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

May 28, 2019

VIA HAND-DELIVERY

Laura Garcia Acting Deputy Director of Finance Finance Department City of Fort Lauderdale 100 N. Andrews Avenue Fort Lauderdale, FL 33301

Re: David Mancini & Sons, Inc. Protest Letter Pertaining to City of Fort Lauderdale, Florida Solicitation No. 12252-496, Phase II Las Olas Blvd. Force Main Replacement

Dear Ms. Garcia:

On behalf of our client, David Mancini & Sons, Inc. ("DMSI"), in conjunction with its lead design partner A&P Consulting Transportation Engineers, Corp., we hereby submit DMSI's protest objecting to the RFP/RFQ Award Recommendation/Intent to Award (the "Proposed Recommendation") 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 (the "RFP"). This notice of intent to protest is timely filed within five (5) days of the Proposed Recommendation, excluding Saturday, Sunday and Memorial Day, pursuant to Section 1.18 of the RFP and Section 2-182(b)(1) of the Fort Lauderdale Code of Ordinances (the "Code"), as incorporated into the RFP by Section 1.18 thereof, in order to protest the Proposed Recommendation's determination that Murphy Pipeline Contractors, Inc. ("MPCI") should be awarded the contract under the RFP. DMSI, as the second ranked proposer, and a Pompano Beach, Broward County headquartered contractor, should instead be awarded the contract as the top ranked, responsible and responsive vendor whose proposal is in the City's best interests.

The basis and grounds for DMSI's protest include, but are not limited to, the following:

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

- 1. The RFP, Section 5, entitled "Evaluation and Selection Criteria" provides for the appointment of an RFP Evaluation Committee ("EC") to rank the proposals submitted in response to the RFP.
- 2. The Evaluation Criteria are set forth in Section 5.1 of the RFP, and provide weighted criteria as follows: Qualifications and Experience of Firm are worth 18%; Qualifications of Team are worth 12%; Project Methodology & Approach are worth 35%; the Price Proposal is worth 30%, and References are worth 5%, for a total of 100%.¹ The City's use of a mathematical formula to determine scoring based on ranking is further described in Section 5.2. "The lowest final ranking score will determine the recommendation by the evaluation committee to the City Manager." The City Manager is then to conduct contract negotiations with the "selected responsible, responsive" proposer. After contract negotiations result in a final agreement, it is then recommended to the City Commission for approval.
- 3. On or about May 9, 2019, the shortlisted proposers, including both DMSI and Murphy, were requested to make presentations to the Evaluation Committee. Thereafter, the Evaluation Committee scored the proposals of DMSI, Man-Con, Inc. and MPCI. A true and correct copy of the scoring matrix of the Evaluation Committee dated May 20, 2019 is attached hereto as Exhibit "A."²
- 4. A review of that scoring matrix indicates that DMSI was the number one or two ranked proposer in most categories ranked by the Evaluation Committee. However, for reasons unknown, DMSI scored lowest in its references. How and why is completely unknown as no information has yet been received in response to the public records request. However, DMSI submitted numerous references, including local references as well. All were excellent at that. See reference letters attached as Composite Exhibit "C."
- 5. For review purposes, DMSI created its own scoring chart which is attached as Exhibit "D." Had the Evaluation Committee properly scored price based on the actual prices submitted (See Exhibit "E" attached hereto), DMSI would have been ranked number one given the five proposals submitted. Indeed, reference to the top chart of Exhibit "D: reveals that DMSI would have been the number one ranked proposer of each of the four (4) members of the Evaluation Committee. Its "Total Points Awarded" numbers would easily be lower than MPCI's. As that upper chart's endnote states, "[i]f we use the raking (sic) of all submittals [MPCI] becomes fourth ranked in price." Why? Because DMSI bid \$1,693,650.00, while MPCI bid \$1,972,000.00. That is a huge difference of approximately \$279,000.00.

¹ The RFP originally said (100 Points), but that was changed to (100 Percent) by Addendum No. 1.

² On May 23, 2019, DMSI submitted a public records request for all relevant documents, including all proposals. See, Exhibit "B" attached. To date, only the scoring sheet has been provided. DMSI accordingly reserves the right to supplement this protest upon review of the Murphy proposal and other documents received.

- 6. Similarly, if references were properly considered DMSI would have been ranked number one by most members, not third by all but one. Removing references from consideration shows DMSI would also be first in the bottom chart on Exhibit "D."
- 7. By not correctly ranking the proposals, the City will spend nearly \$300,000.00 more than the price bid by DMSI. Indeed, why the RFP process was utilized versus a straight low-price invitation to bid is arguably an open question. Yet, Exhibit "D" as portrayed by DMSI applies the express criteria of the RFP, Section 5.1. Under either scenario, DMSI would have had the lowest final score.
- 8. However, that is not what happened and it appears the Evaluation Committee erroneously applied the evaluation criteria in their scoring. Thus, MPCI gets recommended despite its huge cost. How and why is unexplainable other than the Evaluation Committee made a mistake, a huge one that will cost the City over \$279,000 in additional monies. In disregarding the RFP's Evaluation Criteria, and by virtue of what appears to be mathematical error, DMSI has been relegated to second place.
- 9. Finally, DMSI reserves the right to supplement this protest upon receipt of the requested public records related to this RFP, including the MPCI proposal.

The RFP and Code require that all bidders be responsible, and the Code, Section 2-175, also requires all proposers to act in good faith. A "responsible bidder" is generally defined as one who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance." Under the RFP, Code and general Florida law, the City has to consider the responsibility and responsiveness of all proposers.

A procuring agency must also ensure that the provisions of a RFP are clear and definitive and that all evaluation criteria have been disclosed. In <u>Moore v. State</u>, <u>Dept. of Health &</u> <u>Rehabilitative Services</u>, 596 So.2d 759 (Fla. 1st DCA 1992), the court found that the agency's failure to comply with its own bid evaluation criteria undermined the integrity of the competitive procurement process. The court reversed the award made by the agency, holding that the evaluation process was so tainted that it made the award arbitrary and capricious. Under <u>Moore</u>, deviation from the award criteria in the bid documents, or the agency's failure to follow its in house evaluation procedures, are sustainable grounds for protesting an award.

Although Florida case law is clear that there is a substantial public interest in favor of saving tax dollars in awarding public contracts, it is equally clear that it cannot be done at the expense of the competitive bidding process. See, Intercontinental Properties, Inc. v. State of Florida Department of Health and Rehabilitative Services, 606 So.2d 380, 386 (Fla. 3d DCA 1992); Wood-Hopkins Contracting Co. v. Roger J. Au & Son, Inc., 354 So.2d 446, 449 (Fla. 1st DCA 1978). The law is clear, even in the context of requests for proposals, that a public body is not entitled to omit or alter material provisions required by the RFP because in doing so the public

May 28, 2019 Page 4

body fails to "inspire public confidence in the fairness of the RFP process." *Emerald* Correctional Management v. Bay City Board of City Commissioners, 955 So.2d 647 (Fla. 1st DCA 2007), citing, State, Department of Lottery v. Gtech Corp., 816 So.2d 648 (Fla. 1st DCA 2001).

In a bid protest, the standard of review is whether the intended decision to award the contract is contrary to the governing statues, regulations, or policies or the specifications of the RFP. The standard of proof is whether the proposed award is clearly erroneous, contrary to competition, arbitrary, or capricious. See, Florida Statutes, Section 120.57(3)(f); *Boston Culinary Group, Inc. v. University of Central Florida*, Case No. 17-4509BID (Fla. DOAH Nov. 21, 2017, 2017 WL 5998862). Section 120.57(3)(f), Florida Statutes, spells out the rules of decision applicable in bid protests. In pertinent part, the statute provides:

In a competitive-procurement protest, other than a rejection of all bids, the administrative law judge shall conduct a de novo proceeding to determine whether the agency's proposed action is contrary to the agency's governing statutes, the agency's rules or policies, or the bid or proposal specifications. The standard of proof for such proceedings shall be whether the proposed agency action was clearly erroneous, contrary to competition, arbitrary, or capricious.

Agency action is "clearly erroneous" if it is without rational support and, consequently, the trierof-fact has a "definite and firm conviction that a mistake has been committed." U.S. v. U.S. Gypsum Co., 333 U.S. 364, 395 (1948).

An act is "contrary to competition" if it runs contrary to the objectives of competitive bidding, which have long been held:

to protect the public against collusive contracts; to secure fair competition upon equal terms to all bidders; to remove not only collusion but temptation for collusion and opportunity for gain at public expense; to close all avenues to favoritism and fraud in various forms; to secure the best values for the [public] at the lowest possible expense ...

Wester v. Belote, 138 So.2d 721, 723-24 (Fla. 1931); see also, Harry Pepper & Assoc., Inc. v. City of Cape Coral, 352 So.2d 1190, 1192 (Fla. 3d DCA 1977).

Section 287.001, Florida Statutes, and similar to Section 2-171 of the City's Code of Ordinances, establishes the legislative intent that public procurement be intrinsically fair and open, and that it also eliminate the appearance and opportunity for favoritism so as to preserve public confidence in the process, and provides that:

The Legislature recognizes that fair and open competition is a basic tenet of public procurement; that such competition reduces

the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically; and that documentation of the acts taken and effective monitoring mechanisms are important means of curbing any improprieties and establishing public confidence in the process by which commodities and contractual services are procured.

That legislative intent has been applied to determine whether an action is contrary to competition as follows:

Thus, from Section 287.001 can be derived an articulable standard of review. Actions that are contrary to competition include those which:

(a) create the appearance of and opportunity for favoritism;

(b) erode public confidence that contracts are awarded equitably and economically;

(c) cause the procurement process to be genuinely unfair or unreasonably exclusive; or

(d) are unethical, dishonest, illegal, or fraudulent.

Syslogic Tech. Servs., Inc. v. So. Fla. Water Mgmt. Dist., Case No. 01-4385BID (Fla. DOAH Jan. 18, 2002; SFWMD Mar. 6, 2002).

In light of the above case law, it seems clear that DMSI should have been the recommended proposer. Clearly it should have scored the "lowest final ranking score." The failure to correctly evaluate the proposals using the RFP's Evaluation Criteria is contrary to the law or even acceptable business practices, arbitrary and capricious, provides a clear competitive advantage and cannot be ignored. Such conduct infringes on the integrity and reliability of the procurement process. The contract should be awarded to DMSI as the apparent lowest ranked bidder as reflected in Exhibit "D," and certainly the far lowest priced proposer. Over \$279,000.00 lower than the MPCI price proposal.

In accordance with the Code, Section 2-182(6), DMSI submits herewith the required \$5,000.00 non-refundable protest application fee by our firm's attorney's trust account check made payable to the City.

We look forward to the opportunity to meet with you to settle and resolve this protest as provided in the Code of Ordinances, Section 2-182(c)(1). As noted above, we also reserve the right to supplement this protest upon receipt of the requested public records.

May 28, 2019 Page 6

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

Very truly yours,

MOSKOWITZ, MANDELL, SALHA & SIMOWITZ, P.A. By: WILLIAM G. SALIM, JR.

cc: Jodi Hart, Procurement Manager (via email) Penelope Burger, Procurement Administrator (via email) Client



CITY OF FORT LAUDERDALE
RFP PRESENTATION EVALUATION COMMITTEE TABULATION

 RFQ#
 12252-496

 TITLE:
 PHASE II LAS OLAS BLVD FORCE MAIN REPLACEMENT

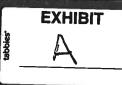
 DATE:
 5/20/2019

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		ficatio erien f Firm	ce		ificati Team	on of	Me	Projec thodo Appro	logy	Re	feren	ces		Price		
PROPOSING FIRM	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Total Points Awarded
David Mancini & Sons, Inc	0.18	2	0.36	0.12	2	0.24	0.35	1	0.35	0.05	3	0.15	0.30	1	0.30	1.40
Man-Con, Inc	0.18	_		0.12			0.35		1.05			0.10	0.30	3	0.90	2.95
Murphy Pipeline Contractors, Inc.	0.18	1	0.18	0.12	1	0.12	0.35	2	0.70	0.05	1	0.05	0.30	2	0.60	1.65

						Ra	ter #2	2 - KR	ISHAN	KAND	IAL					
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PROPOSING FIRM	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Total Points Awarded
David Mancini & Sons, Inc	0.18	2	0.36	0.12	1	0.12	0.35	2	0.70	0.05	3	0.15	0.30	1	0.30	1.63
Man-Con, Inc	0.18	3	0.54	0.12	3	0.36	0.35	3	1.05	0.05	2	0.10	0.30	3	0.90	2.95
Murphy Pipeline Contractors, Inc.	0.18	1	0.18	0.12	2	0.24	0.35	1	0.35	0.05	1	0.05	0.30	2	0.60	1.42

	Rater #3 - STEVE ROBERTS JR.															
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PROPOSING FIRM	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	/ Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Total Points Awarded
David Mancini & Sons, Inc	0.18	1	0.18	0.12	2	0.24	0.35	2	0.70	0.05	2	0.10	0.30	1	0.30	1.52
Man-Con, Inc	0.18	3	0.54	0.12	3	0.36	0.35	3	1.05	0.05	3	0.15	0.30	3	0.90	3.00
Murphy Pipeline Contractors, Inc.	0.18	2	0.36	0.12	1	0.12	0.35	1	0.35	0.05	1	0.05	0.30	2	0.60	1.48

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PROPOSING FIRM	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Weight Factor	Ranking	Point Subtotal	Total Points Awarded	Average Points Awarded	Total Combined Points Awarded	Local Vendor Prefere	Local Preference De	Total Final Score	FINAL RANKING
David Mancini & Sons, Inc	0.18	2	0.36	0.12	1	0.12	0.35	2	0.70	0.05	3	_	0.30	_	0.30				0.0%			-
Man-Con, Inc	0.18	3	0.54	0.12	3	0.36	0.35	3	1.05	0.05	1	0.05	0.30	3	0.90	2.90	3.93	11.80	0.0%	0.00	11.80	3
Murphy Pipeline Contractors, Inc.	0.18	1	0.18	0.12	2	0.24	0.35	1	0.35	0.05	2	0.10	0.30	2	0.60	1.47	2.01	6.02	0.0%	0.00	6.02	1



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From:	<u>Christopher Lazzari</u>
To:	dsoloman@fortlauderdale.gov
Subject:	RFP/RFQ 12252-496 Las Olas Blvd Phase II Force Main Replacement
Date:	Thursday, May 23, 2019 2:05:00 PM
Attachments:	image001.png

Good afternoon,

I would like to submit this public records request regarding the above referenced project. Can you please provide DMSI with the following:

Copies of all proposal submittals Copies of all pricing Copies of the selection committee scoring sheets

Thank you in advance

Sincerely,

Christopher Lazzari



3401 N Miami Ave Suite 214 Miami, Florida 33127 (954) 895-0741 Cell (305) 532-8827 Phone (305) 532-8835 Fax www.dmsi.co



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MIAMI DESIGN DISTRICT

May 7, 2019

Miami Design District Associates 3841 NE 2nd Avenue, Suite 300 Miami, Fl 33137

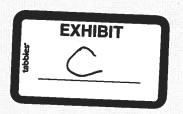
RE- Letter of Recommendation for DMSI, Inc.

I am writing this letter to provide a recommendation and reference for David Mancini & Sons Inc. DMSI has been actively working in and around the Miami Design District for several years. They have demonstrated an ability to execute complicated projects in complex locations. DMSI recently completed a portion of a project along NE 36th St which was executed proficiently. Trenches were immediately backfilled, and asphalt installed providing a safe work-zone for the public. This work included a complete intersection closure of North Miami Avenue and 36th St which resulted in a I95-exit detour. DMSI worked multiple crews 24x7 to promptly open the intersection and restore traffic to its pre-construction state. DMSI has shown a commitment to developing MOT plans with community input and providing constant communication before, during, and after construction.

Regards,

Alex Schapiro Development Manager

Miami Design District Associates 3841 NE 2nd Avenue, Suite 400, Miami, FL 33137 Tel 305 722 7100 Fax 305 722 7263 miamidesigndistrict.net



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Midtown Miami CDD 3401 N. Miami Avenue, Suite 132 Miami, Florida

June 20, 2017

City of Fort Lauderdale 100 N. Andrews Ave., Fort Lauderdale, FL 33301

124

Subject: Fort Lauderdale Emergency Repair – Contractor Reference.

To whom this may concern,

On behalf of Midtown Miami Community Development District, I am writing this letter of recommendation for David Mancini & Sons Inc. DMSI recently completed the installation of a large diameter pipeline on NE 36 St. between North Miami Avenue and NE 2nd Avenue. NE 36 St is an arterial roadway projecting through Midtown Miami. DMSI worked diligently to complete the work promptly and open the roadway expeditiously. Prior to mobilization, DMSI met with us on numerous occasions to develop a mutually acceptable Traffic Control strategy.

They were willing to make modifications based on local stakeholder comments of such. Midtown has an absorbent amount of pedestrian traffic through the district. DMSI ensured that their work-zone was safe and mindful of pedestrians by covering the trench continuously and keeping a clean job-site. They installed temporary barriers along the sidewalk to keep the public from entering their work-zone.

They left "windows" at bus stops, as not to interrupt public transportation operations. In addition to the daily watering of their work-zone, DMSI wet and swept the entire district to clean tire tracks as a result of construction operations. DMSI provided advanced notification of the work to the District as well as weekly "traffic updates." The updates were very informative to our community; showing when and where detours would take place. They successfully installed the pipeline in front of Midtown's parking garage with limited disruption to our operations.

When working within impactful intersection closures, DMSI applied the necessary resources to promptly complete the work ahead of schedule and open the roadway to traffic. Although construction operations can have a negative impact to the local community, DMSI worked diligently with the District to mitigate any issues resulting from construction operations. Furthermore, as DMSI progresses away from the

District with their construction operations, they have ensured a sound coordination effort by including Midtown Miami, Design District, and Wynwood in their coordination meetings and development of mutually acceptable MOT strategies.

1

Due to DMSI's respect for the community, attention to detail, and resources available we highly recommend David Mancini and Sons as a General Contractor for your emergency project.

Deborah Samuel

Operations Manager

Midtown Miami CDD midtownmiamicdd.net 3401 N. Miami Avenue, Suite 132Miami, Florida Office: 305.573.3371 Fax: 305.573.3372

> CAM 19-0495 EXHIBIT 9 Page 11 of 30



310 NW 26th Street Suite #1 Miami, Florida 33127 ▼ (786) 615-8828 ■ info@wynwoodbid.com

June 20, 2017

City of Fort Lauderdale Public Works Department 100 N. Andrews Ave., Fort Lauderdale, FL 33301

RE- City of Fort Lauderdale Public Works Dept - Letter of Recommendation for DMSI Inc.

To whom this letter may concern,

I am writing this letter with purpose of providing a reference for David Mancini & Sons Inc. DMSI is the General Contractor of the Miami Avenue System Betterment Project which includes the installation of a large-diameter pipeline along North Miami Avenue from NE 36 St to NE 20th St. Miami Avenue is a major thoroughfare roadway dividing Wynwood and Midtown Miami. It is obvious to our organization that DMSI has the utmost respect for the local business community. Although construction operations have not commenced along North Miami Avenue, DMSI has met with us on numerous occasions to discuss an MOT strategy and work schedule acceptable to the community. They have also committed to a construction approach which will reduce the overall durations of impactful construction operations. DMSI has recently completed a portion of the project along NE 36 St which was executed proficiently. Trenches were immediately backfilled and asphalt installed providing a safe work-zone for the public. This work included a complete intersection closure of North Miami Avenue and NE 36 S which resulted in a 195-exit detour. DMSI worked multiple crews 24x7 to promptly open the intersection and restore traffic to its pre-construction state. Although construction operations can be impactful to the community, it is apparent that DMSI takes this into consideration in executing their work. For these reasons, I would highly recommend DMSI as a general contractor to the City of Fort Lauderdale residents.

Please feel free to contact me for any additional information regarding this reference.

Sincerely,

Ma Gonzalez **Executive Director**

The Wynwood Business Improvement District (BID) is a municipal board of the City of Miami, Florida. Its mission is to build upon Wynwood's role as a globally recognized center for arts, innovation and culture.

> CAM 19-0495 EXHIBIT 9 Page 12 of 30

David Mancini, Jr.

From:David ManciniSent:Friday, July 8, 2016 9:27 PMTo:David Mancini, Jr.; Richard Mancini; Nelson Liberti; Christopher Lazzari; Fabio Angarita; Kimberley
Weldon; Bruno RothSubject:Fwd: FW: Cith of Fort Lauderdale Reference Check

Sent from my Verizon Wireless 4G LTE Droid ------ Forwarded message ------From: "Mowry, Bruce" <BruceMowry@miamibeachfl.gov> Date: Jul 8, 2016 6:12 PM Subject: FW: Cith of Fort Lauderdale Reference Check To: David Mancini <dmancini@dmsi.co> Cc:

MIAMIBEACH

Bruce A. Mowry, Ph.D., P.E.

City Engineer 1700 Convention Center Drive, Miami Beach, FL 33139 Tel: 305-673-7080 ext. 6565 / Cell: 786-759-8941

BruceMowry@MiamiBeachFL.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic communit

From: Mowry, Bruce Sent: Thursday, July 07, 2016 9:11 PM To: 'Rachel Sklarew' Subject: RE: Cith of Fort Lauderdale Reference Check

Rachel,

Sorry I was in a meeting when you called today.

We have completed several projects with David Mancini and Sons, Inc. (DMSI) and I rate them as a 5 plus in all areas you requested. They are one of our go to contractors when we need something done. They have performed both

standard trenching and also trenchless (hydraulic directional drill HDD) projects for the City and all projects have been outstanding. In a recent project in a very high traffic area, the exceeded expectation in their MOT implementation and many of our Commissioners comment how well the project was implemented with minimal traffic issues.

Let me know if I can be of further assistance.

Thanks,

Bruce

MIAMIBEACH

Bruce A. Mowry, Ph.D., P.E.

City Engineer 1700 Convention Center Drive, Miami Beach, FL 33139 Tel: 305-673-7080 ext. 6565 / Cell: 786-759-8941

BruceMowry@MiamiBeachFL.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic communit

From: Rachel Sklarew [<u>mailto:RSklarew@fortlauderdale.gov</u>] Sent: Thursday, July 07, 2016 4:26 PM To: Mowry, Bruce Subject: Cith of Fort Lauderdale Reference Check

Good Afternoon,

I was hoping you could respond to this email regarding a reference check for the company David Mancini and Sons, Inc. with A&P Consulting Transportation Engineers Corp. They submitted a bid proposal for our Water Main/Force Main project on Las Olas Blvd. in Fort Lauderdale. I would like to know how they performed for you.

On a scale of 1 to 5 (1 being unacceptable and 5 being outstanding)

How would you rate their overall work performance?

How would you rate their ability to meet the construction milestones/deadlines?

How would you rate their ability to stay within budget?

How would you rate their communication skills during the project?

How would you rate their quality of work?

Any additional comments or concerns would be greatly appreciated.

Thank you for your time. I'm looking to turn this around tonight. If you could please be so kind to respond. Thanks again.

Rachel Sklarew

Procurement Specialist II

City of Fort Lauderdale

100 North Andrews Avenue, 6th Floor

Fort Lauderdale Florida 33301

Direct: 954-828-6167

Fax: 954-828-5576

rsklarew@fortlauderdale.gov

CAM 19-0495 EXHIBIT 9 Page 15 of 30 This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message reportspam@miamidade.gov Enterprise Security Office

GREAT JOB Richie & Ryan, keep up the good work.

David Mancini Jr. Project Manager 754-264-9594 www.dmsi.co www.instagram.com/ dmsi

David Mancini & Sons Inc. 2601 Wiles Rd. Pompano Beach FL 33073



From: Deirdre Gan Sent: Monday, April 15, 2019 5:07 PM To: David Mancini; David Mancini, Jr.; Nelson Liberti; Richard Mancini Subject: Area N

I just received a call from a women who works on 117th Avenue. She was calling to let the company know that all of the guys working on that project are very respectful and courteous. She appreciates the way they the guys always make sure that people working on 117th are able to get into and out of their parking lots. The way the traffic is handled is great. She has never encountered guys like this on a job site so she looked up the company and called to say thank you.

Thank you, Deirdre Gan



2601 Wiles Road Pompano Beach, FL 33073 Phone: 954-977-3556 Fax: 954-944-2040

David Mancini, Jr.

From:	Mowry, Bruce <brucemowry@miamibeachfl.gov></brucemowry@miamibeachfl.gov>
Sent:	Monday, May 2, 2016 9:33 AM
To:	David Mancini; David Mancini, Jr.; Nelson Liberti; Rivas, Jose; Fabio Angarita
Subject:	FW: construction on 63rd/Alton - all good!

You all must be doing something right.

Thanks,

MIAMIBEACH

Bruce A. Mowry, Ph.D., P.E. City Engineer 1700 Convention Center Drive, Miami Beach, FL 33139 Tel: 305-673-7080 ext. 6565 / Cell: 786-759-8941 BruceMowry@MiamiBeachFL.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic communit

From: Morales, Jimmy
Sent: Monday, May 02, 2016 9:30 AM
To: Carpenter, Eric; Fink, Jay; Mowry, Bruce; Coley, Roy; Oates, Daniel J.; Causey, Mark
Subject: FW: construction on 63rd/Alton - all good!

Team,

FYI Good feedback about the project and the efforts to mitigate the impact, Thanks all around.

MIAMIBEACH

Jimmy Morales

City Manager OFFICE OF THE CITY MANAGER 1700 Convention Center Drive, Miami Beach, FL 33139 Tel: 305-673-7010 / Fax: 305-673-7782 / <u>http://www.miamibeachfl.gov</u>

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Aleman, John Sent: Monday, May 02, 2016 9:11 AM To: Morales, Jimmy Subject: FW: construction on 63rd/Alton - all good!

Jimmy,

I wanted to pass along these kudos for a job well managed! Please pass along my thanks to all involved for minimizing the negative impacts to the neighbors of this project!

Warmly, John

MIAMIBEACH

Commissioner John Elizabeth Alemán OFFICE OF MAYOR AND COMMISSION 1700 Convention Center Drive, Miami Beach, FL 33139 From: Lori Nieder [<u>mailto:lorinieder@yahoo.com</u>] Sent: Thursday, April 28, 2016 2:55 PM To: Aleman, John Cc: Carpenter, Eric Subject: construction on 63rd/Alton - all good!

Hi Commissioner Aleman,

Just wanted to send you a quick little note to let you know how well the replacement of the water main in my neighborhood has been handled. Always good to let the city have some POSITIVE feedback!

As you know, I live right in the center of it at 63rd and Pinetree. The construction there could be a potential nightmare for myself and neighbors.

I think the process has been well thought out and executed. At no time has there been more than one lane closed. Also, the workers have isolated specific cross areas, one at a time (ie La Gorce and Alton, Pinetree and Alton) and seem to complete these areas within a few days. Police have been stationed at either end of the construction and cars have been instructed not to bypass via North Bay Road. The signs are well posted and helpful.

I am looking forward to a smooth completion and congratulate you on a great handling of a difficult task.

Best, Lori Nieder

David Mancini, Jr.

From:	Jitendra Patel <jpatel@hollywoodfl.org></jpatel@hollywoodfl.org>
Sent:	Monday, August 1, 2016 2:21 PM
To:	'Peter M. Schecter'; Peter Hernandez; Clece Aurelus
Cc:	Steve Joseph; Francois Domond; David Mancini, Jr.; Wazir Ishmael; Gus Zambrano
Subject:	RE: note of thanks: d Mancini construction going above and beyond

Mr. Schecter,

Thank you so much for taking the time to send this e-mail. I have copied the contractor in this e-mail. Rest assured, the contractor is doing his best to get this project completed as fast as he can.

Thanks again.

jitu

From: Peter M. Schecter [mailto:pschecter@earthlink.net]
Sent: Monday, August 01, 2016 12:11 PM
To: Peter Hernandez; Clece Aurelus; Jitendra Patel
Subject: note of thanks: d Mancini construction going above and beyond

Good day:

On Thursday morning of last week, my wife was wrestling a large box with a laser printer and trying to load it onto the back seat of our jeep (I was not there or would have done this).

As she was in the process of trying to get the box over the side and into the back seat, one of your crew working in Hollywood (currently digging the meter box connections on Jackson Street) driving past our home saw her, stopped and hopped out of his truck to help her, no questions asked.

Even though this is the longest duration water main project in history, you have some good people out here and we wanted you to know that. No name, or description of your worker that stopped to help, other than a red pickup with David Mancini on the side.

THANKS!

Pete

Peter M. Schecter, CFPS/CFEI/CFI Fire & Explosion Investigation 2415 Jackson Street, Hollywood, FL 33020 voice: 786.235.2443 fax: 800.925.3750 Int'l, fax: 786.533.2608

Jitendra Patel Assistant Director/Engineering and Construction Svcs City of Hollywood Public Utilities 1621 N 14th Ave P.O. Box 229045 Hollywood, FL 33022-9045

David Mancini, Jr.

From:	Fabio Angarita
Sent:	Monday, May 21, 2018 1:45 PM
To:	David Mancini
Cc:	David Mancini, Jr.; Nelson Liberti; Alejandro Mejia; Tim Akelaitis
Subject:	FW: Sink Hole

FYI

From: Navarro, Robert (HIA) <Robert.Navarro@fecrwy.com> Sent: Monday, May 21, 2018 1:41 PM To: Fabio Angarita <fangarita@dmsi.co> Cc: Gutierrez, Victor (Seaport) <Victor.Gutierrez@miamidade.gov>; Nelson Liberti <nliberti@dmsi.co>; Valdes, Dorian (Seaport) <Dorian.Valdes@miamidade.gov>; Garland, Kari (Seaport) <Kari.Garland@miamidade.gov> Subject: RE: Sink Hole

Yes , we were concerned because we had two large trains pass on Sunday. Our MOW department filled it up with ballast while they were finishing up on the crossings.

Just wanted to make sure with u all, if there would be any other problems.

Also, I wanted to take this time to thank DMSI and the POM on ur cooperation. I know u all worked under inclement rain conditions but u all got the job done with minimum impact on the commercial end.

From: Fabio Angarita <<u>fangarita@dmsi.co</u>> Sent: Monday, May 21, 2018 1:35 PM To: Navarro, Robert (HIA) <<u>Robert.Navarro@fecrwy.com</u>> Cc: Gutierrez, Victor (Seaport) <<u>Victor.Gutierrez@miamidade.gov</u>>; Nelson Liberti <<u>nliberti@dmsi.co</u>>; Valdes, Dorian (Seaport) <<u>Dorian.Valdes@miamidade.gov</u>>; Garland, Kari (Seaport) <<u>Kari.Garland@miamidade.gov</u>> Subject: FW: Sink Hole

Notice: This email came from outside FEC Railway

Bobby: Please see below response from Victor. Thanks,

Fabio Angarita

From: Gutierrez, Victor (Seaport) <<u>Victor.Gutierrez@miamidade.gov</u>> Sent: Monday, May 21, 2018 12:45 PM To: Fabio Angarita <<u>fangarita@dmsi.co</u>> Cc: Garland, Kari (Seaport) <<u>Kari.Garland@miamidade.gov</u>>; Valdes, Dorian (Seaport) <<u>Dorian.Valdes@miamidade.gov</u>>; Nelson Liberti <<u>nliberti@dmsi.co</u>> Subject: Sink Hole

Good afternoon Fabio,

Not sure because I didn't see the sinkhole, There is one patch with new ballast rock approximately 70' east of the Caribbean intersection.

Victor M. Gutierrez, P.E., PMP Civil Professional Engineer Miami-Dade County PortMiami - Capital Development P 305-347-4802

From: Fabio Angarita [mailto:fangarita@dmsi.co] Sent: Sunday, May 20, 2018 3:33 PM To: Gutierrez, Victor (Seaport) <<u>Victor.Gutierrez@miamidade.gov</u>> Cc: Garland, Kari (Seaport) <<u>Kari.Garland@miamidade.gov</u>>; Valdes, Dorian (Seaport) <<u>Dorian.Valdes@miamidade.gov</u>>; Nelson Liberti <<u>nliberti@dmsi.co</u>> Subject: Fwd: FW: Sink Hole

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message reportspam@miamidade.gov Enterprise Security Office

Victor:

I received this email from Bobby Navarro but have no idea about the location of the switch from 1 to 3 rail? Is this related to our project? Sincerely,

Fabio Angarita

Sent from my Verizon 4G LTE Droid ------Forwarded message ------From: "Navarro, Robert (HIA)" <<u>Robert.Navarro@fecrwy.com</u>> Date: May 20, 2018 3:20 PM Subject: FW: Sink Hole To: Fabio Angarita <<u>fangarita@dmsi.co</u>> Cc: "Crispi, Marc (HIA)" <<u>Marc.Crispi@fecrwy.com</u>>

Fabio,,, u all did it.. congratulations,

See attached photos.. does the Port Miami know about this. ?????????

-----Original Message-----From: Crispi, Marc (HIA) Sent: Sunday, May 20, 2018 1:53 PM To: Navarro, Robert (HIA) <<u>Robert.Navarro@fecrwy.com</u>>; Hilson, Rob (HIA) <<u>Rob.Hilson@fecrwy.com</u>> Subject: Sink Hole

The is a sinkhole opening at the west end of the track in the ballast. Located by the switch from the 1 to 3 rail

David Mancini, Jr.

From:	Bruno Roth
Sent:	Tuesday, March 22, 2016 12:53 PM
То:	David Mancini, Jr.; Nelson Liberti
Subject:	Fwd: Letter to Mayor

Sent from my Verizon Wireless 4G LTE Droid ------Forwarded message ------From: Daniel Davidson <dan@thetemplehouse.com> Date: Mar 22, 2016 12:13 PM Subject: Letter to Mayor... To: Bruno Roth <Bruno@dmsi.co> Cc:

Bruno,

Please see email below that I wrote to the Mayor of Miami Beach, Philip Levine.

Thanks again for all of your help.

Best,

Dan

Daniel Davidson THE TEMPLE HOUSE 1415 Euclid Avenue | South Miami Beach, Florida 33139 Dan@TheTemplehouse.com | (C) +1-786-280-6565 www. TheTempleHouse.com





While this message may consist of an expression of intent, it does not legally bind either party unless expressly stated.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Daniel Davidson <<u>dan@thetemplehouse.com</u>> Date: Tuesday, March 22, 2016 at 12:11 PM To: Philip Levine <<u>philiplevine@miamibeachfl.gov</u>> Subject: A brief thank you...

Philip,

I know you are busy but just wanted to send a thank you.

As you are aware, the major pipeline project on Euclid Ave is, after many weeks of construction, in the final days of completion. I wanted to share with you, from a resident's perspective, how the project was mpressive, thoughtfully executed and gracefully handled.

During the past few weeks, I interfaced on a number of occasions with Bruno Roth, Superintendent of David Mancini & Sons (the contractor responsible for the operation) to request that our clients at The Temple House have access to the property for the scheduled weddings, Bar/Bat Mitzvahs and other gatherings during the construction period. Bruno was understanding and accommodating during the entire process. A class act, a great representative of David Mancini & Son's and a strong liaison between the residents and the City.

Philip, your positive leadership and can-do attitude is infectious and propagates throughout the City.

I wanted to share with you my thoughts as it is unlikely that others take the time to write with praise and appreciation what may otherwise go unnoticed and unreported. I can tell you as a resident (14 years on the beach) that living in Miami Beach under the current administration is fantastic. Thank You to all involved in putting the shine back on one of the greatest cities in the world.

Best,

Dan

Daniel Davidson THE TEMPLE HOUSE 1415 Euclid Avenue | South Miami Beach, Florida 33139 Dan@TheTemplehouse.com | (C) +1-786-280-6565 www. TheTempleHouse.com

LAS OLAS PHASE 1 - FIND DREDGING DEADLINE ACHIEVED

David Mancini, Jr.

From:	Mark Crosley <mcrosley@aicw.org></mcrosley@aicw.org>
Sent:	Wednesday, December 14, 2016 4:41 PM
To:	Jorge Holguin; 'Lori Brownell'; 'Bill Åley'; 'Dean Kirby'; 'John Adams'; 'Kyle Reeves'
Cc:	Daniel Lizarazo; Jonathan Luscomb; Alan Dodd; Christopher Bennett; Paul Berg; David Mancini, Jr.;
	James Hughes; Rick Johnson; Talal Abi-Karam
Subject:	RE: P12196 Relocation of Existing 16" WM and Installation of 16" FM at East Las Olas HDD
-	Installation of WM and FM has been Completed

Thank you, good job and congratulations!

Sincerely,

Mark Crosley Executive Director

Florida Inland Navigation District 1314 Marcinski Road Jupiter, FL 33477-9427

561-627-3386 561-624-6480 FAX

From: Jorge Holguin [mailto:JHolguin@fortlauderdale.gov]

Sent: Wednesday, December 14, 2016 1:02 PM

To: 'Lori Brownell' <lbrownell@taylorengineering.com>; 'Bill Aley' <baley@taylorengineering.com>; 'Dean Kirby' <dkirby@jaycashman.com>; 'John Adams' <jadams@wsantiago.onmicrosoft.com>; 'Kyle Reeves' <KReeves@jaycashman.com>; Mark Crosley <mcrosley@aicw.org> Cc: Daniel Lizarazo <DLizarazo@fortlauderdale.gov>; Jonathan Luscomb <JLuscomb@fortlauderdale.gov>; Alan Dodd <ADodd@fortlauderdale.gov>; Christopher Bennett <ChBennett@fortlauderdale.gov>; Paul Berg <PBerg@fortlauderdale.gov>; 'David Mancini, Jr.' <dmancinijr@dmsi.co>; James Hughes <JHughes@fortlauderdale.gov>; Rick Johnson <RJohnson@fortlauderdale.gov>; Talal Abi-Karam <TAbi-Karam@fortlauderdale.gov> Subject: RE: P12196 Relocation of Existing 16" WM and Installation of 16" FM at East Las Olas -- HDD Installation of WM and FM has been Completed

Importance: High

We have received final clearance from Broward County's Health Department for the recently installed 20-inch HDEP watermain (attached). We have completed the abandonment of the existing 16-inch CI watermain and have placed the new 20-inch HDEP watermain in service. Therefore, dredging of the navigable channel can be performed by Cashman at this time.

Thanks to everyone in the FIND/Taylor Engineering/Cashman team for your cooperation during this effort.

Our contractor will now start restoration of all on land portions of the project.

Jorge Holguin Senior Project Manager

City of Fort Lauderdale

LAS OLAS PHASE 1 - BOAT SHOW COORDINATION

David Mancini, Jr.

From:	David Mancini, Jr.
Sent:	Wednesday, July 20, 2016 1:58 PM
То:	Andrew Doole; Dane Graziano
Cc:	Jorge Holguin; Daniel Lizarazo; Christopher Lazzari; David Mancini; Nelson Liberti;
	'AAlfonso@APCTE.com'; Dustin Ertle; David Mancini, Jr.
Subject:	RE: LAS OLAS - CONSTRUCTION COORDINATION

Thank you kindly! That will surely have us **working simultaniusly** Do you have a staging plan showing access routes you will need to be maintained during construction? I want to ensure i schedule and stage our work to have least impact to your operations. Even last years photos will suffice. We need to get a good idea of what your opperation will entail for staging, mot, notifications etc.

Respectfully,

David Mancini Jr. Project Manager David Mancini & Sons Inc. Cell: 754-264-9594

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message ------

From: Andrew Doole <adoole@showmanagement.com>

Date: 7/20/16 1:50 PM (GMT-05:00)

To: "David Mancini, Jr." <dmancinijr@dmsi.co>, Dane Graziano <dgraziano@showmanagement.com> Cc: Jorge Holguin <JHolguin@fortlauderdale.gov>, Daniel Lizarazo <DLizarazo@fortlauderdale.gov>, Christopher Lazzari <clazzari@dmsi.co>, David Mancini <dmancini@dmsi.co>, Nelson Liberti <nliberti@dmsi.co>, "'AAlfonso@APCTE.com'" <AAlfonso@APCTE.com>, Dustin Ertle <dertle@dbeutilityservices.com> Subject: RE: LAS OLAS - CONSTRUCTION COORDINATION

We start oct 3rd and are finished nov 21st

Sent from my Sprint Samsung Galaxy Note5.

----- Original message ------

From: "David Mancini, Jr." <dmancinijr@dmsi.co>

Date: 7/20/16 11:18 AM (GMT-05:00)

To: Andrew Doole <adoole@showmanagement.com>, Dane Graziano <dgraziano@showmanagement.com> Cc: Jorge Holguin <JHolguin@fortlauderdale.gov>, Daniel Lizarázo <DLizarazo@fortlauderdale.gov>, Christopher Lazzari <clazzari@dmsi.co>, "David Mancini, Jr." <dmancinijr@dmsi.co>, David Mancini <dmancini@dmsi.co>, Nelson Liberti <nliberti@dmsi.co>, "'AAlfonso@APCTE.com'" <AAlfonso@APCTE.com>, Dustin Ertle <dertle@dbeutilityservices.com> Subject: LAS OLAS - CONSTRUCTION COORDINATION

LAS OLAS PHASE 1 - BOAT SHOW COORDINATION

All,

I would like to introduce myself, David Mancini Jr, the contractor for upcoming Project on Las Olas Blvd. The project facilitates two directional drills with staging drill equipment in front of Venetian Condo (1 Las Olas Circle). It is my understanding that you will utilize this area for set up & breakdown for the upcoming Boat Show in November. I have attached our proposed staging area for HDD Drilling Operations. My goal is to complete the drill and be out of your way for your set up and breakdown. Please provide your move in and move out dates for your work as well as locations you will need access to in this area. I will keep you in the loop for upcoming construction activities and hopefully can schedule this project around your operations. Once the drill is complete, we will need to utilize Las Olas Circle as well. Finally, attached our material lay-down area on the west side of Las Olas Causeway for your information.

Respectfully,

David Mancini JR.

"Give a man a fish and feed him for a day. Give man a fishing pole and teach him to fish, Feed him for Life" - Sr.

NGUNS Never Give Up Never Surrender FAILURE IS NOT AN OPTION (ML)



1210 Washington Ave., Suite 250 Miami Beach, FL 33139 O: 305-532-8827 F: 305-532-8835 C: 754-264-9594

From: Daniel Lizarazo [mailto:DLizarazo@fortlauderdale.gov] Sent: Monday, July 18, 2016 11:11 AM To: David Mancini, Jr. <dmancinijr@dmsi.co> Cc: Jorge Holguin <JHolguin@fortlauderdale.gov> Subject: FW: Show Management Contact Information

David Jr.,

Please see below contact info for show management. They are the ones that are coordinating the boat show.

Thanks,



Project Manager II City of Fort Lauderdale Public Works | Engineering 100 N. Andrews Ave., Fort Lauderdale, FL 33301 Office: 954-828-6982 | Fax: 954-828-5074 Email: <u>dlizarazo@fortlauderdale.gov</u>

> CAM 19-0495 EXHIBIT 9 Page 27 of 30

LAS OLAS PHASE 1 - HOA COORDINATION

David Mancini, Jr.

From:	David Mancini, Jr.
Sent:	Sunday, September 4, 2016 10:31 PM
То:	venetian condo
Cc:	David Mancini, Jr.
Subject:	RE: LAS OLAS PROJECT NOTIFICATION

Just for confirmation, please advise if the modified MOT is to the Venetians satisfaction. Please done hesitate to contact us for anything!

Respectfully,

David Mancini JR.

"Give a man a fish and feed him for a day. Give man a fishing pole and teach him to fish, Feed him for Life" - Sr.

NGUNS Never Give Up Never Surrender FAILURE IS NOT AN OPTION (ML)



1210 Washington Ave., Suite 250 Miami Beach, FL 33139 O: 305-532-8827 F: 305-532-8835 C: 754-264-9594

From: venetian condo [mailto:office@venetiancondo.com] Sent: Tuesday, August 30, 2016 10:15 AM To: David Mancini, Jr. <dmancinijr@dmsi.co> Subject: RE: LAS OLAS PROJECT NOTIFICATION

Mr. Mancini,

We would like to have a road closed sign put up to avoid cars coming in and make U-Turns. Can you please let us know if this can be done soon.

Thank you

Wilfredo A. Lopez Manager



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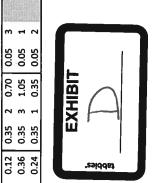
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FINAL RANKING



CAM 19-0495 EXHIBIT 9 Page 29 of 30

this is with out the reference points **Murphy Pipeline Contractors, Inc.**

