CITY OF FORT LAUDERDALE
City Commission Agenda Memo **#24-0674**
REGULAR MEETING

TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Susan Grant, Acting City Manager

DATE: July 2, 2024

TITLE: Motion Denying Protest Submitted By Murphy Pipeline Contractors, LLC on the Recommendation to Award Request for Proposals No. 225, Rehabilitation or Replacement of 48-Inch and 54-Inch Force Main Along SE 9th and SE 10th Avenue to George T. Lohmeyer Wastewater Treatment Plant to Lanzo Construction Co., Florida d/b/a Lanzo Construction Company - (**Commission Districts 1, 2, 3 and 4**)

Recommendation

Staff recommends the City Commission deny the protest submitted by Murphy Pipeline Contractors, LLC (Murphy) on the Recommendation to Award Request for Proposals Event No. 225, Rehabilitation or Replacement of 48-Inch and 54-Inch Force Main Along SE 9th and SE 10th Avenue to George T. Lohmeyer Wastewater Treatment Plant to Lanzo Construction Co., Florida d/b/a Lanzo Construction Company (Lanzo).

Background

The Procurement Services Division issued Request for Proposals (RFP) Event No. 225 Rehabilitation or Replacement of 48-Inch and 54-Inch Force Main Along SE 9th and SE 10th Avenue to George T. Lohmeyer Wastewater Treatment Plant.

Three (3) firms: Lanzo, Murphy, and Ric-Man Construction Florida, Inc. responded to the RFP. The Evaluation Committee (EC) met on February 15, 2024, to evaluate the three proposals and hear presentations. The EC scored and ranked Lanzo as the highest ranked responsive and responsible firm.

On March 5, 2024, the Notice of Intent to Award was posted on the City's website (Exhibit 1). On March 11, 2024, the City received a formal protest from second ranked firm, Murphy (Exhibit 2).

The nature of the protest submitted by Murphy alleges that Lanzo should not be awarded the RFP based on the following allegations:

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.

Murphy's first assertion that Lanzo amended its proposal after its original submission is unfounded. Lanzo's Project Understanding in its presentation was based on the City's Scope, Technical Specifications, and Design-Criteria Package in the RFP. Lanzo's proposed approach and methodology is its own proposed solution. Murphy presented no evidence that the latter changed from their proposal to the presentation.

Murphy's second through sixth assertion was technical in nature. The Chief Procurement Officer conferred with Public Works Department and its consultant, Hazen and Sawyer, P.C., as subject matter experts. Hazen and Sawyer, P.C. found no information that:

- Lanzo failed to propose to construct the project in accordance with the RFP and Design Criteria Package (DCP).
- Lanzo failed to address a major risk fatal to its design as the line will need to meet all specifications upon submittal of its detailed design.
- Lanzo's proposal contravenes technical specific related to environment contaminants since nothing in the DCP precludes discharge of this material into the sanitary sewer and Murphy's proposal is the same as Lanzo.
- Lanzo's HDD (Horizontal Directional Drilling) plan is contrary to the RFP

specifications; and Lanzo's proposed work plan is not precluded from the DCP.

Murphy's eighth assertion that the Evaluation Committee's (EC) scoring was arbitrary and capricious is not factual. The EC's composition contained knowledgeable subject matter members from the Public Works Department. No members were a supervisor of nor supervised by another member. The EC structure adhered to the Procurement Manual and scoring was conducted in accordance with the RFP requirements, technical specifications, DCP, and procurement policies and procedures.

Murphy's ninth assertion that Lanzo's proposal does not provide "Best Value" to the City and its citizens is based on their opinion, on factors not part of the Evaluation Criteria, and erroneous information. The RFP is a best value procurement method with a weighted criteria (in the table below) to consider a firm's overall qualifications, project methodology and approach, and references (80 points), which was more than price (20 points). According to the EC, Lanzo's proposal, when all factors are considered is the highest ranked, responsive, and responsible firm.

EVALUATION CRITERIA	PERCENTAGE
Qualifications of the Firm & the Team	30%
Project Methodology & Approach	40%
Price Proposal	20%
Reference	10%
TOTAL	**100%**

The last assertion by Murphy that third ranked proposal submitted by Ric-Man Construction Florida, Inc. failed to meet the required internal diameter requirements is a moot point since there is no basis to the protest and Ric-Man has no standing to protest.

In closing, Murphy's protest lacks merit as all allegations are unsubstantiated.

Staff recommends the City Commission affirm the Chief Procurement Officer's decision to deny the protest based on his findings and conclusion that Lanzo never changed its proposal during the presentation; Lanzo's proposal meets the RFP requirements, specifications, and DCP; the EC's derived at a logical and consistent scoring and decision pursuant to the RFP; and therefore, the best value to City. Accordingly, it is in the City's best interest to proceed with the award as recommended by the EC.

Strategic Connections

This item is a 2024 *Commission Priority*, advancing the Infrastructure and Resilience initiative.

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan*,* specifically advancing:

- The Infrastructure and Resilience Focus Area, Goal 3: Build a sustainable and

resilient community.

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan*:* We Are Ready.

This item supports the *Advance Fort Lauderdale* 2040 Comprehensive Plan specifically advancing:

- The Infrastructure Focus Area
- The Sanitary Sewer, Water, & Stormwater Element
- Goal 2: To develop and maintain an adequate wastewater collection and treatment system, which meets existing and projected needs of the City and adjacent users in the Central Wastewater Region.

Related CAM
CAM #24-0639

Attachments
Exhibit 1 – Notice of Intent to Award
Exhibit 2 – Murphy Pipeline Contractors, LLC Notice of Protest
Exhibit 3 – Chief Procurement Officer's Response to Protest
Exhibit 4 – Murphy Pipeline Contractors, LLC Appeal of the Denial of Protest

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