



Via Email & Certified Mail No.: 7009 2820 0003 6022 2906
Return Receipt Requested

August 14, 2018

Mr. Bruce E. Loren
Loren & Kean Law
7111 Fairway Drive, Suite 302
Palm Beach Gardens, FL 33418

**RE: Response to West Construction, Inc. Protest /
Invitation to Bid No. 12139-983, Fire Station #8 Construction**

Dear Mr. Loren:

The City of Fort Lauderdale, Florida (“City”) received the Letter of Protest of Award submitted by your firm on behalf of West Construction, Inc. (“West”), on August 7, 2018. Pursuant to section 2-182(c)(1) of the City’s Code of Ordinances, this letter is to serve as the Chief Procurement Officer’s written decision to deny your submitted protest.

The details to address each point of your protest are listed below in an attempt to further explain the City’s decision.

(1) “the City’s unsupported and arbitrary finding that West was not a responsible bidder based upon some undisclosed deficiency in West’s bid submittal”

City’s Response:

City staff and the City’s design and estimating consultant, CPZ Architects, Inc. (CPZ), noticed several variances in the pricing provided by West Construction. Staff contacted West Construction for additional information, as seen in Exhibits 1 and 2. CPZ and City did felt the responses given by West Construction were insufficient and that their responses raised cause for concern. Specifically, City requested clarity regarding Division #'s 1, 3, 4, 8, 22 and 31; West only provided a written response for Division #'s 1, 3, 4, and 5.

Burke Construction Group was also contacted in reference to variances in pricing. Burke Construction Group provided full responses on each line item; CPZ was satisfied with their detailed responses. Please see Exhibit 3.

Pursuant to the City's Solicitation No. 12139-983, the City reserves the right to reject bids under the clauses listed below:

CAUSES FOR REJECTION - No proposal will be canvassed, considered or accepted which, in the opinion of the City Commission, is informal or unbalanced, or contains inadequate or unreasonable prices for any items; each item must carry its own proportion of the cost as nearly as is practicable. Any alteration, erasure, interlineation, or failure to specify bids for all items called for in the schedule shall render the proposal informal.

REJECTION OF BIDS - The City reserves the right to reject any bid if the evidence submitted by the bidder, or if the investigation of such bidder, fails to satisfy the City that such bidder is properly qualified to carry out the obligations and to complete the work contemplated. Any or all proposals will be rejected, if there is reason to believe that collusion exists among bidders. A proposal will be considered irregular and may be rejected, if it shows serious omissions, alterations in form, additions not called for, conditions or unauthorized alternates, or irregularities of any kind. The City reserves the right to reject any or all proposals and to waive such technical errors as may be deemed best for the interests of the City.

As stated previously, City staff felt that the response provided by West did not satisfy pricing concerns and thereby indicated concern that West Construction was not being thorough and forthright with information.

(2) “the City’s unsupported and arbitrary finding that West was not a responsible bidder based upon some undisclosed responses from West’s references”

City’s Response:

West provided four project references in their bid which were found to meet similar scope and complexity as the construction of Fire Station 8, as well as being Florida Green Building Coalition certified. However, City staff’s review of their project references yielded the following discoveries:

- Four project references provided by West Construction, found them to have conducted quality work, satisfactory service, and would recommend them for future projects.
- City staff was notified of two additional projects West is currently constructing. These projects were reviewed for references; below is a summary of responses.
 - Town of Davie’s Fire Station #86
 - Slow and challenged with document submittals and tracking shop drawings
 - Work completed without proper cut sheet or shop drawing approvals
 - Lack of continuity in staff (several changes) making contact with West’s project managing team difficult.

- Housekeeping on-site was an issue
- Would not recommend
- City of Sunrise's Senior Center
 - Behind schedule with no plan to accelerate the schedule
 - Several change orders with more expected
 - Providing poor quality of service
 - Numerous turnover in managing staff
 - Slow to respond to correspondences
 - Would not recommend

The reference forms for both the Town of Davie and City of Sunrise are attached as Exhibits 4 and 5, respectively. The completion years of the four projects for which West provided references, were: two in 2015, 2016, and 2017. While the City considered the references provided by West for past projects, the references for their current projects indicate the projects are behind schedule. The City considers most current projects as being more of an indicator of responsiveness than projects completed years ago.

(3) “the City’s unsupported and arbitrary finding that West was not a responsible bidder based upon some undisclosed deficiency in West’s previous projects with the City (presumably as punishment for a prior lawsuit between West and the City)”

City’s Response:

City’s evaluation on responsive and responsiveness did not include any details related to a prior lawsuit or the project involved in the lawsuit. The previous projects referred to in the City’s Notice of Intent to Award refer to the two projects West Construction noted in their Bid Package (Prime Contractor Identification Form):

West Construction listed two projects previously completed for the City of Fort Lauderdale, which staff reviewed for reference.

- Airport Emergency Operation Center
 - Project completed in 2008
 - Found performance and quality of work to be subpar
 - Lack of communication
 - Staff in-fighting affecting productivity and quality of work
- Ann Herman Park
 - Project constructed in 2007 and performance was considered satisfactory.

Once again, while the older reference came back as satisfactory, the more recent reference came back as unsatisfactory; the reference is attached as Exhibit 6.

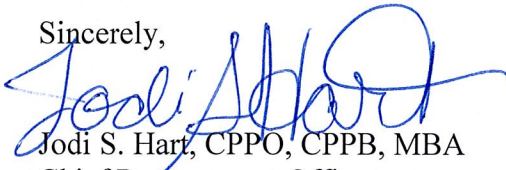
(4) “the City’s actions are arbitrary and capricious, vesting unbridled discretion in the City and violating the competitive bidding requirements in the award of the Project.”

City's Response:

The City did not violate any competitive bidding requirements. A due diligence check was performed and proposals were evaluated as with all other bids received by the City. Pursuant to the City's Procurement Ordinance (Sec. 2-181 (a) (2)) and City's Procurement Manual (Page 44, Section 14, Subsections a. and e.), the City is not required to select the lowest bidder but instead the best value for the City and the lowest bidder that is considered to be both responsive and responsible, considering all pertinent qualifications of the recommended awardee.

In conclusion, the determination has been made to deny your protest based on the facts stated above.

Sincerely,



Jodi S. Hart, CPPO, CPPB, MBA
Chief Procurement Officer

Attachments:
Exhibits 1 – 6

C: Kirk Buffington, Director of Finance
Linda Logan-Short, Chief Financial Officer
Alain E. Boileau, Interim City Attorney

EXHIBIT #1

From: [Marlon Lobban](#)
To: [Dane Esdelle](#)
Subject: RE: Fire Station No.: 8 - West Construction Bid Variance
Date: Tuesday, July 03, 2018 3:48:00 PM
Attachments: [image006.png](#)
[image007.png](#)
[image009.png](#)
[image012.png](#)

Thanks!!

Please send an email to CPZ with the contractor's response to their specific questions for their review and feedback.

Continue reaching out to the final two references. If no reply by end of the week, inform West you are unable to reach them and need their assistance in contacting

Marlon Lobban x4355



Think GREEN! Please do not print this email unless it is necessary.

From: Alex Nicoletti [mailto:ANicoletti@westconstructioninc.net]
Sent: Tuesday, July 03, 2018 3:38 PM
To: Dane Esdelle
Subject: RE: Fire Station No.: 8 - West Construction Bid Variance

Mr. Esdelle,

To reiterate what we discussed:

Division 1: Consist of supervision, project management, costs typically associated with start-up/mobilization, bond, insurances etc.

(note: Division 1 can vary from contractor to contractor based on a number of factors, for instance did they include their Overhead & Fee (we blended ours throughout the different divisions), different supervision & management costs, etc.)

Division 3: Concrete- our number is based on independent subcontractor proposals and our own internal numbers.

(note: in Divisions 3 & 4, all three contractors were in a tight group on pricing reflecting what market conditions are at this time)

Division 4: Masonry- please see above

Division 5: Metals- our number is based on subcontractor quotes for all the items typically found in this division-structural steel, joists, decking, railings , panels etc.

As I noted in our conversation, our division bid breakdown accurately reflects the scope of the project given the limitations that comes with this format.

Sincerely,

Alex Nicoletti
Senior Estimator



West Construction, Inc.

820 North 4th Street, Lantana, Florida 33462

Phone: 561-588-2027 / Fax: 561-582-9419

E-mail: ANicoletti@westconstructioninc.net

Web: www.westconstructioninc.net / www.west-arch.com



You can find us on Facebook



From: Dane Esdelle [<mailto:DEsdelle@fortlauderdale.gov>]

Sent: Tuesday, July 03, 2018 2:43 PM

To: Alex Nicoletti

Subject: RE: Fire Station No.: 8 - West Construction Bid Variance

Hi Alex,

As discussed, West's bid contained lower noticeable and sizable bid variances when compared to the City's construction estimate, particularly in divisions 1, 3, 4, and 5.

The variance ranged anywhere from \$70,000 to more than \$100,000 for some of the divisions. You indicated that your numbers are derived in-house and that those figures were solid.

Please provide any additional info in support of your bid estimate, as staff continues review of all bids received.

Should there be any concerns do not hesitate to contact me.

Thanks

Dane

Dane M. Esdelle, MSCM, CGC, CMIT | Project Manager II

CAM 18-0815
EXHIBIT 10
Page 6 of 26

City of Fort Lauderdale | Public Works Engineering Department

P: 954-828-6885 | F: 954-828-5070 | C: 954-649-2487

E-mail: desdelle@fortlauderdale.gov



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From: Alex Nicoletti [<mailto:ANicoletti@westconstructioninc.net>]

Sent: Tuesday, July 03, 2018 11:47 AM

To: Dane Esdelle

Subject: RE: Fire Station No.: 8 - West Construction Bid Variance

Mr. Esdelle,

Also a pleasure talking to you yesterday. Would like to confirm that our conversation yesterday, included the remarks that you have listed in the text of your email.

Look forward to hearing from you.

Sincerely,

Alex Nicoletti

Senior Estimator



West Construction, Inc.

820 North 4th Street, Lantana, Florida 33462

Phone: 561-588-2027 / Fax: 561-582-9419

E-mail: ANicoletti@westconstructioninc.net

Web: www.westconstructioninc.net / www.west-arch.com



You can find us on Facebook



From: Dane Esdelle [<mailto:DEsdelle@fortlauderdale.gov>]

Sent: Monday, July 02, 2018 4:11 PM

To: Alex Nicoletti

Subject: Fire Station No.: 8 - West Construction Bid Variance

Hi Alex,

It was a pleasure speaking with you concerning the bid submitted for Fire Station No.: 8.

As per our discussion, and given the variance in your bid, you indicated that no bid items were missed specifically in divisions #1, 3, 4, 8, 22 and 31.

Additionally, that there will be no substitution, only the manufactures specified item will be accepted, and that all addendums, and project documents have been received and taken into consideration for this bid.

Again, the stakeholder has expressed the desire to have the project built as per the plans w/out change orders to the amount shown in the bid.

Thanks

Dane

Dane M. Esdelle, MSCM, CGC, CMIT | Project Manager II
City of Fort Lauderdale | Public Works Engineering Department
P: 954-828-6885 | F: 954-828-5070 | C: 954-649-2487
E-mail: desdelle@fortlauderdale.gov



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EXHIBIT #2

From: Jayson A. Hall
To: [Marlon Lobban](#)
Cc: [Chris Zimmerman](#); [Kate Van Wormer](#)
Subject: RE: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]
Date: Thursday, July 12, 2018 2:14:12 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[RE Fire Station No. 8 - West Construction Bid Variance.msg](#)

Marlon:

In reviewing the attached email response provided they have not confirmed the following:

1. Confirm they did not miss something in their bid in the divisions listed above
2. Confirm they have included all manufacturers and items as specified in bid documents. Let West Construction know there are not substitutions on this project. All manufacturers specified in the bid drawings and specifications will be only accepted.
Per specification section 01 25 00 all requests for substitutions were to be submitted during the bid phase. NO SUBSTITUTIONS WILL BE ACCEPTED DURING CONSTRUCTION.
3. Confirm that you have reviewed all the project documents and all the information is included for you to fully construct and complete the project for the amount shown within your bid without any change orders to the project.

Also, they have not addressed the differences in the divisions we mentioned were lower than CMS estimate.

Thanks,



JAYSON A. HALL, PROJECT MANAGER
jayson@cpzarchitects.com

CPZ ARCHITECTS, INC.

4316 West Broward Boulevard, Plantation, Florida 33317
201 North Elmar Drive, Suite 201, Jensen Beach, FL 34957
Tele 954.792.8525 ext 108 Cell 954-914-9741
Fax 954.797.2847
www.cpzarchitects.com AA #2000685

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From: Marlon Lobban [mailto:Mlobban@fortlauderdale.gov]
Sent: Thursday, July 12, 2018 10:08 AM
To: Jayson A. Hall <jayson@cpzarchitects.com>
Subject: FW: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

[See attached response from West](#)

Marlon Lobban x4355



Think GREEN! Please do not print this email unless it is necessary.

From: Dane Esdelle
Sent: Tuesday, July 10, 2018 2:25 PM
To: jason@cpzarchitects.com
Cc: kate@cpzarchitects.com; Chris Zimmerman (chris@cpzarchitects.com); Marlon Lobban
Subject: FW: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

Hi Jason,

Please the attached responses from West Construction and the additional two project references.

Best Regards,
Dane

From: Dane Esdelle
Sent: Tuesday, July 03, 2018 3:43 PM
To: Marlon Lobban
Subject: RE: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

Marlon,

See the attached follow up from West Construction concerning the variances.

Thanks
Dane

From: Marlon Lobban
Sent: Tuesday, July 03, 2018 1:14 PM
To: Dane Esdelle
Subject: RE: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

Where are the responds to CPZ questions

Marlon Lobban x4355





Think GREEN! Please do not print this email unless it is necessary.

From: Dane Esdelle
Sent: Tuesday, July 03, 2018 11:54 AM
To: Marlon Lobban
Subject: RE: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

Hi Marlon,

I have **2** references listed in the bid package that have ***not*** responded, I will however reach out to them again today.

Please find the attached references as requested below - reference from West's estimator and the supporting references provided by CPZ Architects below.

Thanks
Dane

Dane M. Esdelle, MSCM, CGC, CMIT | Project Manager II
City of Fort Lauderdale | Public Works Engineering Department
P: 954-828-6885 | F: 954-828-5070 | C: 954-649-2487
E-mail: desdelle@fortlauderdale.gov



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-----Original Message-----

From: Marlon Lobban
Sent: Monday, July 02, 2018 2:44 PM
To: Jayson A. Hall
Cc: Kate Van Wormer; Chris Zimmerman; Dane Esdelle
Subject: RE: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

Thank you Jayson, we will follow up with West about the variance in their bid, compared to the engineer' estimate, along with the additional question you provided, and will provide you with their response for consideration.

We will also contact to two additional references you provided.

Marlon Lobban x4355

Think Green! Please do not print this email unless it is necessary.

-----Original Message-----

From: Jayson A. Hall [<mailto:jayson@cpzarchitects.com>]

Sent: Monday, July 02, 2018 2:37 PM

To: Marlon Lobban

Cc: Kate Van Wormer; Chris Zimmerman

Subject: RE: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

Marlon:

Per our phone conversation, see corrections as requested below.

We have reviewed the low bidder West Construction compared to CMS Cost Estimate have the following comments:

1. Division #1 General Requirements: \$133,790 lower then CMS
2. Division #3 Concrete: \$70,265 lower then CMS
3. Division 4 Masonry: \$194,384 lower then CMS
4. Division #8 Openings \$75,120 lower then CMS
5. Division #22 Plumbing: \$105,191 lower then CMS
6. Division #31 Earthwork: \$56,727 lower then CMS

We recommend the city confirm with West Construction the following:

1. Confirm they did not miss something in their bid in the divisions listed above
2. Confirm they have included all manufacturers and items as specified in bid documents.

Let West Construction know there are not substitutions on this project. All manufacturers specified in the bid drawings and specifications will be only accepted.

Per specification section 01 25 00 all requests for substitutions were to be submitted during the bid phase. NO SUBSTITUTIONS WILL BE ACCEPTED DURING CONSTRUCTION.

3. Confirm that you have reviewed all the project documents and all the information is included for you to fully construct and complete the project for the amount shown within your bid without any change orders to the project.

Here are the current projects we are working on with West Construction and their city project manager contact information as requested:

1. City of Sunrise Senior Center
Bob Romeo, Project Manager

City of Sunrise – Capital Projects Section
Utilities Department – Public Works Division
Utility Administrative Complex
777 Sawgrass Corporate Parkway
Sunrise, FL 33325
Phone: 954-888-6060
Mobile: 954-557-6294
Email: rromeo@sunrisefl.gov

2. **Town of Davie Fire Station #86**

Emilio DeSimone, C.G.C., LEED Green Associate, Water Star A.P.

Project Manager, Public Works & Capital Projects
6901 Orange Drive
Davie, FL 33314
Phone: 954-797-1085
Mobile: 954-275-8591
E-mail: emilio_desimone@davie-fl.gov

Feel free to contact us to discuss.

Thanks,

JAYSON A. HALL, PROJECT MANAGER
jayson@cpzarchitects.com

CPZ ARCHITECTS, INC.
4316 West Broward Boulevard, Plantation, Florida 33317
201 North Elmar Drive, Suite 201, Jensen Beach, FL 34957 Tele 954.792.8525 ext 108 Cell 954-914-9741 Fax 954.797.2847 www.cpzarchitects.com AA #2000685

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-----Original Message-----

From: Marlon Lobban [<mailto:MLobban@fortlauderdale.gov>]
Sent: Monday, July 02, 2018 1:49 PM
To: Jayson A. Hall <jayson@cpzarchitects.com>
Cc: Kate Van Wormer <kate@cpzarchitects.com>; Chris Zimmerman <chris@cpzarchitects.com>
Subject: RE: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

Based on our phone conversation, CPZ will also need to review Burke estimate to determine if there are any concern or question about their estimate. As we have begun checking their reference also for consideration.

You also mentioned CPZ is currently working with West on two other project. Can you provide me with the project name and contact information, as we would like to check their reference with these current project.

Thanks, we are mostly going to postpone the award till the August 21 meeting, to give us time to thoroughly review the bids.

Marlon Lobban x4355

P Think Green! Please do not print this email unless it is necessary.

-----Original Message-----

From: Jayson A. Hall [<mailto:jayson@cpzarchitects.com>]

Sent: Monday, July 02, 2018 1:35 PM

To: Marlon Lobban

Cc: Kate Van Wormer; Chris Zimmerman

Subject: RE: 1429 FS#8 Bids Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

Marlon:

We have reviewed the low bidder West Construction compared to Burke Construction second low bidder and have the following comments:

1. Division #1 General Requirements: \$184,640.03 lower then Burke
2. Division #2 Existing Conditions: \$100,838.67 lower then Burke
3. Division 4 Masonry: \$62,142 lower then Burke
4. Division #22 Plumbing: \$72,118 lower then Burke
5. Division #27 Communications: \$200,620 lower then Burke
6. Division #31 Earthwork: \$191,726 lower then Burke

We recommend the city confirm with West Construction the following:

1. Confirm they did not miss something in their bid in the divisions listed above
2. Confirm they have included all manufacturers and items as specified in bid documents.

Let West Construction know there are not substitutions on this project. All manufacturers specified in the bid drawings and specifications will be only accepted.

Per specification section 01 25 00 all requests for substitutions were to be submitted during the bid phase. NO SUBSTITUTIONS WILL BE ACCEPTED DURING CONSTRUCTION.

3. Confirm that you have reviewed all the project documents and all the information is included for you to fully construct and complete the project for the amount shown within your bid without any change orders to the project.

Feel free to contact us to discuss.

Thanks,

JAYSON A. HALL, PROJECT MANAGER

jayson@cpzarchitects.com

CPZ ARCHITECTS, INC.

4316 West Broward Boulevard, Plantation, Florida 33317

201 North Elmar Drive, Suite 201, Jensen Beach, FL 34957 Tele 954.792.8525 ext 108 Cell 954-914-

9741 Fax 954.797.2847 www.cpzarchitects.com AA #2000685

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-----Original Message-----

From: Marlon Lobban [<mailto:MLobban@fortlauderdale.gov>]

Sent: Tuesday, June 26, 2018 11:06 AM

To: Kate Van Wormer <kate@cpzarchitects.com>; Jayson A. Hall <jayson@cpzarchitects.com>; Chris Zimmerman <chris@cpzarchitects.com>

Subject: FW: Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

Jayson, below is the link to review the bid packages. Three bids from submitted by West, Burke, and Di Pompeo.

Also attached is the bid tabulation.

Let me know if you have any issue opening with the link

Marlon Lobban x4355

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-----Original Message-----

From: Tanzania Johnson [<mailto:TaJohnson@fortlauderdale.gov>]

Sent: Tuesday, June 26, 2018 10:52 AM

To: Marlon Lobban; Dane Esdelle; Omar Castellon

Subject: Serv-U File Sharing Link [expires 7/3/2018 12:00:00 AM]

You have received access to a Serv-U File Share from Tanzania Johnson. The link to transfer your file(s) will expire on Tuesday, July 3, 2018 12:00 AM.

<https://fms.fortlauderdale.gov/?ShareToken=1053B3B0695B6363991684DF81164EF0395EFB62>

FIRE STATION 8 BIDS

From: [Dane Esdelle](#)
To: [Tanzania Johnson](#)
Subject: FW: 1429 Fire Station #8 Bid Consideration
Date: Wednesday, August 08, 2018 3:09:15 PM
Attachments: [image012.png](#)
[image013.png](#)
[image014.png](#)
[image017.png](#)
[image022.png](#)
[FW Fire Station No. 8 - West Construction Bid Variance.msg](#)

Tanzania,

As requested, please see attached and below comment from CPZ acknowledging West's response.

Thanks
Dane

From: Jayson A. Hall [<mailto:jayson@cpzarchitects.com>]
Sent: Thursday, July 12, 2018 2:02 PM
To: Marlon Lobban
Cc: Dane Esdelle; Chris Zimmerman; Kate Van Wormer
Subject: RE: 1429 Fire Station #8 Bid Consideration

This sounds like they have answered and responded well to all our comments.

Thanks,



JAYSON A. HALL, PROJECT MANAGER
jayson@cpzarchitects.com

CPZ ARCHITECTS, INC.

4316 West Broward Boulevard, Plantation, Florida 33317
201 North Elmar Drive, Suite 201, Jensen Beach, FL 34957
Tele 954.792.8525 ext 108 Cell 954-914-9741
Fax 954.797.2847
www.cpzarchitects.com AA #2000685

"Designing Quality Architecture that Builds Lasting Relationships." ☐

From: Marlon Lobban [<mailto:MLobban@fortlauderdale.gov>]
Sent: Thursday, July 12, 2018 9:20 AM
To: Jayson A. Hall <jayson@cpzarchitects.com>
Cc: Dane Esdelle <DEsdelle@fortlauderdale.gov>
Subject: FW: Fire Station #8 Bid Consideration

Jayson, below is Burke's response to CPZ's question on their schedule of value. Please review and let me know if you find them acceptable.

Also, have you had a chance to review West's response to PZ's schedule of values questions?

Marlon Lobban x4355



Think GREEN! Please do not print this email unless it is necessary.

From: David Martinez [<mailto:dmartinez@bcgconstruction.net>]
Sent: Wednesday, July 11, 2018 3:50 PM
To: Marlon Lobban
Subject: RE: Fire Station #8 Bid Consideration

Marlon,

Thank you for your email. This email will serve to address the items raised in your email.

First and foremost, we are happy to supply the City with any additional references you may require. However, I am hopeful that our performance and quality of work being provided at Fire Station No. 54 is actual proof of our capabilities. If you recall, we did not have a very comfort level with the original Project Manager assigned to that project. We did not feel confident that his work ethic was up to par with the level of services we are accustom to providing to our clients and we acted appropriately in rectifying this matter.

Prior to attempting to address each item, please allow me to make a general statement that applies to all the items. In general the majority of the work bid at Burke Construction is bid under the old CSI codes Division 1 thru 16. From the onset of the bidding process we had set this bid under that coding system and it was late in the bid process when we realized the bid detail was to be provided in the new CSI format DIV 1 thru 33. In allocating the numbers into the appropriate CSI Divisions, clearly we have included certain scopes of work in a specific division that should have been allocated to another division. For example most of the bidders placed the value for the signalization under the electrical division, while we included this value under building improvements which is why Division #32 appears low. The same can also be true for the concrete scope of work; if the shell subcontractor is also performing the site concrete work and sidewalks, more than likely the site concrete values are included with the building improvements and not the site improvements.

We have reviewed our entire bid item by item and are confident with the bid submitted. Each scope of work is supported by actual competitive bids received from our vendors and subcontractors.

We have reviewed the bid provided by Burke Construction compared to CMS Cost Estimate have the following comments:

1. Division #1 General Requirements: \$50,850.30 higher than CMS however we feel is OK
Reply: This is the value we feel is required to properly manage the project and provide the level of service the City deserves.

2. Division #3 Concrete: \$139,850.12 lower then CMS
Reply: More than likely this is due to how we have separated our site concrete, such as curbing, sidewalks, conc. Apron. The sidewalks have been removed from this CSI code and placed under Sitework

3. Division 4 Masonry: \$132,242 lower then CMS
Reply: In addition to our own in-house take-off and bid we have three (3) subcontractor bids that support the value included in our bid sum.

4. Division #8 Openings \$111,333.57 lower then CMS Note: Please verify they have included Impact Level E openings
Reply: we have three (3) subcontractor bids that support the value included in our bid sum. We have included the following glass in our bid in accordance with the specifications:

YKK-Series **35H Level "E"** Impact Storefront Door by YKK-AP FL #16554-2 – Clear Anodized

YKK-Series **50H Level "E"** Impact Storefront by YKK-AP (2-1/2" x 5") FL #14218.R10 – Clear Anodized

-

5. Division #9 Finishes \$82,960 lower than CMS
Reply: Burke Construction maintains its own in-house trades people for certain finish work such as framing, drywall, ceilings and trim work. In addition to our own in-house capabilities we have several bids that support the values for finishes included in our bid sum.

6. Division #23 HVAC: 126,022 higher than CMS
Reply: Our bid value for this scope of work is supported by sub-bids and is actually \$50K less than the value that was provided at Fire Station No. 54

-

7. Division #31 Earthwork: 134,999 higher than CMS, however Division #32 is lower
Reply: Again this may just be where we allocated scopes of works per CSI division. It could very well be that certain scope items under this scope item should have actually been allocated to another CSI division. The values represented for this scope of work are fully supported by actual bids received from subcontractors. We have segregated the work between several vendors to be more competitive with the bid.

8. Division #32 Exterior Improvements: \$206,506.86 lower then CMS, however Division #31 is higher

Reply: Again this may just be where we allocated scopes of works per CSI division. It could very well be that certain scope items under this scope item should have actually been allocated to another CSI division. The values represented for this scope of work are fully supported by actual bids received from subcontractors. We have segregated the work between several vendors to be more competitive with the bid.

Once again, we can confidently represent to you that our bid value for the project, regardless of the what CSI Division it may have been allocated too, is complete and we are confident that we can perform the scope of work for said value.

Kind regards,

David W. Martinez, CPA
Partner/Chief Financial Officer
(305)986-0158 cell

BCG Logo_Horizontal (hires)



Corporate Headquarters:

10145 NW 19th St.
Doral, FL 33172

Monroe County Office:

1722 N. Roosevelt Blvd.
Key West, FL 33040

Sarasota Office:

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Sarasota, FL 34243

(305)468-6604 Ext. 17

(305)468-6654 Fax

www.burkeconstructiongroup.com

logo-CFBstaff[1]

ASBA Member Logo Small



From: Marlon Lobban <MLobban@fortlauderdale.gov>

Sent: Tuesday, July 10, 2018 2:44 PM

To: David Martinez <dmartinez@bcgconstruction.net>

Subject: RE: Fire Station #8 Bid Consideration

It is being compared against the engineer's estimate.

Our design consultant, CPZ, reviewed your division estimates within the lump sum bid, and determined several of the estimates varied significantly from the engineer's. CPZ would like an explanation as to how those estimates were determined to confirm you're the validity of Burke's bid to complete the work.

Marlon Lobban x4355

We Build



Think GREEN! Please do not print this email unless it is necessary.

From: David Martinez [<mailto:dmartinez@bcgconstruction.net>]

Sent: Tuesday, July 10, 2018 12:30 PM

To: Marlon Lobban

Subject: RE: Fire Station #8 Bid Consideration

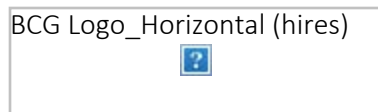
Marlon:

Thank you for your email. In reviewing the questions, I am somewhat confused as to what

documents you are using to compare the amounts. Our totals match and the SOV was a different format so the sum of the higher and lowers should be zero. Would you be so kind as to email me the two documents that are being used so that I can reconcile them and provide appropriate responses. Thanks again and we are very much looking forward to building the City another highly successful project.

Kind regards,

David W. Martinez, CPA
Partner/Chief Financial Officer
(305)986-0158 cell

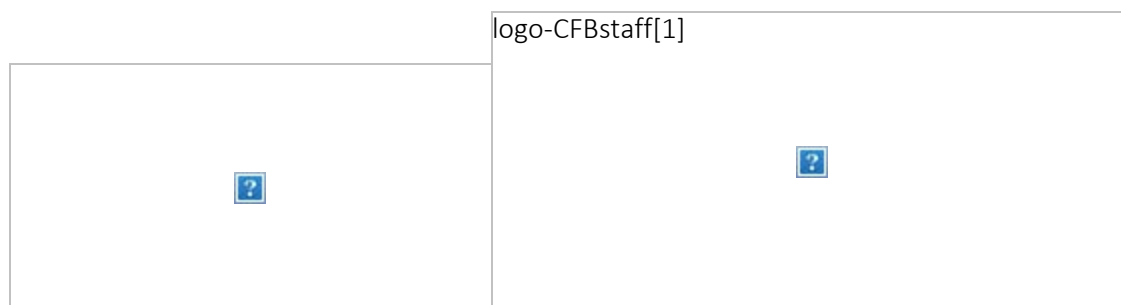


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ASBA Member Logo Small

From: Marlon Lobban <Mlobban@fortlauderdale.gov>

Sent: Tuesday, July 10, 2018 10:31 AM

To: David Martinez <dmartinez@bcgconstruction.net>

Subject: Fire Station #8 Bid Consideration

The City is reviewing Burke's references and schedule of values for consideration to award.

Please respond to the engineer's comments about the schedule of values provided in your bid.

We have reviewed the bid provided by Burke Construction compared to CMS Cost Estimate have the following comments:

1. Division #1 General Requirements: \$50,850.30 higher than CMS however we feel is OK
2. Division #3 Concrete: \$139,850.12 lower then CMS
3. Division 4 Masonry: \$132,242 lower then CMS
4. Division #8 Openings \$111,333.57 lower then CMS Note: Please verify they have included

Impact Level E openings

5. Division #9 Finishes \$82,960 lower than CMS
6. Division #23 HVAC: 126,022 higher than CMS
7. Division #31 Earthwork: 134,999 higher than CMS, however Division #32 is lower
8. Division #32 Exterior Improvements: \$206,506.86 lower then CMS, however Division #31

is higher

CITY SEAL



Marlon Lobban PE, MBA | Senior Project Manager

City of Fort Lauderdale | Public Works – Engineering Services

100 North Andrews Avenue, Fort Lauderdale, FL 33301

T: 954.828.4355 | F: 954.828.5074 | E: mlobban@fortlauderdale.gov

Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records, available to any person upon request, absent an exemption.

Therefore, any e-mail message to or from the City, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

Reference Check

Fire Station No. 8 Construction

West Construction, Inc.
820 North 4th Street
Lantana, FL 33462
Martha A. Morgan, President
Tel: 561-588-2027

Project Reference: Emilio DeSimone, Project Manager 954-797-1085

Date: 7/3/18

Project Name: Town of Davie Fire Station #86

1. **Q:** Did they perform on a timely basis as required by the contract agreement?

A: No, Project is currently at 70 %, with completion due in December 2018

2. **Q:** Was the project within budget?

A: Yes,

3. **Q:** Have there been any change orders, and if so how many?

A: Yes . 6 CO's in total that are owner driven. IT components added by owner along with some minor changes.

4. **Q:** On a scale of 1 to 10 (10 being the highest) how would you rate there quality of service?

A: 2-3, West is slow and challenged when coming to submittals and shop drawings. Work is sometime performed without an approved shop drawing.

5. **Q:** Was the project manager easy to get in contact with?

A: No, there were many changes in staff which made it difficult to maintain continuity.

6. **Q:** Would you use them again?

A: No, not unless there is a drastic change in how they do business.

7. **Q:** Were they cooperative with your, firm, subs and regulatory agencies?

A: Yes

8. **Q:** Is there anything else we should know, that we have not asked?

A: Housekeeping seems to be an issue especially when there is no work ongoing.

Reference Check

Fire Station No. 8 Construction

West Construction, Inc.
820 North 4th Street
Lantana, FL 33462
Martha A. Morgan, President
Tel: 561-588-2027

Project Reference: Bob Romeo, Project Manager, 954-888-6060
Project Name: City of Sunrise Senior Center

Date: 7/3/18

1. **Q:** Did they perform on a timely basis as required by the contract agreement?

A: No, to date they are 30% with substantial completion due in 30 days.

2. **Q:** Was the project within budget?

A: There have been change orders but more are expected.

3. **Q:** Have there been any change orders, and if so how many?

A: Yes, however we are within the project allowance of 5%.

4. **Q:** On a scale of 1 to 10 (10 being the highest) how would you rate there quality of service?

A: One (1)

5. **Q:** Was the project manager easy to get in contact with?

A: No. There have been numerous changes made in project managers throughout the project.

6. **Q:** Would you use them again?

A: No

7. **Q:** Were they cooperative with your, firm, subs and regulatory agencies?

A: They were very slow to respond to subs

8. **Q:** Is there anything else we should know, that we have not asked?

A: West Construction doesn't seem to be good at renovation projects.

EXHIBIT #6

Reference Check

Fire Station No. 8 Construction

West Construction, Inc.
820 North 4th Street
Lantana, FL 33462
Martha A. Morgan, President
Tel: 561-588-2027

Project Reference: Fernando Blanco, Project Manager, 954-828-6536 Date: 7/12/18
Project Name: Airport Emergency Operation Center

1. Q: Did they perform on a timely basis as required by the contract agreement?

A: Yes

2. Q: Was the project within budget?

A: Yes

3. Q: Have there been any change orders, and if so how many?

A: There were change orders, but at City request

4. Q: On a scale of 1 to 10 (10 being the highest) how would you rate there quality of service?

A: 6

5. Q: Was the project manager easy to get in contact with?

A: No. there was lack of administrative organization

6. Q: Would you use them again?

A: No

7. Q: Were they cooperative with your, firm, subs and regulatory agencies?

A: Miscommunication that effect productivity and quality

8. Q: Is there anything else we should know, that we have not asked? A:

West Construction needed better project management on the project.