



**CITY OF FORT LAUDERDALE  
PROCUREMENT SERVICE DIVISION  
101 N.E. 1 STREET, SUITE 1650  
FORT LAUDERDALE, FLORIDA 33301**

June 20, 2024

**Via Email & U.S. Certified Mail  
Return Receipt Requested**

Thomas F. Panza  
PanzaMaurer  
2400 East Commercial Blvd.  
Coastal Towers, Suite 905  
Fort Lauderdale, FL 33308

tpanza@panzamaurer.com

**RE: Response to Protest- RFP No. 225- Rehab. 48"/54" FM Replacement- SE 9<sup>th</sup> and 10<sup>th</sup> Ave to GTL**

Dear Mr. Panza:

The City of Fort Lauderdale ("City") is in receipt of your timely protest with a non-refundable protest application fee of five thousand dollars (\$5,000) on behalf of your client, Murphy Pipeline Contractor, LLC ("Murphy") regarding Request for Proposals (RFP) No. 225, Rehab. 48"/54" FM Replacement- SE 9<sup>th</sup> and 10<sup>th</sup> Ave to GTL.

Murphy, in its written protest, states the Notice of Intent to Award the contract to Lanzo Construction Company ("Lanzo") should be awarded to Murphy, who as the second-ranked proposer with years of experience in successful completion of similar projects in the City of Fort Lauderdale and South Florida, should instead be awarded the contract as the top-ranked, responsive and responsible firm whose proposal is in the City's best interests.

Murphy in its written protest alleges the award recommendation to Lanzo cannot occur because:

1. Lanzo improperly amended its Proposal, after its original submission, and cannot be awarded the Contract based on its untimely modifications.
2. Lanzo's proposal was non-responsive to the RFP.
  - a. Lanzo failed to propose to construct the majority of the project in accordance with the RFP and the Design Criteria Professional's recommended method of construction. Even assuming the methods proposed by Lanzo complied with the recommendations by proposing CIPP lining for the Project, which was not preferred by the RFP, Lanzo fails to meet the RFP's criteria for the proposed CIPP method. As a result, the City should have deemed Lanzo non-responsive and not responsible and not invited Lanzo to make a presentation, much less award the contract to Lanzo.
3. Lanzo's proposal failed to address a major risk fatal to its design.
4. Lanzo's proposal directly contravenes technical specific related to environment contaminants.
5. Lanzo's HDD plan in its proposal is flawed and contrary to the RFP specifications.
6. Lanzo's deviations from the RFP specifications are material and cannot be waived.
7. By failing to consult with Hazen, the City did not act in good faith when evaluating the proposals.
8. The Evaluation Committee's scoring was arbitrary and capricious.
9. Lanzo's proposal does not provide the "Best Value" to the City and its citizens.
10. The proposal submitted by the third ranked proposal, Ric-Man Construction Florida, Inc. ("RMC"), failed to meet the required internal diameter requirements.

In response to your allegations, I independently addressed allegations #1, 7, 8, 9, and 10, because they are strictly procurement related in nature. For the remaining allegations #2 through #6, which contain largely technical components, I conferred with the Department of Public Works and its consultant, Hazen & Sawyer. As subject matter experts, they both provided me with feedback and responses for my review and consideration. Their responses have been incorporated into this protest response.

**Allegation #1- Lanzo improperly amended its Proposal, after its original submission, and cannot be awarded the Contract based on its untimely modifications.**

**Response #1-** In your protest, you allege that Lanzo suddenly and inexplicably switched the material and proposed method submitted for its oral presentation in comparison to what is contained in its proposal. Lanzo's proposal, PowerPoint presentation, and audio recording were reviewed. In my opinion, Lanzo clearly made a distinction in its presentation between its Project Understanding and its Project Approach and Methodology (*Per your Exhibit 8, Project Understanding is located on pages 6 - 9 and Project Approach on pages 10 – 33*). This distinction is important because Project Understanding is Lanzo's detailed grasp of the information and comprehension of the client's needs based on the Scope, Technical Specifications, and Design-Criteria Package provided in the Request for Proposals (RFP). Lanzo's approach and methodology is its proposed solution. So, when responding to a RFP, Lanzo's Project Understanding and its Project Approach and Methodology could very well not be similar. As a result, your protest and exhibits contain no evidence that Lanzo's presentation for Project Approach and Methodology was significantly and materially different from its submitted proposal.

**Allegation #2 thru #6-**

- 2. Lanzo's proposal was non-responsive to the RFP.**
  - a. Lanzo failed to propose to construct the majority of the project in accordance with the RFP and the Design Criteria Professional's recommended method of construction. Even assuming the methods proposed by Lanzo complied with the recommendations by proposing CIPP lining for the Project, which was not preferred by the RFP, they fail to meet the RFP's criteria for the proposed CIPP method. As a result, the City should have deemed Lanzo non-responsive and not responsible and not invited Lanzo to make a presentation, much less award the contract to Lanzo.**
- 3. Lanzo's proposal failed to address a major risk fatal to its design.**
- 4. Lanzo's proposal directly contravenes technical specific related to environment contaminants.**
- 5. Lanzo's HDD plan in its proposal is flawed and contrary to the RFP specifications.**
- 6. Lanzo's deviations from the RFP specifications are material and cannot be waived.**

**Response #2 thru #6-** I am relying on the expertise and responses provided by Public Works and Hazen & Sawyer, as subject matter experts, to address allegations #2 thru #6 (See Exhibit 1).

**Allegation #7- By failing to consult with Hazen, the City did not act in good faith when evaluating the proposals.**

**Response #7-** The Procurement Manual provides the City's procurement standard operating policies and procedures. As such, Section T. of the Manual outlines the service requirements to be performed by a firm selected through a competitive solicitation process and contracted to provide a Design Criteria Package. When the City needs assistance, at its sole discretion, it will seek consultation services from the contracted firm. Accordingly, during the time of engagement to perform the design criteria package for Rehab. 48"/54" FM Replacement- SE 9<sup>th</sup> and 10<sup>th</sup> Ave to GTL, Hazen and Sawyer collaboratively worked closely with the Public Works staff to prepare the design and construction of this public construction project. At times, when necessary, the City sought Hazen and Sawyer's technical expertise. Evidently, their assistance can be seen in my responses to several of your assertions in this protest, as I do not possess the expertise to understand some of the technical points. Another reason for Hazen and Sawyer's assistance is to have a third party, independent opinion responding to this protest to ensure fairness, impartiality, and good faith and to avoid the appearance of a conflict or bias because the project manager and one or more of the Evaluation Selection Committee members assigned to this project or procurement resides in Public Works. Lastly, there is no legal requirement

in the Procurement Ordinance, Procurement Manual or any other regulations outlining how the City chooses to consult with its technical experts.

**Allegation #8- The Evaluation Committee’s scoring was arbitrary and capricious.**

**Response #8-** Again, based on Hazen and Sawyer’s response, there are no material flaws in Lanzo’s proposal. Hazen and Sawyer further indicated it did not see any information demonstrating that Lanzo’s CIPP will not meet the required specifications. It is indeed true that Hazen and Sawyer recommended HDPE close-fit slip lining as a *preferred* method, but CIPP lining was not excluded as an allowable construction method. The RFP states that the construction methods shown in Exhibit C are not prescriptive, rather the Design Criteria Professional’s opinion of feasible methods for the purpose of a basis of design.

Moreover, your claim that the composition of the Evaluation Committee (EC) of every member working in the Public Works Department is contrary to the Procurement Manual recommendation of members being from different departments is not factual. The Procurement Manual in plain language states that. “... A primary objective in selecting the E-Team is to select members who are knowledgeable in the subject matter of the solicitation...Members must be able to render an objective recommendation as to which proposal is most advantageous to the City. The ideal deal makeup may be one from the City department , one qualified member from another department that is knowledgeable in the field, one from the outside of the City staff (maybe from another entity or a citizen that is knowledgeable in the field, who is not a proposer).”

While it is much preferred to have diverse knowledgeable individuals from various city departments serve as EC members, it is extremely difficult to accomplish this in a procurement with specialized fields consisting, but not limited to, civil engineers, environmental engineers, mechanical engineers, structural engineers, geotechnical engineers, surveyors, and construction. This is a consent order project and finding individuals outside the organization would have extended the procurement and project timelines. So the only way to achieve the primary objective pursuant to the Procurement Manual without compromising the timelines was to have internal subject matter experts serve as EC members. Those subject matter experts reside only in the Public Works Department. However, to maintain objectivity, fairness, integrity, and ethical practices amongst the members in the EC Selection process, no members were allowed to serve on the EC, if they were a supervisor of a member or supervised by another member (See Exhibit 2).

Therefore, the Evaluation Committee’s scoring was conducted in accordance with the RFP requirements, technical specifications, design-criteria package, and procurement policies and procedures.

**Allegation #9- Lanzo’s proposal does not provide the “Best Value” to the City and its citizens.**

**Response #9-** You contend that Lanzo’s proposal does not provide “Best Value” to the City and its citizens, but yet the RFP is based on a best value procurement method. The RFP competitive and selection process entails and emphasizes value as much as, or more than price. It is usually based on a competitive process with an evaluation criteria, which may include; EC discussions, presentations, and demonstration; competitive negotiations; consideration of past performance, project management experience, prime contractor qualifications, and sub-contractor qualifications; similar project’s completed; adequacy of facilities or equipment; technology; location; sustainability; diversity; contract terms and conditions; project completion time; technical solutions; and pricing.

This RFP, Section 6.1, contained the following Evaluation Criteria and Scoring:

CRITERIA	PERCENTAGE
Qualifications of the Firm & the Team	30
Project Methodology and Approach	40
Price Proposal	20
References	10
<b>TOTAL</b>	<b>100</b>

The EC evaluated and scored proposals based on these weighted criteria and at no time did it abandon the criteria and only consider pricing. The email referenced in your protest as Exhibit 22, between Paulette Turner to William Power involves communication during the draft phase of the RFP to structure the Evaluation Criteria and scoring methodology for pricing to allow the alternate to be considered, as pricing is one of the factors to be considered and the lowest price is assigned 20 points.

As part of this allegation, you further provide information and submit statements that makes it appear that Hazen and Sawyer's recommendations and Summary of Evaluation Criteria were certain requirements to be met by proposers. This is not the case. If you refer to notes section of your Exhibit 4, it states the following:

"THE FOLLOWING EXHIBIT IS AN EVALUATION OF THE POTENTIAL TRENCHLESS REHABILITATION METHODS CONDUCTED BY THE DESIGN CRITERIA PROFESSIONAL. THE INFORMATION PROVIDED HEREIN IS BASED ON THE PRELIMINARY INFORMATION KNOWN AT THE TIME OF THE DEVELOPMENT OF THIS DCP. **IT IS INTENDED TO BE FOR INFORMATION ONLY. THE DESIGN-BUILD FIRM SHALL INTERPRET THE RECOMMENDATION AS THEY DEEM NECESSARY TO COMPLETE THE DESIGN AND CONSTRUCTION.**"

In addition, your further raise issue with Lanzo's price proposal being substantially lower than both Murphy's and Ric-Man's proposal, and the engineer's estimated cost for the project at \$59,300,000. You contend that it defies reason and logic that a bidder could responsibly submit a bid that undercuts the City's own project estimate by nearly \$20 million dollars. But what you fail to state is that Lanzo's different means and methods for this project could have allowed them to deliver the project in the amount proposed, which is \$14.6 million dollars lower than the estimated amount, not \$20 million dollars, as you indicated. Lanzo is the only proposer who submitted a proposal within the engineer's estimated amount. Procurement received from Lanzo a proposal bond of 5% of the proposal amount guaranteeing that it will honor the pricing upon contract award. Once the contract is awarded and executed, a performance and payment bond will be required to be submitted by Lanzo for 100% of the proposed amount to guarantee project completion in accordance with the contractual terms and conditions.

Additionally, towards the end of this section of your protest, information is introduced, and analysis is provided consisting of a side-by-side chart comparison of the plans proposed by Lanzo and Murphy claiming that Lanzo's proposal ignores safety rules, requirements, and specifications, which places a risk on the public safety component of the project and lowers the quality and standard per the technical requirements. You also stated that Lanzo's proposed CIPP liner and non-compliant HDD drilling, as well as other factors, will result in a substandard system that will not serve value to the City with potential cost of overruns in the future.

In considering these points in your argument, you are seeking for more emphasis to be placed on the information you deemed more important, allow for new criteria to be set, vacate the EC decision, and ignore the RFP requirements. If I move forward with honoring such requests, then my actions would indeed be arbitrary and capricious.

**Allegation #10- The proposal submitted by the third ranked proposal, Ric-Man Construction Florida, Inc. ("RMC"), failed to meet the required internal diameter requirements.**

Response #10- This is a moot point since there is no basis to your protest and Ric-Man has no standing to protest.

In conclusion, the allegations herein are unsubstantiated and lacks merit. The City's intended decision to award the contract as Lanzo's response complies with the RFP, the City's purchasing ordinance and manual, and Florida law. Murphy has no further right to supplement its Protest, as all documents were produced to the protestor via a Public Records Request.

Hence, I hereby deny your protest and will be moving forward with recommending an award to Lanzo.

Respectfully,

**Glenn Marcos**

Digitally signed by Glenn  
Marcos  
Date: 2024.06.20 18:14:25  
-04'00'

Glenn Marcos, CPPO, CPPB, FCPM, FCPA  
Chief Procurement Officer  
Assistant Finance Director – Procurement and Contracts

cc: Susan Grant, Acting City Manager  
Thomas Ansbro, City Attorney  
Laura Reece, Acting Assistant City Manager  
Linda Short, Director of Finance  
Alan Dodd, P.E., Director of Public Works  
Rhonda Montoya Hasan, Senior Assistant City Attorney  
Paulette Turner, Senior Procurement Specialist  
Michelle Lemire, Procurement Administrator  
File

**From:** [Sylejman Ujkani](#)  
**To:** [Glenn Marcos](#); [Rhonda M Hasan](#)  
**Cc:** [Greg Chavarria](#); [Susan Grant](#); [Linda Short](#); [Alan Dodd](#); [Michelle Lemire](#); [Paulette Turner](#); [Thomas Ansbro](#)  
**Subject:** Re: Protest- RFP #225- Rehab. 48"/54" FM Replacement - SE 9th and 10th Avenue to GTL  
**Date:** Wednesday, March 27, 2024 3:56:30 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[Public Works Response to Protest Technical Comments.docx](#)  
**Importance:** High

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Hello Glenn,

Attached please find Public Work's Responses to the technical comments.

Please note that we did not answer #7. Hazen/Consultants do not advise the selection committee on how to vote.

Let us know if you need any additional technical help.

What are your thoughts for the next steps as far as timeline is concerned? I ask this because I time is of the essence with these Consent Order projects.

Thank you for your help.

**Sylejman Ujkani**  
**Program Manager**  
**Public Works – Engineering**  
O: (954) 828-5963 C: (305) 721-8142

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**From:** Glenn Marcos <GMarcos@fortlauderdale.gov>  
**Sent:** Wednesday, March 20, 2024 11:20 AM  
**To:** Rhonda M Hasan <RHasan@fortlauderdale.gov>  
**Cc:** Greg Chavarria <GChavarria@fortlauderdale.gov>; Susan Grant <SuGrant@fortlauderdale.gov>; Linda Short <LShort@fortlauderdale.gov>; Alan Dodd <ADodd@fortlauderdale.gov>; Michelle Lemire <MLemire@fortlauderdale.gov>; Paulette Turner <PTurner@fortlauderdale.gov>; Thomas Ansbro <TAnsbro@fortlauderdale.gov>; Sylejman Ujkani <SUjkani@fortlauderdale.gov>  
**Subject:** Protest- RFP #225- Rehab. 48"/54" FM Replacement - SE 9th and 10th Avenue to GTL

Rhonda:

Per our communication, I am in receipt of a formal protest submitted by Mr. Thomas, F. Panza, Esq., from the law firm PanzaMaurer, on behalf of Murphy Pipeline Contractors, regarding Request for Proposals (RFP) No. 225- Rehab. 48"/54" FM Replacement- SE 9<sup>th</sup> and 10<sup>th</sup> Ave to GTL. I have perused through the protest with 26 Exhibits totaling approximately 1,000 pages.

The exhibits are available at the following Share Drive link:

<https://panzamaurer.sharefile.com/public/share/web-s6817ad7badd2453f814c19ee646485a1>

There are 10 allegations asserted as indicated below. The yellow highlighted are technical components I need assistance from Public Works to review and provide me their findings and response. Alan I will defer to you on the person to assist me in this matter.

In the meantime, pursuant to Section 2-182(c)(1), I am notifying the protesting party that I am staying the award of the procurement for further investigation.

1. Contrary to RFP prohibitions, Lanzo improperly amended its Proposal, after its original submission, and cannot be awarded the Contract based on its untimely modifications.
2. Lanzo's proposal was non-responsive to the RFP.
  - a. Lanzo failed to propose to construct the majority of the project in accordance with the RFP and the Design Criteria Professional's recommended method of construction. Even assuming the methods proposed by Lanzo complied with the recommendations by proposing CIPP lining for the Project, which was not preferred by the RFP, they fail to meet the RFP's criteria for the proposed CIPP method. As a result, the City should have deemed Lanzo non-responsive and not responsible and not invited Lanzo to make a presentation, much less award the contract to Lanzo.
3. Lanzo Proposal failed to address a major risk fatal to its design.
4. Lanzo's Proposal directly contravenes technical specific related to environment contaminants.
5. Lanzo's HOD plans in its Proposal is flawed and contrary to the RFP specifications.
6. Lanzo's deviations from the RFP specifications are material and cannot be waived.
7. By failing to consult with Hazen, the City did not act in good faith when evaluating the Proposals.
8. The Evaluation Committee's scoring was arbitrary and capricious.
9. Lanzo's Proposal does not provide the "Best Value" to the City and its citizens.
10. Further, the proposal submitted by the third-place bidder, RMC, failed to comply with the RFP specifications, as the pipeline it proposed failed to meet the required internal diameter requirements.

Respectfully,

**Glenn Marcos, CPPO, CPPB, FCPM, FCPA**

Chief Procurement Officer/Assistant Finance Director- Procurement and Contracts

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## Hazen Response to Murphy Pipeline Formal Bid Protest Claims

1. Lanzo failed to propose to construct the majority of the project in accordance with the RFP and the Design Criteria Professional's recommended method of construction. Even assuming the methods proposed by Lanzo complied with the recommendations by proposing CIPP lining for the Project, which was not preferred by the RFP, they fail to meet the RFP's criteria for the proposed CIPP method. As a result, the City should have deemed Lanzo non-responsive and not responsible and not invited Lanzo to make a presentation, much less award the contract to Lanzo.
  - **PW Response: We did not see any information demonstrating that Lanzo's CIPP will not meet the required specifications. Specific detailed calculations were not provided that indicate an improperly designed liner. While Hazen recommended HDPE close-fit sliplining as preferred method, CIPP lining was not excluded as an allowable construction method. In fact, Exhibit A states: *The construction methods shown in Exhibit C are not prescriptive, rather the Design Criteria Professional's opinion of feasible methods for the purpose of a basis of design***
  - **Neither Exhibit 15, Exhibit 14 nor Exhibit 18 speak specifically to Lanzo's design. The statement "Do not enhance flexural modulus above 250,000 PSI" in Exhibit 18 does demonstrate a conservative approach but does not necessarily mean that an alternate design would not meet the structural requirements as fiberglass reinforcement provides for much higher stiffness and higher retainage of flexural modulus over time under load.**
2. Lanzo Proposal failed to address a major risk fatal to its design.
  - **PW Response: Nothing in the bid protest was found to fully support this statement. The liner will need to meet all specifications upon submittal of detailed design.**
3. Lanzo's Proposal directly contravenes technical specific related to environment contaminants.
  - **PW Response: The statement on page 14 of the Letter of Protest regarding discharge of liquid into the sanitary sewer from dewatering of the existing FM does not make sense since nothing in the DCP precludes discharge of this material into the sanitary sewer and Murphy Pipeline proposes to do the exact same thing (See page 5-35 of Murphy Pipeline Proposal).**
4. Lanzo's HDD plans in its Proposal is flawed and contrary to the RFP specifications.
  - **PW Response: Lanzo's HDD plan is contrary to the RFP Recommendations, but it is not contrary to the RFP Specifications. As stated in Exhibit A, *"The construction methods shown in Exhibit C are not prescriptive, rather the Design Criteria Professional's opinion of feasible methods for the purpose of a basis of design."* While Lanzo's proposed method for the Middle River crossing or the HDD length for the Tarpon River crossing are not per the DCP's conceptual plans or recommended methods, their proposed methods will have to be submitted for review and approval by the City. The first required design submittal is the DCP's Route, Technology, and Methodology Confirmation Technical Memorandum Submittal which, as stated is for the DBF to identify any major revisions from the identified design criteria for the City's review and approval.**
5. Lanzo's deviations from the RFP specifications are material and cannot be waived.
  - **PW Response: At this stage, there is nothing in the DCP that precludes their proposed Work Plan from Lanzo.**

**EVALUATION COMMITTEE/TEAM (E-TEAM) RECOMMENDATION FORM**

Exhibit 2

Solicitation Type: \_\_\_\_\_

Solicitation Name: \_\_\_\_\_

Number of Recommended Committee Members (no less than 3): \_\_\_\_\_

Names of Recommended Committee Members	Committee Member Title	Name of Using Department/ External Agency	City Employee (Yes/No)	Is the E-TEAM member a supervisor or supervised by any of the other E-TEAM member listed herein? (Yes/No)	E-TEAM Member Area of Expertise/Reason for Recommendation to Serve as Voting Member
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Name of Procurement Specialist (Non-Voting Chair): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*Name of Recommender: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Using Agency: \_\_\_\_\_

**\*The recommender agrees that he/she will not discuss or unduly influence the recommended E-TEAM voting member(s). The recommender certifies, acknowledges, understands, and will comply with Florida Statutes, Chapters §119 and §286 requiring that all meetings of the E-TEAM and all correspondences (including electronic mail) concerning the evaluation are considered to be conducted in public ("Sunshine"). Therefore, no discussion or correspondence may take place between the Recommender, E-TEAM members or with any potential proposer, outside of a noted public posting and notification of the meeting, and direct discussion between E-TEAM members and proposers is not permitted. Any questions or requests for clarification must be addressed to the non-voting Chairperson of the E-TEAM.**

Approve  Disapprove Reason for Disapproval: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Chief Procurement Officer