



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

22-1089

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

FROM: Greg Chavarria, City Manager

DATE: November 1, 2022

TITLE: Motion Denying Protest submitted by WGI, Inc. on the Recommendation to Award Request for Qualifications No. 12665-1026, Water Consent Order Program Management and Mapping Services to Craven, Thompson & Associates, Inc. - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission deny the protest submitted by WGI, Inc. on the Recommendation to Award Request for Qualifications No. 12665-1026, Water Consent Order Program Management and Mapping Services to Craven, Thompson & Associates, Inc.

Background

The Procurement Services Division issued Request for Qualifications (RFQ) No. 12665-1026, Water Consent Order Program Management and Mapping Services to develop a complete map of the existing water supply network within the City's geographic boundaries. The map is to include all existing source and distribution mains, control valves, and directional flow routes. The water mapping is to be completed and certified in writing to the Florida Department of Environmental Protection (FDEP) in accordance with the Consent Order by December 30, 2024.

Two firms, Craven, Thompson & Association, Inc. (Craven) and WGI, Inc., responded to the RFQ. The Evaluation Committee (EC) met twice on April 22, 2022, and July 5, 2022, to evaluate both proposals and hear presentations. The EC scored and ranked Craven as the highest rank, responsive, and responsible firm. On August 10, 2022, the Notice of Intent to Award was posted on the City's website (Exhibit 1). On August 16, 2022, the City received a formal protest from second ranked firm, WGI, Inc. (Exhibit 2).

The nature of the protest submitted by WGI, Inc. (WGI) alleges that Craven's proposal should not have been considered by the City and deemed non-responsive for failure to comply with the time element of the RFQ to meet FDEP Consent Agreement by July 2023. Suitably, WGI's protest was narrowly tailored to support their argument and failed to consider the procurement method. A RFQ allows various factors, such as a proposer's method approach, proposer's experience, capabilities, implementation procedures, past

performance, qualifications to meet time and budget, etc. Furthermore, WGI's protest incorrectly assumes that Craven should have submitted a protest to challenge the specifications and/or scope of services on completing the work by July 2023. WGI completely fails to understand that the EC has the ability to consider the methodology and approach to the scope of work, which includes Craven's proposed timelines and scheduling, and score the proposal accordingly. Even then, the majority of the EC members agreed that WGI's proposed methodology and approach was superior to Craven's. However, the scale tipped in favor of Craven when the EC considered two other factors involving a firm's qualifications and experience and project team experience and qualifications. These categories totaled 60% out of a 100% scale. The EC determined that Craven was superior in these two categories (Exhibit 3).

Accordingly, WGI nor the Chief Procurement Officer is in the position to question or substitute their judgment for those of the EC. As mentioned in the protest response, not only can the proposed deadlines be negotiated, but FDEP extended the deadline to complete the project to December 2024. So not only is WGI's protest without merit, but the July 2023 deadline is now a moot point (Exhibit 4). Staff recommends the City Commission affirm the Chief Procurement Officer's decision to deny the protest due to the fact that Craven's determination is correct, the EC's decision is not arbitrary or capricious, and it fully complies with all legal and procurement standards and practices of the RFQ.

Strategic Connections

This item is a *2022 Top Commission Priority*, advancing the Infrastructure and Resilience initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Infrastructure Focus Area
- Goal 1: Build a sustainable and resilient community
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure

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 3: Develop and maintain an adequate water supply, treatment and distribution system, which meets the existing and projected needs of the service area in an efficient, economical, and environmentally sensitive manner.

Related CAM

22-1019

Attachments

Exhibit 1 - Notice of Intent to Award

Exhibit 2 - WGI, Inc. Notice of Protest

Exhibit 3 - Final Summary Scores

Exhibit 4 - Chief Procurement Officer Response to Protest

Exhibit 5A - WGI, Inc. Appeal to Denial of Protest - Part 1

Exhibit 5B - WGI, Inc. Appeal to Denial of Protest - Part 2

Exhibit 5C - WGI, Inc. Appeal to Denial of Protest - Part 3

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