



Finance and Administration Services Department

PURCHASING DIVISION

115 S. Andrews Avenue, Room 212, Fort Lauderdale, Florida 33301 | 954-357-6066 | FAX 954-357-8535 | broward.org/Purchasing

Via Email Transmittal

October 17, 2023

Dorothy Brown-Alfaro, President
Jador International Corporation
11820 Miramar Parkway, Suite 227
Miramar, FL 33025

Re: Objection to Proposed Recommendation for Ranking - Request for Proposals (RFP)
No. TRN2125762P1, Consulting Services for Electric Vehicle (EV) Charging
Infrastructure Strategy

Dear Mrs. Brown-Alfaro:

We are in receipt of your timely objection letter dated September 27, 2023, on behalf of, Jador International Corporation ("Jador"). Your objection is based on the following allegations:

- 1) Whereas Broward County Purchasing Division had deemed Jador as both responsive and responsible. Consequently, Jador International Corporation should have never been deemed non-responsible by the Evaluation Committee on September 12, 2023, which resulted in Jador['s] presentation not being heard, which in fact [the Purchasing Division] had deemed Jador [as] both responsive and responsible.
- 2) The Evaluation Committee should have considered Jador['s] proposal and allowed Jador['s] presentation to move forward for evaluation purposes and scoring. Consequently, since Jador was denied this opportunity by the Evaluation Committee, when your department advised the Evaluation Committee Member (ECM) on September 12, 2023, that the items in which ECM deemed Jador non-responsible.
- 3) Your department stated to the ECM that those items should not have been considered non-responsible items therefore Jador proposal should have been considered both responsive and responsible by the ECM.

The following will address your assertions, point by point, to explain how the Purchasing Division arrived at the determination regarding your objection. The determination is based on our review of your objection, the terms of the RFP, and the County's Procurement Code.

Objection No. 1:

Your first objection is that "Jador should have never been deemed non-responsible by the Evaluation Committee on September 12, 2023, which resulted in Jador presentation not being heard, which in fact your department had deemed Jador both responsive and responsible..."

Broward County Board of County Commissioners

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Dorothy Brown-Alfaro, President, Jador International Corporation
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Response No. 1:

The Standard Instructions to Vendors – Request for Proposal, Request for Qualifications, or Request for Letters of Interest, Section B. states “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”. In addition, per Procurement Code 21.40 (b)(2), “With respect to RFPs, RLLs, and RFQs, the Evaluation Committee, with assistance of the Purchasing Division and based on information provided by the applicable County Agencies and the Office of the County Attorney, shall determine whether vendors who have submitted responsive submissions are responsible” [See Exhibit 2]. As a point of clarification, the Director of Purchasing did not determine that Jador was responsible to this solicitation. Nor did the Director of Purchasing recommend that Jador be found responsible. Rather, per memorandum to the Evaluation Committee dated August 22, 2023, [See Exhibit 1] the Director of Purchasing simply noted that Jador was in compliance with the responsibility requirements. However, per Section 21.40(b)(2) of the Procurement Code, the Evaluation Committee, not the Director of Purchasing, “shall determine whether vendors who have submitted responsive submissions are responsible.” In accordance with this section, the Evaluation Committee exercised its discretion to determine that Jador was non-responsible. The reasons for that determination are stated on the record of the Evaluation Committee’s meeting. Based on these facts, this objection is denied.

Objection No. 2:

Your second objection is that “the Evaluation Committee should have considered Jador proposal and allowed Jador presentation to move forward for evaluation purposes and scoring. Consequently, since Jador was denied this opportunity by the Evaluation Committee, when your department advised the Evaluation Committee Members (ECM) on September 12, 2023, that the items in which ECM deemed Jador non-responsible.

Response No. 2:

I take this as a reformulation of your first objection, which is that the Evaluation Committee should have found Jador responsible and then considered Jador’s proposal and presentation. Accordingly, this objection is denied based on the same rationale stated above in response to your first objection.

Objection No. 3:

Your third objection is that “Your department stated to the ECM that those items should not have been considered non-responsible items therefore Jador proposal should have been considered both responsive and responsible by the ECM”.

Response No. 3:

This is another reformulation of your first objection. Accordingly, this objection is denied based on the same rationale stated above in response to your first objection. The Director of Purchasing Memorandum dated August 22, 2023, detailed the Determination of Responsiveness and Responsibility for the solicitation and stated the “committee members must consider all pertinent information when rendering a determination of responsiveness and responsibility as defined by the County’s Procurement Code”. Subsequently, the Evaluation Committee is responsible for recommending the most qualified Vendor(s) by evaluating all proposers as per the Evaluation Criteria. After review, the Evaluation Committee determined your firm was non-responsible.

Dorothy Brown-Alfaro, President, Jador International Corporation
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Upon review of the procurement records, the proceedings of the Evaluation Committee, and in consultation with the Office of the County Attorney, I am unable to find your objections to be of sufficient merit that would warrant any recall or to otherwise alter the recommendation of the Evaluation Committee. The process for the evaluation of firms was conducted appropriately and within established requirements, guidelines, practices, and procedures set forth in the Broward County Procurement Code, County Ordinances, and existing written guidelines of the Purchasing Division. Given these circumstances, I must deny your objection, but hope this helps to clarify the County's requirements.

Broward County recognizes and appreciates the time and effort involved in submitting a proposal and appreciates your participation in this procurement.

Respectfully,

Robert
Gleason

Digitally signed by
Robert Gleason
Date: 2023.10.17
09:04:15 -04'00'

Robert E. Gleason, Director
Purchasing Division

REG/wj/sl

Attachments

c: Lenny Vialpando, Director, Resilient Environment Department
Jennifer Jurado, Deputy Director, Resilient Environment Department
Gregory J. Mount, Assistant Chief Resilience Officer, Resilient Environment Department
Connie Mangan, Assistant Director, Purchasing Division
Sonia M. Lovett, Senior Purchasing Manager, Purchasing Division
Windelle Jean-Pierre, Purchasing Agent Senior, Purchasing Division
Fernando Amuchastegui, Assistant County Attorney, Office of the County Attorney



Finance and Administrative Services Department

PURCHASING DIVISION

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

DATE: August 22, 2023

TO: Evaluation Committee Members

THRU: Sonia M. Lovett, Purchasing Manager

FROM: Windelle Jean-Pierre, Purchasing Agent Senior

**SONIA M.
LOVETT**

Digitally signed by SONIA
M. LOVETT
Date: 2023.08.22
17:17:12 -04'00'

Jermaine M. Pinnock,
Sen Purchasing
Agent, on behalf of

Digitally signed by Jermaine M.
Pinnock, Sen Purchasing Agent,
on behalf of
Date: 2023.08.22 16:42:00 -04'00'

SUBJECT: Director of Purchasing Memorandum
RFP No. TRN2125762P1, Consulting Services for Electric Vehicle (EV) Charging
Infrastructure Strategy
2 Submittals

REFERENCE: Procurement Code, Section 21.40, Determinations of Responsiveness and
Responsibility:
21.40 (a) Determination of Responsiveness
21.40 (b) Determination of Responsibility

The following proposers submitted solicitation responses:

DDEC, LLC
JADOR International Corporation

Determination of Responsiveness:

A Responsive (Vendor) means a vendor who submits a response to a solicitation that the Director of Purchasing determines meets all requirements of the solicitation, as provided in Section 21.40(a) of the Procurement Code.

In accordance with Procurement Code Section 21.40(a), Determination of Responsiveness, "A solicitation may only be awarded to a vendor whose submission is responsive to the requirements of the solicitation... For solicitations in which an Evaluation Committee has been appointed, the Director of Purchasing's determination regarding responsiveness is not binding on the Evaluation Committee, which may accept or reject such determination but must state with specificity the basis for any rejection thereof."

Based on the solicitation requirements and each vendor's response, all proposers are recommended to be evaluated as responsive to the solicitation's responsiveness requirements. Refer to the Responsiveness and Responsibility Matrix for responsiveness requirements details and applicable supporting memoranda.

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RFP No. TRN2125762P1
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August 22, 2023
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Determination of Responsibility:

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, as provided in Section 21.40(b) of the Procurement Code.

In accordance with Procurement Code Section 21.40(b), Determination of Responsibility, “A solicitation may only be awarded to a vendor who is determined to be responsible to provide the goods or services requested by the solicitation. If a response to a solicitation is submitted by a joint venture, the joint venture will not be eligible to receive an award unless each member of the joint venture is determined to be responsible.”

Additionally, Section 21.40(b) further provides that “A determination of responsibility shall be made only as to those vendors whose submissions have been determined to be responsive...the Evaluation Committee, with assistance of the Purchasing Division and based on information provided by the applicable County Agencies and the Office of the County Attorney, shall determine whether vendors who have submitted responsive submissions are responsible... When making determinations of responsibility, the Director of Purchasing or the Evaluation Committee (as applicable) may request additional information from any vendor on matters that may affect a vendor’s responsibility. The failure of a vendor to provide information requested by the County may result in a determination of nonresponsibility. In addition, 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.”

Refer to the Responsiveness and Responsibility Matrix for responsibility requirements details, applicable supporting memoranda, and vendor’s submittal as information to the Committee Members.

Recap:

A draft Director of Purchasing’s Memorandum and the three (3) supporting documents from the Office of Economic and Small Business Development, the County Attorney’s Office, and the Risk Management Division were emailed to proposers with a request that, if a proposer desires to clarify any information provided in their response, they should do so in writing. All written explanations received were subsequently reviewed by staff, as applicable.

JADOR International Corporation provided their Evaluation Criteria Response, however, did not provide responses to question item 2 b)., regarding Project Approach; and items 3b. 2) and 3b 3) regarding Past Performance. Therefore, JADOR International Corporation will not be evaluated for the points identified in the Evaluation Criteria for Project Approach item 2 b)., and Past Performance items 3b. 2) and 3b 3) per Section F. Evaluation Criteria of the Standard Instructions to Vendors.

Committee Members must consider all pertinent information when rendering a determination on responsiveness and responsibility as defined by the County’s Procurement Code.

Director of Purchasing Memorandum
RFP No. TRN2125762P1
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A. Attachment(s):

- 1) Responsiveness and Responsibility Matrix
- 2) Additional Vendor Information:
 - a. Jador International Corporation email dated August 16, 2023
 - b. Jador International Corporation email dated August 21, 2023

B. Referenced Memoranda and Supporting Information:

- 1) Office of Economic and Small Business Development Review Memorandum
- 2) County Attorney Office Review Memorandum
- 3) Risk Management Division Review Memorandum
- 4) Vendor Reference Verifications and Broward County Vendor Performance Evaluations

c: Bob Melton, County Auditor, Office of the County Auditor

Robert E. Gleason, Director, Purchasing Division Finance and Administrative Services
Department

Fernando Amuchastegui, Senior Assistant County Attorney, Office of the County Attorney

Gregory Mount, Assistant Chief Resilience Officer (Project Manager), Resilient Environmental
Department

REG/sml/wj

21.40. - Determinations of Responsiveness and Responsibility.**Page 1 of 1**

- (a) *Determination of Responsiveness.* A solicitation may only be awarded to a vendor whose submission is responsive to the requirements of the solicitation. The Director of Purchasing shall determine whether submissions are responsive. For solicitations in which an Evaluation Committee has been appointed, the Director of Purchasing's determination regarding responsiveness is not binding on the Evaluation Committee, which may accept or reject such determination but must state with specificity the basis for any rejection thereof.
- (b) *Determination of Responsibility.* A solicitation may only be awarded to a vendor who is determined to be responsible to provide the goods or services requested by the solicitation. If a response to a solicitation is submitted by a joint venture, the joint venture will not be eligible to receive an award unless each member of the joint venture is determined to be responsible. A determination of responsibility shall be made only as to those vendors whose submissions have been determined to be responsive.
- (1) With respect to ITBs, the Director of Purchasing, in consultation with the Using Agency, shall determine whether vendors who have submitted responsive submissions are responsible.
 - (2) With respect to RFPs, RLIs, and RFQs, the Evaluation Committee, with assistance of the Purchasing Division and based on information provided by the applicable County Agencies and the Office of the County Attorney, shall determine whether vendors who have submitted responsive submissions are responsible.
 - (3) Notwithstanding the foregoing, the awarding authority for a solicitation shall have the ultimate authority to determine whether vendors who have submitted responsive submissions are responsible.
 - (4) When making determinations of responsibility, the Director of Purchasing or the Evaluation Committee (as applicable) may request additional information from any vendor on matters that may affect a vendor's responsibility. The failure of a vendor to provide information requested by the County may result in a determination of nonresponsibility. In addition, 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.

(2021-085, 2-23-21)