

LAW OFFICES
MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A.

800 CORPORATE DRIVE • SUITE 500
FORT LAUDERDALE, FLORIDA 33334

MICHAEL W. MOSKOWITZ¹
SCOTT E. SIMOWITZ¹
CRAIG J. MANDELL
WILLIAM G. SALIM, JR.^{**}
SCOTT M. ZASLAV^{*}
ARI J. GLAZER[^]
TODD A. ARMBRUSTER
ARTHUR E. LEWIS

ALSO ADMITTED IN NY & DC^{*}
ALSO ADMITTED IN MA^{**}
ALSO ADMITTED IN NY & CT^{*}
ALSO ADMITTED IN NY[^]

CERTIFIED CIRCUIT COURT MEDIATOR¹

June 4, 2019

VIA HAND-DELIVERY

Jodie S. Hart
Chief Procurement Officer
Finance Department
City of Fort Lauderdale
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

Re: David Mancini & Sons, Inc. Notice of Appeal of Protest Determination Dated May 31, 2019 Pertaining to City of Fort Lauderdale, Florida Solicitation No. 12252-496, Phase II Las Olas Blvd. Force Main Replacement

Dear Ms. Hart:

On behalf of our client, David Mancini & Sons, Inc. ("DMSI"), and in accordance with Section 2-182(c)(2) of the Fort Lauderdale Code of Ordinances, we hereby submit DMSI's Notice of Appeal of your decision rendered May 31, 2019 denying DMSI's protest objecting to the RFP/RFQ Award Recommendation/Intent to Award posted on May 21, 2019 in connection with the City of Fort Lauderdale, Florida's (the "City") Solicitation No. 12252-496, Phase II Las Olas Blvd. Force Main Replacement ("RFP"). We respectfully request consideration of this protest by the City Commission and ask that you provide written notice when this matter is scheduled to be heard.

In your May 31, 2019 letter you state that the Evaluation Committee ranked the proposer's presentations on May 9, 2019 to select the short-listed firms, and then scored the proposals at its May 20, 2019 meeting. Despite request, we have received no copy of the scoring sheets or rankings conducted on May 9, 2019, nor any can we find any public notice of any May 20, 2019 Evaluation Committee meeting.

We would also note that the RFP, Section 5.1, does not include any score for presentations. It is not one of the five categories assigned points and submittals are supposed to "be evaluated based

BROWARD (954) 491-2000
BOCA RATON (561) 750-7700
TELECOPIER (954) 491-2051
EMAIL mmss@mmsslaw.com

OF COUNSEL

SHIRLEY D. WEISMAN, P.A.

William G. Salim, Jr.
wsalim@mmsslaw.com
Direct (954) 776-9213

upon the information and references contained in the Proposals as submitted.” Indeed, your May 31, 2019 letter finds that Exhibit “C” was not, and could not be, considered given its submission after the proposal evaluation period and directly from DMSI. The same logic applies to presentation materials especially given the clear Evaluation Criteria in Section 5 of the RFP.

As your May 31, 2019 letter further notes, DMSI also has an outstanding public records request to the City. We ask that the City promptly provide the requested documents so that a complete record may be created for the City Commission's consideration before it proceeds to waste over \$279,000.00 in taxpayer monies. Those documents, including the Murphy Pipeline Contractors, Inc. proposal, the scoring sheets of all Evaluation Committee meetings and members, and public notice of each such meeting, are essential for fair consideration of this protest appeal.

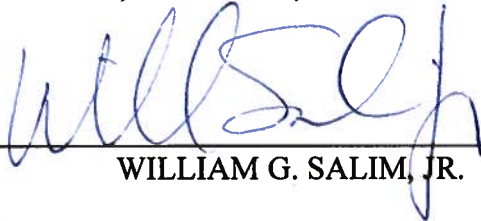
We also request that the City Commission be provided a copy of this letter and our original protest letter dated May 28, 2019 for review and consideration.

Your courtesy and consideration in this matter is greatly appreciated. Should you require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,

MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A.

By: _____



WILLIAM G. SALIM, JR.

cc: Kirk Buffington, Director of Finance (via email)
Linda Logan-Short, Chief Financial Officer (via email)
Alain S. Boileau, City Attorney (via email)
Penelope Burger, Procurement Administrator (via email)
Client