



November 22, 2017

Jennifer Alvarez, MPA, CPPO
Manager, Procurement and Contracts
City of Fort Lauderdale
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

RE: Protest of Intent to Award for RFP 473-11906, Sewer Design and Implementation Program Manager

Dear Ms. Alvarez,

With this letter, CES Consultants, Inc. is protesting the Intent to Award posted for RFP 473-11906 due to a failure by the city to follow the city's procurement ordinance and procedures.

On October 30, 2017, CES Consultants, Inc. was invited to give an oral presentation for RFP 473-11906. This notification is attached for your review. In addition to information regarding time, location, and desired content, this notification stated that we would be allotted "sixty minutes for your presentation, which will also consist of a question and answer period." As such, a presentation was prepared demonstrating our abilities, approach and unique services we could provide the city on this contract. We also ensured that we would leave sufficient time for question and answers from the city, knowing we would only have 60 total minutes with the committee.

On November 7, 2017, immediately prior to commencing the presentation, CES Consultants, Inc. was verbally notified by Althea Pemsel, Senior Procurement Specialist, that the presentation was to be only 45 minutes to allow 15 minutes for questions and answers in direct contradiction to information stated in the invitation to give an oral presentation. This was the first time that this information was conveyed.

At 1:45 PM, when 45 minutes had passed since the meeting convened, Ms. Pemsel stood and stopped the speaker from finishing the presentation stating that the presentation time was up, however only 39 minutes had passed since the actual presentation began. This timing calculation on Ms. Pemsel's part failed to take into consideration the time spent at the beginning of the meeting introducing committee members and reading required information into the record. Thus, through these actions the city limited the team to even less than the stated 45 minutes that was to be allotted in Ms. Pemsel's earlier statements that day, as well as significantly less than the 60 minutes stated in the invitation to give an oral presentation.

This change in amount of time allotted to give our oral presentation and subsequent interruption of the presentation gravely impacted the ability of the team to adequately convey our approach to this project. As such, we are formally protesting the intent to award due to the failure of the city to follow procurement procedures by providing adequate notification of oral presentation format and adhering to said guidelines.

In accordance with City of Fort Lauderdale Ordinance Sec. 2-199.1. - Bid Protest Procedure, included with this letter of protest in an application fee made payable to the City of Fort Lauderdale.

We thank you for your timely attention to this important matter and look forward to a favorable resolution. Should you need any further information, I can be reached at 305-803-6511 or rortz@cesconsult.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Rudy M. Ortiz", written over a horizontal line.

Rudy M. Ortiz, PE, CGC
CEO



PROCUREMENT DEPARTMENT

TITLE: PRESENTATION LETTERS

Rev: 1 | Revision Date: 06/20/2017 | Print Date: 10/30/2017

October 30, 2017

Via Email: rortiz@cesconsult.com

Mr. Rudy Ortiz, P.E., President
CES Consultants, Inc.
880 SW 145th Avenue, Suite 106
Pembroke Pines, FL 33027

Re: Presentation for RFP No. 473-11906, Sewer Design and Implementation Program
Manager

Dear Mr. Ortiz:

Congratulations, your firm is hereby invited to give an oral presentation of your proposal for RFP No. 473-11906. Primarily, the committee would like your presentation to address the project team, approach, consent orders, project planning and implementation, as well as an overall review of your firm's capabilities.

Your presentation is scheduled at 1:00 pm, Wednesday, November 7, 2017. The presentation will take place at the City of Fort Lauderdale, 100 North Andrews Avenue, 4th Floor Conference Room, Fort Lauderdale, FL 33301.

You will be allotted sixty minutes for your presentation, which will also consist of a question and answer period. The marketing portion of your presentation should be limited to no more than 5 minutes to ensure the proposal can be discussed thoroughly. We request the presentation be given by that person(s) designated as the principal and/or as project management staff assigned to the City for this particular project. We will also require four copies of any hand out materials. If you need to use any audio-visual equipment, please make arrangements prior to the presentation.

Thank you for your time and interest in the City of Fort Lauderdale. We look forward to an interesting and educational presentation.

Sincerely,

Althea Pemsel

Althea Pemsel, MA, CPSM, C.P.M.
Asst Procurement & Contracts Manager

RFP/RFQ AWARD RECOMMENDATION / INTENT TO AWARD

PROCUREMENT SPECIALIST: Althea Pemsel

DATE: 11/17/17

RFP / RFQ#: 476-11906

ITEM / SERVICE: Sewer Design and Implementation Program Manager

Attached is a tabulation for subject items/services requisitioned by the department.

RECOMMENDATION:

A. Which vendor has been recommended?

Hazen and Sawyer, P.C.

B. Does this meet specifications as per the department's request and as advertised?

YES ☒

NO ☐

If NO, is the variance considered:

MINOR ☐

or

MAJOR ☐

Explain:

C. Is the recommendation the highest ranking firm?

YES ☒

NO ☐

Yes. The recommendation is to the highest ranked firm however; if a contract cannot be reached with the highest ranked firm, then the City will negotiate with the second highest ranked firm and so on.

SIGNATURE: **Jennifer
Alvarez**

Procurement Manager or designee

Digitally signed by Jennifer Alvarez
DN: cn=Jennifer Alvarez, o, ou,
email=jalvarez@fortlauderdale.gov,
c=US
Date: 2017.11.17 10:35:00 -05'00'

Date: 11/17/2017

THIS FORM MUST BE COMPLETED FOR ALL AWARD RECOMMENDATIONS OF \$25,000 AND ABOVE.

Over \$25,000

YES ☒

NO ☐

4/5/2016
R 2

Approved by: Jennifer Alvarez, Manager of Procurement & Contracts
Uncontrolled in hard copy unless otherwise marked.

Page 1 of 1

CAM 17-1469
EXHIBIT 3
Page 3 of 6

Sec. 2-199.1. - Bid protest procedure.

- (a) *Applicability.* This section shall apply to protests by bidders and proposers when the city manager or a department director recommends a purchase of goods, supplies, equipment, or services that would cost twenty-five thousand dollars (\$25,000.00) or more.
- (b) *Procedure.*
- (1) Any proposer or bidder who is not recommended for award of a contract and who alleges a failure by the city to follow the city's procurement ordinance or any applicable law may protest to the Director of the Procurement Services Department ("Director") by delivering a letter of protest to the Director within five (5) days after a notice of intent to award is posted on the City of Fort Lauderdale's world wide web site. The date the letter of protest is received in the Office of the Director shall constitute the date of delivery.
 - (2) The calculation of days shall exclude Saturdays, Sundays, and holidays observed by the city.
 - (3) Service of a protest by mail or courier shall not expand the time period allowed for delivery of a protest. In computing any period of time prescribed or allowed by this protest policy, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or holiday observed by the city, in which event the period shall run until the end of the next business day which is neither a Saturday nor Sunday, nor a holiday observed by the city.
 - (4) The written protest shall state with particularity the specific facts and law or ordinance upon which the protest of the proposed award is based, and shall include all pertinent documents and evidence.
 - (5) A written protest may not challenge the relative weight of evaluation criteria or a formula for assigning points.
 - (6) The letter of protest must be accompanied by a non-refundable protest application fee in accordance with the following schedule:

Recommended Purchase Amount Rounded to the Nearest Dollar	Protest Application Fee
\$10,000.00 to \$25,000.00	\$50.00
\$25,001.00 to \$50,000.00	\$100.00
\$50,001.00 to \$100,000.00	\$150.00
Over \$100,000.00	\$200.00

The protest application fee must be a cashier's check, a certified check, or an attorney's trust account check payable to the City of Fort Lauderdale.

(c) *Authority to resolve protests.*

- (1) The Director shall first have the authority to settle and resolve any written protest. Within seven (7) days from receipt of a timely written protest the Director shall send a written decision to the protesting party via U.S. certified mail upholding or denying the protest or staying the award process for further investigation.
- (2) The protesting party may appeal to the City Commission a decision by the Director denying the protest by delivering a notice of appeal to the Director within three (3) days from the protesting party's receipt of the Director's decision. Upon receipt of a timely notice of appeal the Director will schedule the protest for consideration by the city commission, which may affirm, reverse, or modify the Director's decision.
- (3) The City's consideration of a timely written protest shall not necessarily stay the award process, as may be in the best interest of the City of Fort Lauderdale. The Director may recommend to the City Commission to render moot any written protest that is overtaken by events, in which case the City Commission may abate or dismiss such protest.

(d) *Timely submittal of a protest or appeal required.* Failure of a party to submit timely a written protest to the Director within the time provided in this section shall constitute a waiver of such party's right to protest pursuant to this section.

(e) *Costs.* Any and all costs incurred by a protesting party in connection with a protest pursuant to this section shall be the sole responsibility of the protesting party.

(Ord. No. C-10-41, § 1, 11-16-10 ; Ord. No. C-12-04, § 18, 3-20-12)



CUSTOMER COPY

400640338

Official Check

REMITTER: CES CONSULTANTS INC

Pay
to the
order of
CITY OF FORT LAUDERDALE

BR: 0062
ORIGINATOR: 6679
DATE: 11/22/2017
CK AMT: \$200.00

NON-NEGOTIABLE



OFFICIAL CHECK

400640338

REMITTER: CES CONSULTANTS INC

Pay
to the
order of
CITY OF FORT LAUDERDALE

BR: 0062
ORIGINATOR: 6679
DATE: 11/22/2017
\$ 200.00

EXACTLY **Two Hundred Dollars and No Cents**
Citibank, N.A.
One Penn's Way
New Castle DE 19720

Bethy Nelson



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38796518⑈