICATIONS
Request for Proposals, Request for Qualifications, or Request for Letters of Interest

The completed form, including acknowledgment of the standard certifications and should be submitted with the solicitation response. If not submitted with solicitation response, it must be submitted within three business days of County's written request. Failure to timely submit may affect Vendor's evaluation.

If a response requires additional information, the Vendor should upload a written detailed response with submittal; each response should be numbered to match the question number. The completed questionnaire and attached responses will become part of the procurement record. It is imperative that the person completing the Vendor Questionnaire be knowledgeable about the proposing Vendor's business and operations.

1. Legal business name: **AECOM Technical Services, Inc.**
2. Doing Business As/ Fictitious Name (if applicable): **Not Applicable**
3. Federal Employer I.D. no. (FEIN): **95-2661922**
4. Dun and Bradstreet No.: **003184462**
5. Website address (if applicable): **www.aecom.com**
6. Principal place of business address: **300 South Grand Avenue, Suite 1100, Los Angeles, CA 90071**
7. Office location responsible for this project: **110 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301**
8. Telephone no.: **561.962.2570** Fax no.: **Not Applicable**
9. Type of business (check appropriate box):

Corporation (specify the state of incorporation:	<input checked="" type="checkbox"/> California
Sole Proprietor	<input type="checkbox"/>
Limited Liability Company (LLC)	<input type="checkbox"/>
Limited Partnership	<input type="checkbox"/>
General Partnership (State and County Filed In)	<input type="checkbox"/>
Other – Specify	<input type="checkbox"/>
10. List Florida Department of State, Division of Corporations document number (or registration number if fictitious name):
F95000004014
11. List name and title of each principal, owner, officer, and major shareholder:
 - a) **Travis Boone, President, Director**
 - b) **Allison Hall, Treasurer, Director**
 - c) **Armond Tatevossian, Secretary**

Broward County Board of
County Commissioners

PNC2124755P1

d) **Juan Alfonso, Financially Responsible Officer**

12. AUTHORIZED CONTACT(S) FOR YOUR FIRM:

Name: **Christopher Bucknor**

Title: **Principal-in-Charge/Authorized Signatory**

E-mail: **chris.bucknor@aecom.com**

Telephone No.: **561.962.0901**

Name:

Title:

E-mail:

Telephone No.:

13. Has your firm, its principals, officers or predecessor organization(s) been debarred or suspended by any government entity within the last three years? If yes, specify details in an attached written response. ☐ Yes ☒ No
14. Has your firm, its principals, officers or predecessor organization(s) ever been debarred or suspended by any government entity? If yes, specify details in an attached written response, including the reinstatement date, if granted. ☐ Yes ☒ No
15. Has your firm ever failed to complete any services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response. ☐ Yes ☒ No
16. Is your firm or any of its principals or officers currently principals or officers of another organization? If yes, specify details in an attached written response. ☐ Yes ☒ No
17. Have any voluntary or involuntary bankruptcy petitions been filed by or against your firm, its parent or subsidiaries or predecessor organizations during the last three years? If yes, specify details in an attached written response. ☐ Yes ☒ No
18. Has your firm's surety ever intervened to assist in the completion of a contract of have Performance and/or Payment Bond claims been made to your firm or its predecessor's sureties during the last three years? If yes, specify details in an attached written response, including contact information for owner and surety. ☐ Yes ☒ No
19. Has your firm ever failed to complete any work awarded to you, services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response. ☒ Yes ☐ No
20. Has your ever been terminated from a contract within the last three years? If yes, specify details in an attached written response. ☒ Yes ☐ No
21. Living Wage solicitations only: In determining what, if any, fiscal impact(s) are a result of the Ordinance for this solicitation, provide the following for informational purposes only. Response is not considered in determining the award of this contract.
- Living Wage had an effect on the pricing. ☐ Yes ☐ No ☒ N/A
- If yes, Living Wage increased the pricing by: %.

22. Participation in Solicitation Development:

☒ I have not participated in the preparation or drafting of any language, scope, or specification that would provide my firm or any affiliate an unfair advantage of securing this solicitation that has been let on behalf of Broward County Board of County Commissioners.

☐ I have provided information regarding the specifications and/or products listed in this solicitation that has been let on behalf of Broward County Board of County Commissioners.

If this box is checked, provide the following: Name of Person the information was provided:

Title:

Date information provided:

For what purpose was the information provided?

Drug-Free Workplace Requirements Certification:

Broward County Board of
County Commissioners

PNC2124755P1

Section 21.23(f) of the Broward County Procurement Code requires awards of all competitive solicitations requiring Board award be made only to firms certifying the establishment of a drug free workplace program.

- ☒ The Vendor hereby certifies that it has established a drug free workplace program in accordance with the requirements of Section 1-71, et. Seq., of the Broward County Code of Ordinances (Procurement From Businesses With Drug-Free Workplace Program).

Non-Collusion Certification:

Vendor shall disclose, to their best knowledge, any Broward County officer or employee, or any relative of any such officer or employee as defined in Section 112.3135 (1) (c), Florida Statutes, who is an officer or director of, or has a material interest in, the Vendor's business, who is in a position to influence this procurement. Any Broward County officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement. Failure of a Vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the Broward County Procurement Code.

The Vendor hereby certifies that: (select one)

- ☒ The Vendor certifies that this offer is made independently and free from collusion; or
- ☐ The Vendor is disclosing names of officers or employees who have a material interest in this procurement and is in a position to influence this procurement. Vendor must include a list of name(s), and relationship(s) with its submittal.

Public Entities Crimes Certification:

In accordance with Public Entity Crimes, Section 287.133, Florida Statutes, a person or affiliate placed on the convicted vendor list following a conviction for a public entity crime may not submit on a contract: to provide any goods or services; for construction or repair of a public building or public work; for leases of real property to a public entity; and may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for Category Two for a period of 36 months following the date of being placed on the convicted vendor list.

The Vendor hereby certifies that: (check box)

- ☒ The Vendor certifies that no person or affiliates of the Vendor are currently on the convicted vendor list and/or has not been found to commit a public entity crime, as described in the statutes.

Scrutinized Companies List Certification:

Any company, principals, or owners on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List is prohibited from submitting a response to a solicitation for goods or services in an amount equal to or greater than \$1 million.

The Vendor hereby certifies that: (check each box)

- ☒ The Vendor, owners, or principals are aware of the requirements of Sections 287.135, 215.473, and 215.4275, Florida Statutes, regarding Companies on the Scrutinized Companies with Activities in Sudan List the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List; and
- ☒ The Vendor, owners, or principals, are eligible to participate in this solicitation and are not listed on either the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List; and
- ☒ If awarded the Contract, the Vendor, owners, or principals will immediately notify the County in writing if any of its principals are placed on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies that Boycott Israel List.

I hereby certify the information provided in the Vendor Questionnaire and Standard Certifications:

Christopher Bucknor

**Principal-in-Charge/Authorized
Signatory**

8/26/2022

*AUTHORIZED SIGNATURE/NAME

TITLE

DATE

Broward County Board of
County Commissioners

PNC2124755P1

Vendor Name: **AECOM Technical Services, Inc.**

* I certify that I am authorized to sign this solicitation response on behalf of the Vendor as indicated in Certificate as to Corporate Principal, designation letter by Director/Corporate Officer, or other business authorization to bind on behalf of the Vendor. As the Vendor's authorized representative, I attest that any and all statements, oral, written or otherwise, made in support of the Vendor's response, are accurate, true and correct. I also acknowledge that inaccurate, untruthful, or incorrect statements made in support of the Vendor's response may be used by the County as a basis for rejection, rescission of the award, or termination of the contract and may also serve as the basis for debarment of Vendor pursuant to PART XI of the Broward County Procurement Code. I certify that the Vendor's response is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a response for the same items/services, and is in all respects fair and without collusion or fraud. I also certify that the Vendor agrees to abide by all terms and conditions of this solicitation, acknowledge and accept all of the solicitation pages as well as any special instructions sheet(s).

Exhibit “F”

Broward County, Florida

Broward County Board of Port Everglades Master/Vision Plan Update | Sol. No. PRC-21-0355P1
County Commissioners

STANDARD INSTRUCTIONS: B. Responsibility Criteria - Authority to Conduct Business in Florida

State of Florida Department of State

I certify from the records of this office that AECOM TECHNICAL SERVICES, INC. is a California corporation authorized to transact business in the State of Florida, qualified on August 21, 1995.

The document number of this corporation is F95000004014.

I further certify that said corporation has paid all fees due this office through December 31, 2022, that its most recent annual report/uniform business report was filed on March 7, 2022, and that its status is active.

I further certify that said corporation has not filed a Certificate of Withdrawal.

*Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this
the Fourteenth day of March,
2022*



Randy R. Lee
Secretary of State

Tracking Number: 2194512940CU

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>