



## Unified Direct Procurement Authority

### MEMORANDUM

DATE: August 28, 2019

TO: Unified Direct Procurement Authority (UDPA - City of Fort Lauderdale City Commission and Broward County Board of County Commissioners)

FROM: Chris Lagerbloom, City Manager  
Bertha Henry, County Administrator

SUBJECT: Review of General Requirements –  
Request for Qualifications (RFQ) No. PNC2119087R1, Consultant Services for  
Joint Government Center Campus

The RFQ required the vendors to respond to the General Submittal Requirements. The solicitation requested forms and supporting information (if applicable) to be returned with Vendor's submittal. If not provided with submittal, the Vendor must submit within three business days of County's and City's request. Failure to timely submit may affect Vendor's evaluation.

The following is for your information and consideration. Refer to **Submittal Review** or referenced memorandum for compliance information.

#### **A. GENERAL REQUIREMENTS (summary)**

##### **1. Addenda**

Each Vendor was required to acknowledge each "must" addenda. All vendors acknowledge addenda in response, or accepted addenda in BidSync prior to submittal.

##### **2. Affiliated Entities of the Principal(s)**

All Vendors were required to disclose the names and addresses of "affiliated entities" of the Vendor's principal(s) over the last five (5) years (from the solicitation opening deadline) that have acted as a prime Vendor with the County or City. The Vendor was required to provide all information on the Affiliated Entities of the Principal(s) Certification Form.

##### **3. Authority to Conduct Business in Florida**

A Vendor must have the authority to transact business in the State of Florida and be in good standing with the Florida Secretary of State. It is the Vendor's responsibility to comply with all state and local business requirements. Vendor should list its active Florida Department of State Division of Corporations Document Number (or Registration No. for fictitious names) in the Vendor Questionnaire, Question No. 10. All vendors are currently active in "Sunbiz".

##### **4. Financial Information**

Each Vendor shall submit its most recent two years of financial statements for review.

Refer to the **Finance and Administrative Services Department Memorandum** dated **August 22, 2019**.

#### **Fort Lauderdale City Commission**

Mayor Dean J. Trantalis • Vice-Mayor Robert L. McKinzie • Steven Glassman • Heather Moraitis • Ben Sorensen

#### **Broward County Board of County Commissioners**

Mayor Mark D. Bogen • Vice-Mayor Dale V.C. Holness • Lamar P. Fisher • Beam Furr • Steve Geller • Nan H. Rich • Tim Ryan • Dr. Barbara Sharief • Michael Udine

## 5. Insurance Requirement

The Insurance Requirement Form reflects the insurance requirements deemed necessary for this project. It is not necessary to have this level of insurance in effect at the time of submittal, but it is necessary to submit certificates indicating that the Vendor currently carries the insurance or to submit a letter from the carrier indicating it can provide insurance coverages.

Refer to the **Risk Management Division Memorandum** dated **July 31, 2019**.

## 6. Licensing

In order to be considered a responsible prime Vendor for the scope of work, the Vendor shall be a Registered Architectural firm, possess the following licenses (including any specified State registration, if applicable) at the time of submittal:

Registered Architect - State of Florida in accordance with Florida Statute, Chapter 481

All firms are registered architects in the State of Florida; refer to **Submittal Review**.

## 7. Litigation History

All Vendors are required to disclose all "material" cases filed, pending, or resolved during the last three (3) years prior to the solicitation response due date, whether such cases were brought by or against the Vendor, any parent or subsidiary of the Vendor, or any predecessor organization. Additionally, all Vendors are required to disclose to the County and City all "material" cases filed, pending, or resolved against any principal of Vendor, regardless of whether the principal was associated with Vendor at the time of the "material" cases against the principal, during the last three (3) years prior to the solicitation response.

A vendor is required to disclose to the County and City any and all cases(s) that exist between vendor and the County or City and any of the Vendor's subcontractors/subconsultants proposed to work on this project during the last five (5) years prior to the solicitation response.

Refer to the **Office of the County Attorney and the City Attorney's Office** emails.

## 8. Lobbyist Registration Requirement Certification

Regarding the Lobbyist Registration, the following is provided for your information:

### Name of Firm

### Remarks

ACAI Associates, Inc.

Retained - Ron L. Book\*

CallisonRTKL Inc.

Not retained

Fentress Architects, Ltd., Inc.

Not retained

Zyscovich, Inc.

Retained Becker & Poliakoff, P.A.

\*Additional information - ACAI Associates, Inc. submitted notice of updated Lobbyist Registration on August 15, 2019.

**9. Office of Economic and Small Business Development Program**

This solicitation has the following County Business Enterprise (CBE) Goals: 15 % CBE Goals. Vendors must follow the instructions included in the Office of Economic and Small Business Development Requirements section and submit all required forms and information as instructed. Vendor must also submit a Contractor's Assurance Statement confirming commitment to meet the 15% CBE goal, per the instructions included in the Office of Economic and Small Business Development Requirements section – Contractor's Assurance Statement.

Refer to the **Office of Economic and Small Business Development Memorandum** dated **August 1, 2019**.

**10. Vendor Questionnaire**

All Vendors were required to submit detailed information on their firm. Refer to the **Vendor Questionnaire Summary** for all firms.

**11. Standard Certifications**

Vendor were required to certify to the below requirements:

- a. Cone of Silence Requirement Certification
- b. Drug-Free Workplace Certification
- c. Non-Collusion Certification
- d. Public Entities Crimes Certification
- e. Scrutinized Companies List Certification

Refer to the **Submittal Review** for all firms; all firms certified compliance.

**12. Subconsultants**

Vendors were requested to submit a listing of all subconsultants and the portion of the contract they will perform. Vendors must follow the instructions included on the Subconsultants Information Form and submit as instructed.

Refer to vendor's submittals for subconsultant listing identifying non-CBE certified firms.

**13. Standard Agreement Language Requirements**

The acceptance of or any exceptions taken to the terms and conditions of the County's and City's Agreement shall be considered a part of a Vendor's submittal and will be considered by the Unified Direct Procurement Authority. Vendors were required to review the applicable terms and conditions and submit the Agreement Exception Form. If the Agreement Exception Form is not provided with the submittal, it shall be deemed an affirmation by the Vendor that it accepts the Agreement terms and conditions as disclosed in the solicitation. If exceptions are taken, the Vendor must specifically identify each term and condition with which it is taking an exception.

Refer to **Standard Agreement Exceptions Summary** with vendor requested exceptions, proposed recommendation or alternate language, and vendor's response.

**B. REFERENCES**

The solicitation's Evaluation Criteria – Project Specific Criteria, requested that completed references be provided for previous experience and projects.

Refer to **Reference Verifications Forms** as verified by staff.

**C. PERFORMANCE EVALUATIONS**

The Broward County Contracts Central indicates evaluation scores for the proposing firms previously awarded contracts. Completed performance evaluations may be provided upon request. Currently, only ACAI and Associates has completed performance evaluations and scores have been provided with Reference Verification Forms. There are no available evaluations from City of Fort Lauderdale for responding firms.

**C. CONE OF SILENCE VIOLATIONS**

The Cone of Silence is currently in effect for all Broward County Board of County Commissioners (County), City of Fort Lauderdale Mayor and Commissioners (City), County and City Commissioners' staff, County Administrator, Deputy County Administrator, Assistant County Administrators, and their respective support staff, and any "Affected Person" (as defined in the Cone of Silence Ordinance), appointed by County to evaluate or recommend selection in this RFQ process, City Manager, Deputy City Manager, Assistant City Manager, and their respective support staff, and any "Affected Person" (as defined in the Cone of Silence Ordinance), appointed by City to evaluate or recommend selection in this RFQ process. The Cone of Silence for this project is effective immediately upon the approval of this solicitation (on June 11, 2019), with the further restriction that the members serving as the UDPA (County and City Commissioners) may not initiate contact with a vendor or vendor's representative while the Cone of Silence is in effect. However, nothing precludes a vendor or vendor's representative from initiating contact with the County's Director of Purchasing or communicating with the person designated in the solicitation as the contact person for clarification or information. The Cone of Silence shall remain in effect until the contract is awarded by the UDPA or when the UDPA takes other action which ends the solicitation. Refer to Cone of Silence Requirement Certification.

Potential vendors and their representatives are substantially restricted from communicating with County Commissioners and their staff regarding this procurement as stated in the Cone of Silence Ordinance.

Note – City of Fort Lauderdale does not have a Cone of Silence ordinance (excluding application to this solicitation), therefore this section does not include any violations for previous violations.

There were no Cone of Silence Violations for any responding vendors.

**D. PRINCIPAL BUSINESS LOCATION**

The solicitation's Evaluation Criteria – Project Specific Criteria requested Vendor's Business Location Attestation Form. The Vendor's principal address in Broward County shall be the Vendor's "Principal Address" as indicated with the Florida Department of State Division of Corporations, for at least six (6) months prior to the solicitation's due date.

Refer to Evaluation Criteria Matrix, Item no. 6, which recaps Vendor's location.

**E. VOLUME OF PREVIOUS WORK - TIE BREAK CRITERIA (No. 3)**

In accordance with the solicitation, C. Instructions to Vendors, 14. Tiebreaker Criteria, if two (2) or more vendors are tied for first place and it is necessary to break the tie, the tie shall be broken by the following criteria presented in order of importance and consideration as documented in the vendor's response to the solicitation:

- a. A re-vote of the vendors tied for first place. The vendor receiving the highest score from this re-vote (based on points awarded for first place vote, second place vote, etc.) will be ranked first.
- b. Vendor receiving a majority of the total first-place votes.
- c. Vendor that has the lowest dollar volume of work previously awarded by County and City over a five (5) year period from the date of their RFQ submittal.

Refer to Evaluation Criteria Matrix, Item no. 8, which recaps Vendor reported paid amount, County reported paid amount, and City of Fort Lauderdale reported paid amount for volume of previous work.

**Attachments**

1. Submittal Review
2. Finance and Administrative Services Department Memorandum dated August 22, 2019.
3. Risk Management Division Memorandum dated July 31, 2019 Vendor Reference Verifications
4. Office of the County Attorney and the City Attorney's Office emails
5. Office of Economic and Small Business Development Memorandum dated August 1, 2019.
6. Vendor Questionnaire Summary
7. Standard Agreement Exceptions Summary

cc: Andrew Meyers, County Attorney  
Alain Boileau, City Attorney  
Robert Melton, County Auditor  
John Herbst, City Auditor  
Alan Cohen, Assistant County Administrator  
George Tablack, CFO, Finance & Administrative Services Department (County)  
Linda Logan-Short, CFO, (City)  
Brenda J. Billingsley, Director, Purchasing Division (County)

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August 28, 2019  
Unified Direct Procurement Authority  
PNC2119087R1, Consultant Services for Joint Government Center Campus  
Review of General Requirements

Jodi Hart, Chief Procurement Officer (City)  
Connie Mangan, Purchasing Manager (County)  
Tom Hutka, Director, Public Works Department (County)  
Ariadna Musarra, Director, Construction Management Division (County)  
Jeff Thompson, Assistant Director, Construction Management Division (County)  
Robert Dennis, Capital Program Administrator (County)  
Chris Walton, Director of Transportation (County)

**Submittal Review**  
**PNC2119087R1, Consultant Services for Joint Government Center Campus**

<b>Vendor</b>	<b>ACAI Associates, Inc.</b>	<b>CallisonRTKL Inc.</b>	<b>Fentress Architects, Ltd., Inc.</b>	<b>Zyscovich, Inc.</b>
<b>Addenda</b>	Yes	Yes	Yes	Yes
<b>Affiliated Entities</b>	None listed.	Arcadis US, Inc.	None listed.	None listed.
<b>Sunbiz</b>	Active	Active	Active	Active
<b>Financial Information</b>	Complies. <i>Refer to Finance and Administrative Services Department Memorandum.</i>	Complies. <i>Refer to Finance and Administrative Services Department Memorandum.</i>	Complies. <i>Refer to Finance and Administrative Services Department Memorandum.</i>	Complies. <i>Refer to Finance and Administrative Services Department Memorandum.</i>
<b>Insurance</b>	Complies. Refer to <i>Risk Management Division Memorandum</i> .	Complies. Refer to <i>Risk Management Division Memorandum</i> .	Complies. Refer to <i>Risk Management Division Memorandum</i> .	Complies. Refer to <i>Risk Management Division Memorandum</i> .
<b>License</b>	Verified - Architect	Verified - Architect	Verified - Architect	Verified - Architect
<b>Litigation History</b>	Refer to e-mails from the <i>Office of the County Attorney and the City Attorney's Office.</i>	Refer to e-mails from the <i>Office of the County Attorney and the City Attorney's Office.</i>	Refer to e-mails from the <i>Office of the County Attorney and the City Attorney's Office.</i>	Refer to e-mails from the <i>Office of the County Attorney and the City Attorney's Office.</i>
<b>Lobbyist Registration Requirement</b>	Yes - Ron L. Book*	None indicated.	None indicated.	Yes - Becker and Poliakoff.
<b>Office of Economic and Small Business Development Program</b>	Complies. Refer to <i>Office of Economic and Small Business Development Memorandum</i> .	Complies. Refer to <i>Office of Economic and Small Business Development Memorandum</i> .	Complies. Refer to <i>Office of Economic and Small Business Development Memorandum</i> .	Complies. Refer to <i>Office of Economic and Small Business Development Memorandum</i> .
<b>Vendor Questionnaire</b>	Submitted**. Refer to <i>Vendor Questionnaire Summary</i> .	Submitted. Refer to <i>Vendor Questionnaire Summary</i> .	Submitted. Refer to <i>Vendor Questionnaire Summary</i> .	Submitted. Refer to <i>Vendor Questionnaire Summary</i> .
<b>Cone of Silence Certification</b>	Certifies	Certifies	Certifies	Certifies
<b>Drug Free Workplace Certification</b>	Certifies	Certifies	Certifies	Certifies
<b>Non-Collusion Certification</b>	Certifies	Certifies	Certifies	Certifies
<b>Public Entities Crimes Certification</b>	Certifies	Certifies	Certifies	Certifies
<b>Scrutinized</b>	Certifies	Certifies	Certifies	Certifies
<b>Subsultants Companies List Certification</b>	Listed 8 subconsultants (non-CBE certified). Refer to vendor's submittal for Subconsultants List.	Listed 7 subconsultants. (non-CBE certified). Refer to vendor's submittal for Subconsultants List.	Listed 10 subconsultants (non-CBE certified). Refer to vendor's submittal for Subconsultants List.	Listed 9 (non-CBE certified) subconsultants. Refer to vendor's submittal for Subconsultants List.(plus CBEs - LOIs)
<b>Agreement Exceptions Form</b>	None listed. Refer to <i>Summary of Agreement Exceptions</i> .	Yes - two exceptions; one new section. Refer to <i>Summary of Agreement Exceptions</i> .	Stated several terms do not apply to agreement. Refer to <i>Summary of Agreement Exceptions</i> .	None listed. Refer to <i>Summary of Agreement Exceptions</i> .
<b>References</b>	Submitted. Refer to <i>Reference Verifications Forms</i> .	Submitted. Refer to <i>Reference Verifications Forms</i> .	Submitted. Refer to <i>Reference Verifications Forms</i> .	Submitted. Refer to <i>Reference Verifications Forms</i> .
<b>Location</b>	Principal Place - Broward County	None indicated.	None indicated.	None indicated.
<b>Volume of Previous Work</b>	Yes - Broward County and City of Fort Lauderdale. Refer to <i>Evaluation Matrix, item no. 8.</i>	Yes - Broward County. Refer to <i>Evaluation Matrix, item no. 8.</i>	None for Broward County or City of Fort Lauderdale. Refer to <i>Evaluation Matrix, item no. 8.</i>	None for Broward County or City of Fort Lauderdale. Refer to <i>Evaluation Matrix, item no. 8.</i>

\* Updated notice of Lobbyist registration received on August 15, 2019

\*\* Questionnaire No. 20 (updated upon clarification).



## FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

115 S. Andrews Avenue, Room 513 • Fort Lauderdale, Florida 33301 • 954-357-7130 • FAX 954-357-7134 • Email: [finance@broward.org](mailto:finance@broward.org)

### MEMORANDUM

To: Robert Dennis, Project Manager, Construction Management Division, Broward County

Cc: Connie Mangan, Purchasing Manager, Purchasing Division, Broward County  
Jodi Hart, Chief Procurement Officer, Procurement Services Division, City of Fort Lauderdale

From: Lori Fortenberry, Investment & Finance Coordinator  
Finance and Administrative Services Department, Broward County

Date: August 22, 2019

Re: **PNC2119087R1 – Consultant Services for Joint Government Center Campus**

A handwritten signature in blue ink that reads "Lori E. Fortenberry".

Digitally signed by LORI  
FORTENBERRY  
Date: 2019.08.22 16:52:29  
-04'00'

This memorandum provides a review of the financial statements for the respondents of the above referenced RFP.

The RFP specifies that the respondents will provide two years of financial statements. At a minimum, financial statements are generally defined as balance sheets and statements of operations (income statements) and may include tax returns which include this data. This review is not intended to express an opinion on the financial statements, but to determine whether the proposer has met the element of responsibility. Our review is intended to disclose to the committee whether the respondent submitted all of the required financial documents as specified in the RFP and to make the committee aware of any reportable condition and/or apparent issues in the financial statements which would indicate that the firm is not capable of performing the services specified in the RFP.

Reportable conditions include negative equity, net loss in its latest fiscal year and current ratios less than 1.0. The current ratio is calculated by dividing current assets by current liabilities, with a ratio of 1.0 or higher generally indicates a firm can meet its financial obligations in a timely manner. Debt to Equity is a measure of a company's financial leverage calculated by dividing its total liabilities by stockholders' equity. This ratio provides the relative proportion of the firm's equity and debt used to finance assets. A reportable condition is not necessarily indicative of a firm's inability to perform but may be one of many factors the Committee considers in its evaluation.

There were four respondents to the RFP and the required two years of financial data as specified by the RFP was submitted by each vendor.

There were no reportable conditions to bring to the attention of the committee.

Attached is a spreadsheet showing selected financial data.



RFP/RLI#:	PNC2119087R1
Title:	Consultant Services for Joint Government Center Campus
Agency:	Construction Management Division
PM:	Robert Dennis
# of Responders:	4
Due Date:	7/31/2019
Initial Evaluation:	9/3/2019



Responder Name: ACAI Associates, Inc.
Confidentiality Claim: N
Publicly Traded: N

	Financials Provided	Audited?	Revenue	Net Profit/(Loss)	Equity (E)	Current Assets (CA)	Current Liabilities (CL)	Total Assets (TA)	Total Liabilities (TL)	Debt to Equity Ratio (TL/E) <sup>1</sup>	Current Ratio (CA/CL) <sup>2</sup>
FY Ending Dec 31, 2017	Full Financials	N	7,118,530	151,160	1,474,127	3,732,873	2,144,403	3,979,579	2,505,452	1.70	1.74
FY Ending Dec 31, 2016	Full Financials	N	7,670,739	225,702	1,364,695	3,423,707	2,269,064	3,648,361	2,283,666	1.67	1.51

Comment:

Responder Name: CallisonRTKL Inc. & Subsidiaries
Confidentiality Claim: Y
Publicly Traded: N

	Financials Provided	Audited?	Revenue	Net Profit/(Loss)	Equity (E)	Current Assets (CA)	Current Liabilities (CL)	Total Assets (TA)	Total Liabilities (TL)	Debt to Equity Ratio (TL/E) <sup>1</sup>	Current Ratio (CA/CL) <sup>2</sup>
FY Ending Dec 31, 2018	Income Statement & Balance Sheet	N	CONFIDENTIAL							0.71	1.61
FY Ending Dec 31, 2017	Income Statement & Balance Sheet	N								0.76	1.51

Comment:

Responder Name: Fentress Architects, LTD.
Confidentiality Claim: Y
Publicly Traded: N

	Financials Provided	Audited?	Revenue	Net Profit/(Loss)	Equity (E)	Current Assets (CA)	Current Liabilities (CL)	Total Assets (TA)	Total Liabilities (TL)	Debt to Equity Ratio (TL/E) <sup>1</sup>	Current Ratio (CA/CL) <sup>2</sup>
FY Ending Dec 31, 2018	Full Financials	N	CONFIDENTIAL							2.28	1.48
FY Ending Dec 31, 2017	Full Financials	N								2.01	1.59

Comment:

Responder Name: Zyscovich, Inc. d/b/a Zyscovich Architects
Confidentiality Claim: Y
Publicly Traded: N

	Financials Provided	Audited?	Revenue	Net Profit/(Loss)	Equity (E)	Current Assets (CA)	Current Liabilities (CL)	Total Assets (TA)	Total Liabilities (TL)	Debt to Equity Ratio (TL/E) <sup>1</sup>	Current Ratio (CA/CL) <sup>2</sup>
FY Ending Dec 31, 2017	Full Financials	N	CONFIDENTIAL							0.60	2.27
FY Ending Dec 31, 2016	Full Financials	N								0.32	2.80

Comment:

#### Notes:

1 The Debt to Equity Ratio is a measure of a company's financial leverage calculated by dividing its total liabilities by stockholders' equity. It indicates the proportion of equity and debt the company is using to finance its assets. A high debt/equity ratio generally means that a company has been aggressive in financing its growth with debt.

2 The Current Ratio is a liquidity ratio that measures a company's ability to pay short-term obligations and is calculated by dividing current assets by current liabilities. The higher the current ratio, the more capable the company is of paying its obligations. A ratio under 1.0 suggests that the company would be unable to pay off its obligations if they came due at that point.



Finance and Administrative Services Department


**RISK MANAGEMENT DIVISION**

115 S Andrews Avenue, Room 210 • Fort Lauderdale, Florida 33301 • 954-357-7200 • FAX 954-357-7180

**INSURANCE COMPLIANCE MEMORANDUM**

July 31, 2019

TO: Connie Mangan, Purchasing Manager

FROM: Colleen Pounall, Risk Analyst  cpounall@broward.org  
cn=cpounall@broward.org  
2019.07.31 11:09:59 -04'00'

RE: PNC2119087R1, Consultant Services for Joint Government Center Campus

We have reviewed the proof of insurance from the proposers.

This solicitation requires proposers to either provide proof of insurance (even if the minimum limits are not met), or a letter stating that the proposer will comply with the minimum insurance requirements if awarded.

The requirements in this solicitation were:

General Liability  
Automobile Liability  
Workers Compensation  
Professional Liability

Below is a summary of the compliance of the proposers:

ACAI Associates, Inc.	Compliant
CallisonRTKL Inc.	Compliant
Fentress Architects, Ltd.	Compliant
Zyscovich, Inc.	Compliant

Please advise Risk Management of any exceptions taken to the standard terms and conditions of the insurance article.

**From:** [Siniawsky, Jeffrey](#)  
**To:** [Mangan, Constance](#)  
**Cc:** [Kerr, Michael](#); [Cohen, Alan](#)  
**Subject:** RE: Litigation History and Agreement Exceptions - PNC2119087R1, Consultant Services for Joint Government Center Campus  
**Date:** Monday, August 5, 2019 12:10:27 PM

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Connie,

Three firms cited material cases in their litigation history.

ACAI - ACAI identified a case they brought as plaintiff against Travelers Casualty and Surety. ACAI was a sub-consultant to Gannet Fleming, the engineering consultant hired by MCM contractors for turnpike extension project. The case against Travelers has been stayed pending resolution of arbitration between ACAI and MVM. Although not required to do so, ACAI gave the litigation history of its team members. MU Engineering listed three (3) material cases. Two involved allegations by a private developer of design defects. The third involved allegations of structural failure of an existing metal handrail.

Fentress - Fentress identified three (3) cases brought against them for professional negligence. All three (3) cases are pending. One of the cases involved a governmental entity (Charleston Airport).

Zyscovich – Zyscovich identified four (4) matters, only one of which has resulted in suit being filed. In that suit, it appears from the information provided that construction defects, and not design defects, were the cause of the issue. Two of the matters appear to have been resolved without liability to or payment by Zyscovich. The fourth matter is going to arbitration.

None of the four (4) firms have brought suit against Broward County, or have been defendants to suit brought by the County.

Jeffrey S. Siniawsky  
Senior Assistant County Attorney  
Office of the County Attorney  
115 S. Andrews Avenue, Ste. 423  
Ft. Lauderdale, FL 33301  
954-357-7600



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**From:** Mangan, Constance  
**Sent:** Friday, July 26, 2019 11:48 AM  
**To:** Siniawsky, Jeffrey <[JSiniawsky@broward.org](mailto:JSiniawsky@broward.org)>  
**Cc:** Kerr, Michael <[MKERR@broward.org](mailto:MKERR@broward.org)>; Cohen, Alan <[ALCOHEN@broward.org](mailto:ALCOHEN@broward.org)>

**Subject:** Litigation History and Agreement Exceptions - PNC2119087R1, Consultant Services for Joint Government Center Campus

Hi Jeff – the RFQ for PNC2119087R1, Consultant Services for Joint Government Center Campus, opened on Wednesday and we received four vendor submittals. A flash drive of the responses will be delivered your attention today. If you require additional information from a vendor, please e-mail the vendor directly and copy me. In contacting the vendor include a time certain for the response to be provided. Vendor contact information is contained in the Vendor's Questionnaire response.

The submittals have also been transmitted to City of Fort Lauderdale, for their review as well. I have provided your information for the City Attorney's office to contact you regarding any questions on what your office completes and any similar review by the City of Fort Lauderdale.

Please complete litigation review and agreement exception review by Monday, August 5, 2019.

1. ACAI Associates, Inc.
2. CallisonRTKL Inc.
3. Fentress Architects, Ltd.
4. Zyscovich, Inc.

Thank you, Connie



**Connie Mangan, Purchasing Manager, Purchasing Division**

115 S. Andrews Ave. Suite 212, Fort Lauderdale, FL 33301

Phone: 954-357-6336

[www.broward.org/purchasing](http://www.broward.org/purchasing)

*Customer Care is my priority. How am I doing? Please contact my Director, Brenda Billingsley, at [bbillingsley@broward.org](mailto:bbillingsley@broward.org) with feedback.*

**From:** [Jodi Hart](#)  
**To:** [Mangan, Constance](#)  
**Subject:** FW: Litigation History  
**Date:** Monday, August 19, 2019 4:34:36 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

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## External Email

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FYI

Thanks

C u in the am

**Jodi S. Hart CPPO, CPPB, MBA**

Chief Procurement Officer

City of Fort Lauderdale | Procurement Services Division

100 N. Andrews Ave. | Fort Lauderdale FL 33301

P 954-828-5677 | F 954-828-5576 | [JHart@fortlauderdale.gov](mailto:JHart@fortlauderdale.gov)



**Integrity – Compassion - Accountability - Respect – Excellence**

*PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from city officials regarding City business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.*

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**From:** Rhonda M Hasan  
**Sent:** Monday, August 19, 2019 4:33 PM  
**To:** Jodi Hart  
**Subject:** FW: Litigation History

Double confirmation that there was no litigation with the proposers and the City. Please see below.

Thanks Jodi.

**Rhonda Montoya Hasan**

**Assistant City Attorney**

100 North Andrews Avenue

Fort Lauderdale, FL 33301

(954) 828-5039 | [rhasan@fortlauderdale.gov](mailto:rhasan@fortlauderdale.gov)

cid:image011.jpg@01D4BE29.89D7B9E0

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.

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**From:** Glynis Burney

**Sent:** Monday, August 19, 2019 4:28 PM

**To:** Rhonda M Hasan; Erica Keiper

**Subject:** RE: Litigation History

Please see highlighted below.

**Glynis R. Burney**

**Paralegal**

100 North Andrews Avenue

Fort Lauderdale, FL 33301

(954) 828-5091 | [gburney@fortlauderdale.gov](mailto:gburney@fortlauderdale.gov)

cid:image011.jpg@01D4BE29.89D7B9E0



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.

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**From:** Rhonda M Hasan

**Sent:** Monday, August 19, 2019 1:17 PM

**To:** Erica Keiper; Glynis Burney

**Subject:** FW: Litigation History

**Importance:** High

Good afternoon, could one of you please do a quick check in the Broward County Clerk of Court records and confirm that the following 4 entities have never been in litigation with the City of Fort Lauderdale:

ACAI – nothing filed in Broward County Clerk against COFL

Callison RTKL - nothing filed in Broward County Clerk against COFL

Fentress - nothing filed in Broward County Clerk against COFL

Zyscovich - nothing filed in Broward County Clerk against COFL

Thanks!

**Rhonda Montoya Hasan**

**Assistant City Attorney**

100 North Andrews Avenue

Fort Lauderdale, FL 33301

(954) 828-5039 | [rhasan@fortlauderdale.gov](mailto:rhasan@fortlauderdale.gov)

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**From:** Jodi Hart

**Sent:** Sunday, August 11, 2019 3:20 PM

**To:** Rhonda M Hasan; Chris Lagerbloom

**Subject:** Fwd: Litigation History

Rhonda

Please confirm

Chris

FYI

Sent from my iPhone. Please excuse grammar or spelling errors and even the occasional "Siri" slip ups.

Begin forwarded message:

**From:** "Mangan, Constance" <[CMANGAN@broward.org](mailto:CMANGAN@broward.org)>

**Date:** August 11, 2019 at 2:32:06 PM EDT

**To:** Jodi Hart <[JHart@fortlauderdale.gov](mailto:JHart@fortlauderdale.gov)>

**Subject:** Litigation History

**External Email Warning:** This email originated from outside of the City of Fort Lauderdale's email system. Do not reply, click links, or open attachments unless you recognize the sender's **email address** (not just the name) as legitimate and know the content is safe. Report any suspicious emails to [SpamAdmin@fortlauderdale.gov](mailto:SpamAdmin@fortlauderdale.gov)

Hi Jodi - attached is review of litigation history review. Please confirm None of the four (4) firms have brought suit against City of Fort Lauderdale, or have been defendants to suit brought by the City of Fort Lauderdale? We will include in backup provided to the Unified Direct Procurement Authority.

Thank you, Connie





**OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT**  
**Governmental Center Annex**

115 S. Andrews Avenue, Room A680 • Fort Lauderdale, Florida 33301 • 954-357-6400 • FAX 954-357-5674

**MEMORANDUM**

**DATE:** August 1, 2019

**TO:** Connie Mangan, Purchasing Manager.  
Purchasing Division

**THRU:** Sandy-Michael McDonald, Director *SM*  
Office of Economic and Small Business Development

**FROM:** Freddy Castillo, Small Business Development Manager *FC*  
Office of Economic and Small Business Development

**SUBJECT:** RFQ No. PNC2119087R1 – Consultant Services for Joint Government Center Campus  
- County Business Enterprise (CBE) Compliance Review

The Office of Economic and Small Business Development (OESBD) conducted a review of the respondents' compliance with the CBE Program requirements for the solicitation. According to the requirements of the solicitation, consultants must submit a "Contractor Assurance Statement", with their submittal, acknowledging the CBE goal and agree to engage in good faith effort solicitation of certified County Business Enterprise (CBE) firms to achieve the 15% CBE goal program requirements.

**Met the CBE Program Requirements for submittal of Contractor Assurance Statement:**

ACAI Associates, Inc.  
CallisonRTKL, Inc.  
Fentress Architects, Ltd  
Zyscovich, Inc.

**CBE Compliance Comments:**

ACAI Associates, Inc. CallisonRTKL, Inc., Fentress Architects, Ltd and Zyscovich, Inc. provided the completed and signed Contractor Assurance Statements. Therefore, they are compliant with the CBE program requirements of the solicitation. Prior to award, the recommended consultant will be required to submit executed Letter(s) of Intent (LOI) for each certified CBE firm(s) to achieve the assigned CBE goal.

**CBE Compliance History:**

Below is a report of ACAI Associates, Inc.'s CBE compliance history for active and completed projects within the last five (5) years of the RFQ's opening date. OESBD could not find a CBE history of completed or active projects for CallisonRTKL, Inc., Fentress Architects, Ltd and Zyscovich, Inc.

**ACAI Associates, Inc.** has the following completed and/or active projects with CBE goals.

<b>Project Name</b>	<b>Project Number</b>	<b>Amount Paid to Prime</b>	<b>Amount Paid to CBE Firms</b>	<b>CBE Commitment</b>	<b>CBE Attainment</b>
Design Services T-4 Reconfiguration & Expansion of the FIS <b>(Active)</b>	RFP - R1208106P1	\$5,752,361.24	\$1,351,899.87	20%	23%
Ravenswood Bus Maintenance Facility (A/E Design) <b>(Active)</b>	RLI - R0890108R1	\$2,525,417.19	\$1,279,166.00	18%	50.65%
Professional Architectural & Engineering Consultant Services for Reports and Studies- ACAI <b>(New Contract)</b>	RFP - R2113758P1	\$0	\$0	30.5%	No Activity as yet.
On-Call BIM-VDC and Associated Laser Scanning Services - 2 <b>(Active)</b>	Bid# R1343501P1_2	\$0	\$0	11%	No Activity as yet
Main Jail Windows Replacement - Consultant Services <b>(ACAI)(Completed)</b>	RFP - Q1235706P1	\$239,278.50	\$38,652.92	21.06%	16.15%

**Source:** ALTS and iContract Central report 8/1/2019

cc: Maribel Feliciano, Assistant Director, OESBD  
 Marcia Young, Small Business Development Specialist, OESBD

**PNC2119087R1, Consultant Services for Joint Government Center Campus  
Vendor Questionnaire Summary**

1	Legal Business Name:	<b>ACAI Associates, Inc.</b>	<b>CallisonRTKL Associates Inc.</b>	<b>Fentress Architects, Ltd., Inc.</b>	<b>Zyscovich, Inc.</b>
2	Doing Business As/ Fictitious Name (If Applicable):				N/A
3	Federal Employer I.D. No. (Fein):	65-0020223	52-0884069	84-0845667	59-2754852
4	Dun and Bradstreet No.:	16-118-8289	04-779-1769	31375140	177052818
5	Website Address (If Applicable):	<a href="http://www.acaiarchitects.com">www.acaiarchitects.com</a>	<a href="https://www.callisonrtkl.com/">https://www.callisonrtkl.com/</a>	<a href="http://www.fentressarchitects.com">www.fentressarchitects.com</a>	<a href="http://www.zyscovich.com">www.zyscovich.com</a>
6	Principal Place Business Address:	2937 West Cypress Creek Road, Suite 200, Fort Lauderdale, FL 33309	396 Alhambra Circle South Tower, Suite 500, Coral Gables, FL 33134	421 Broadway, Denver, Colorado 80203	100 N. Biscayne Boulevard, 27th Floor, Miami FL 33132
7	Office Location for this project:	2937 West Cypress Creek Road, Suite 200, Fort Lauderdale, FL 33309	396 Alhambra Circle South Tower, Suite 500, Coral Gables, FL 33134	421 Broadway, Denver, Colorado 80203*	100 N. Biscayne Boulevard, 27th Floor, Miami FL 33132
8	Telephone No.:	954.484.4000	786 268 3200	303.722.5000	305-372-5222
9	Type of Business (Check Appropriate Box):	Corporation	Corporation	Architecture, Interior Design	Florida
10	List Florida Department of State Division Of Corporations Document Number:	H39075	830151	F13000000340	M40936
11	List Name and Title of Each Principal, Owner, Officer, and Major Shareholder:	Adolfo J. Cotilla, Jr., AIA - Owner	Kelly, Ferrell CEO/President	Curtis Fentress, President / CEO, Director, Shareholder, Principal	Bernard Zyscovich
		Donald M. Wilkin, RA, CPTED - Senior Principal	Randall Pace, EVP/CFO/Treasurer	Agatha Kessler, Chairman, Director, Shareholder, Principal	Suria Yaffar
		Betty Loynaz, AIA, CBC, LEED AP BD+C	Todd Lundgren, Executive Vice President	Jeffrey Olson, Secretary, Director, Shareholder, Principal	Jose Murguido
		Paul Pannier, AIA - Associate Principals	Matthew Billerbeck, Executive Vice President	Michael O. Winters, Shareholder, Principal	Anabelle Smith
		Jennifer Shields - Associate Principal	Robyn Miller, SVP/Secretary	Brian Chaffee, Shareholder, Principal	John Cunningham
			Daniel Freed, Vice President	Thomas Theobald, Sharehodler, Principal	Michael McGuinn
			Noel Aveton, Vice President	Jack Cook, Shareholder, Principal	Michael Ehrling
			Arcadis North America, a Colorado Partnership, Sole Shareholder	Robert Louden, Shareholder, Principal	Mario Suarez
				Ned Kirschbaum, Principal	Larry Rosenbloom
				Stephen White, Principal	Ahmed A. Alvarez
				Gregory Billingham, Associate Principal	
				Mark Outman, Associate Principal	
				John Kudrycki, Associate Principal	
				Catherine Dunn, Associate Principal	
12	Authorized Contacts for your firm:				
	Name:	Adolfo J. Cotilla, Jr., AIA	Dan Freed	Curtis Fentress, FAIA, RIBA	Bernard Zyscovich, FAIA
	Title:	President	Vice President	Principal in Charge of Design	President and Managing Principal
	Telephone Number:		786 268 3939	303.282.6101	305-372-5222
	E-mail:	<a href="mailto:adolfo@aecmworld.com">adolfo@aecmworld.com</a>	<a href="mailto:dfreed@crtkl.com">dfreed@crtkl.com</a>	<a href="mailto:fentress@fentressarchitects.com">fentress@fentressarchitects.com</a>	<a href="mailto:bernard@zyscovich.com">bernard@zyscovich.com</a>
	Name:			Michael O. Winters, FAIA	Valerie Castillo
	Title:			Lead Designer	Marketing Director
	Telephone Number:			303.282.6080	305-372-5222
	E-mail:	<a href="mailto:marketing@aecmworld.com">marketing@aecmworld.com</a>		<a href="mailto:winters@fentressarchitects.com">winters@fentressarchitects.com</a>	<a href="mailto:vcastillo@zyscovich.com">vcastillo@zyscovich.com</a>
13	Has your firm, its principals, officers or predecessor organization(s) been debarred or suspended by any government entity within the last three years? If yes, specify details in an attached written response.	No	No	No	No
14	Has your firm, its principals, officers or predecessor organization(s) ever been debarred or suspended by any government entity? If yes, specify details in an attached written response, including the reinstatement date, if	No	No	No	No
15	Has your firm ever failed to complete any services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response.	No	Yes - refer to submittal page 43 (of hardcopy submission or page 47 electronic submission).	No	No

**PNC2119087R1, Consultant Services for Joint Government Center Campus  
Vendor Questionnaire Summary**

1	Legal Business Name:	<b>ACAI Associates, Inc.</b>	<b>CallisonRTKL Associates Inc.</b>	<b>Fentress Architects, Ltd., Inc.</b>	<b>Zyscovich, Inc.</b>
16	Is your firm or any of its principals or officers currently principals or officers of another organization? If yes, specify details in an attached written response.	No	Yes - refer to submittal page 43 (of hardcopy submission or page 47 electronic submission).	No	No
17	Have any voluntary or involuntary bankruptcy petitions been filed by or against your firm, its parent or subsidiaries or predecessor organizations during the last three years? If yes, specify details in an attached written response.	No	No	No	No
18	Has your firm's surety ever intervened to assist in the completion of a contract or have Performance and/or Payment Bond claims been made to your firm or its predecessor's sureties during the last three years? If yes, specify details in an attached written response, including contact information for owner and surety.	No	No	No	No
19	Has your firm ever failed to complete any work awarded to you, services and/or delivery of products during the last three (3) years? If yes, specify details in an attached written response.	No	Yes - refer to submittal page 43 (of hardcopy submission or page 47 electronic submission).	No	No
20	Has your firm ever been terminated from a contract within the last three years? If yes, specify details in an attached written response.	Yes**	Yes - refer to submittal page 43 (of hardcopy submission or page 47 electronic submission).	No	No

\* Question no. 7: Fentress indicated they would co-locate at Saltz Michelson Architects office in Broward County.

\*\* Question No. 20: ACAI - Termination for Convinnence by Broward County on September 25, 2018. Refer to agenda item for additional information:  
[http://cragenda.broward.org/agenda\\_publish.cfm?dsp=agm&seq=27461&rev=0&id=&form\\_type=AG\\_MEMO&beg\\_meetmth=8&beg\\_meetyr=2018&end\\_meetmth=8&end\\_meetyr=2019&mt=ALL&sstr=acai&dept=ALL&hartkeywords=&sortby=f.form\\_num,f.rev\\_num&fp=ADVSRCH&StartRow=1](http://cragenda.broward.org/agenda_publish.cfm?dsp=agm&seq=27461&rev=0&id=&form_type=AG_MEMO&beg_meetmth=8&beg_meetyr=2018&end_meetmth=8&end_meetyr=2019&mt=ALL&sstr=acai&dept=ALL&hartkeywords=&sortby=f.form_num,f.rev_num&fp=ADVSRCH&StartRow=1)

**PNC2119087R1, Consultant Services for Joint Government Center Campus  
Standard Agreement Exceptions Summary**

<b>Vendor</b>	<b>Exceptions</b>	<b>Staff Recommendation</b>	<b>Vendor Response</b>
<b>ACAI</b>	No Exceptions	N/A	N/A
<b>CallisonRTKL</b>	9.1 Add - "negligent": "For the duration of the Agreement, Consultant shall, at its sole expense, maintain the minimum insurance coverages stated in Exhibit "X" in accordance with the terms and conditions of this article. Consultant shall maintain insurance coverage against claims relating to any <i>negligent</i> act or omission by Consultant, its agents, representatives, employees, or Subconsultants in connection with this Agreement. County reserves the right at any time to review and adjust the limits and types of coverage required under this article.	Not negotiable.	Rescinded exception/request.
	9.3 Strike - "If and to the extent requested by County, Consultant shall provide complete, certified copies of all required insurance policies and all required endorsements within thirty (30) days after County's request."	Alternate Proposed Language: In the event that there is a dispute arising out of a claim, Provider shall provide, within thirty (30) days after receipt of a written request from County, a copy of the policies providing the coverage required by this Agreement.	Accepted proposed alternate language.
	Requested new section - LIMITATION OF LIABILITY: CallisonRTKL's total liability to the Client for damages related to this Project shall not exceed CallisonRTKL's total fees for this Project or the annual aggregate limit of professional liability insurance CallisonRTKL is required to carry by these Terms and Conditions, whichever is greater.	First part is negotiable business term, but acceptance is not recommended.	Rescinded exception/request.
	THE PARTIES AGREE THAT PURSUANT TO SECTION 558.0035, FLORIDA STATUTES, AND TO THE FULLEST EXTENT PERMITTED THEREUNDER, AN INDIVIDUAL EMPLOYEE OR AGENT OF CALLISONRTKL SHALL NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE ARISING FROM THE PERFORMANCE OF PROFESSIONAL SERVICES UNDER THIS AGREEMENT.	Second part is unnecessary.	Rescinded exception/request.
<b>Fentress Architects</b>	Was not specific in identifying exceptions or alternative language.		
<b>Zyscovich Architects</b>	No Exceptions	N/A	