

#10 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller):

# 7 Ranking of firms and authorization for staff to negotiate an agreement with the number one ranked firm, Peter R Brown Construction, Inc., for Professional Design Build Services – Pinellas County Health Facility (Contract No. 123-0276-NC) denied. Staff authorized to negotiate agreement with the number two ranked firm, Creative Contractors, Inc. Final negotiated contract to be presented to the Board for consideration at a future date (Real Estate Management/Purchasing).

1. Peter R Brown Construction, Inc.
2. Creative Contractors, Inc.
3. Charles Perry Partners, Inc.

Pointing out that the members have made it clear since the economy plummeted that the consensus of the Board is to provide jobs for people in the Pinellas community and to distribute whatever work is available among different companies, Commissioner Latvala questioned whether the Board's direction has been made known to the bid evaluators. Noting that she understands that a process is followed for the ranking of bids and that staff discourages any Board discussion regarding the rankings, she related that she is concerned that the recommendation is to award the bid to Peter R. Brown Construction, Inc, which is no longer a local company and was recently awarded a very large contract for the parking garage at the Pinellas County Justice Center, when Creative Contractors, Inc., the second ranked company, is a local company and the scoring was very close; whereupon, she asked whether the members would support becoming involved in at least setting some rating parameters moving forward.

In response to query by Chairman Welch as to whether she is proposing changes to this particular recommendation, Commissioner Latvala pointed out that the item would not have come before the Board for action if they did not have authority to change the recommendation for the award of the bid; and stated that she would like to award the bid to Creative Contracts, Inc.

Administrator LaSala indicated that the bid process is conducted under the Consultants Competitive Negotiation Act (CCNA); and recommended that a work session be scheduled if the Board wants to explore what discretion it has under the

Act. He indicated that in this particular situation, the Board can either approve the rankings and authorize staff to negotiate with Peter R. Brown Construction or start the process afresh with a new Request for Proposals (RFPs); whereupon, in response to query by Chairman Welch as to whether the Board's options would include changing the ranking, Attorney Bennett stated that he is not aware of a legal basis that would allow such a change.

Commissioner Long discussed the process the Seminole City Council followed regarding bids when she was a member, and related that she has been concerned with the County process since joining the Board, noting that the City of St. Petersburg is developing a plan that would allow it to employ Pinellas County companies; whereupon, she expressed her support for Commissioner Latvala's position, stating that the Board has an obligation to employ people within the county and to award bids to local companies whenever possible.

In response to queries and comments by Commissioner Seel, Purchasing Director Joseph Lauro related that the bidding process is per State Statute 287.055; that the statute is written in such a way that it is open to interpretation; and that Florida counties differ in the methods used, although at least three other counties use the method used by Pinellas County. He indicated that the Board previously approved the process and point structure used by staff to award bids; that the volume of work previously awarded is considered during the rankings, although Peter R. Brown Construction being awarded the parking garage was not mentioned during the oral presentation process; and that the points awarded and the minority status of the businesses are included in the packet received by the Board.

Mr. Lauro discussed the two-step CCNA process and how the points are awarded, and stated that the same process has been used for approximately ten years and has worked well; that the individuals on the bid evaluation committees are trained to evaluate CCNA contracts; and that the same CCNA evaluation process is used for all RFPs; whereupon, discussion ensued regarding the scoring for this project wherein Commissioner Seel related that she is a proponent of doing business with local companies.

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At this time, 2:39 P.M., Agenda Item No. 8 was heard while Mr. Lauro located the criteria for the oral presentation. Discussion resumed at 2:41 P.M.

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Mr. Lauro placed the criteria for the oral presentation process on the overhead display, and explained the point system, noting that the criteria is per state statute, although the actual weighting is not.

Commissioner Roche indicated that he, too, has received complaints and comments from constituents that after going through the costly oral presentation process, the same companies and consultants are awarded the bids; that he concurs that a work session is needed; and that he is agreement with Commissioner Latvala and is on the record in other meetings maintaining that if an item comes before the Board for final action, the Board retains authority and control and has the duty to verify it, no matter the issue; whereupon, he stated that while he, too, supports a local option, he does not support making the change today due to legal issues attached.

Commissioner Latvala stated that she does not support local preference and considers it problematic; and that her issue is whether the Board has the authority to change staff's recommendation, noting that when she served on the School Board, spreading the jobs around was a definite consideration.

In response to query by Commissioner Justice, Mr. Lauro indicated that the Board previously addressed the issue of local preference; and that extra points are awarded if a company has a business office within the four counties contiguous to Tampa Bay: Hillsborough, Manatee, Pasco, and Pinellas; whereupon, Commissioner Justice indicated that he has concerns with switching the award "on the fly," noting that it could be construed as favoritism to make a change without criteria being set beforehand. He indicated that the Board already had the discussion and decided against reopening and looking into the details of a staff recommendation or evaluation; and that if the Board intends to do that, parameters need to be set, or the length of meetings will become intolerable.

Chairman Welch commented that he is in partial agreement with most points made today; that local hiring has some definite problems, but he supports considering an incentive, such as St. Petersburg does, to support the local economy; and that he has concerns about the minority hiring process, noting that when he was on the Board of Trustees of St. Petersburg College, the trustees had a significant role in selecting contractors; whereupon, Chairman Welch stated that he supports scheduling a workshop to look at all the issues if the Board decides to become more active, but shares the concerns of Commissioners Roche and Justice about changing the award of bid today.

Commissioner Roche pointed out that the parking garage award is funded by the local Penny for Pinellas tax, and the health facility construction award is funded by federal grants.

Responding to query by Commissioner Long as to whether the item can be deferred until after the work session, Administrator LaSala, with input by Director of Health and Human Services Gwendolyn Warren, related that the Board has no legal obligation to act on the item today. He related and later confirmed that the federal government requires the facility to be built and the doors to be open by early 2015; that the facility will be administered by Real Estate Management and staffed by the Department of Health and Human Services, the County Health Department, Baycare Health Systems, All Children's Hospital, the Juvenile Welfare Board (JWB), and a Behavioral Health Services provider; that there is no tie-in to a federally certified 330-E qualification; and that the project is in support of homeless families and children, which has been emphasized by the Board; whereupon, Administrator LaSala reiterated that the Board needs to decide whether it will reject all bids and request resubmission or re-evaluate the bids under a new set of criteria.

Commissioner Morroni indicated that he supports holding a work session to consider changing the criteria, and expressed his concern about the legal ramifications if the Board makes a change after Peter R. Brown Construction has won the bid, indicating that it is an established policy to award the bid to the number one ranked firm. Administrator LaSala stated that no one has yet won the bid; and Attorney Bennett related that there might be legal complications with regard to re-evaluating this particular RFP under a new set of criteria; and that the first ranking firm might choose to challenge the award, although the point spread

is very small. Commissioner Latvala reiterated that the issue is not regarding the process, but whether the Board has the authority to choose the second ranking company; whereupon, Attorney Bennett advised that the Board does have that authority.

In response to queries and comments by Commissioner Seel, Mr. Lauro discussed the automatic awarding of minority points if the business is certified by the State of Florida, and related that Peter R. Brown Construction did not receive points for being minority owned. Commissioner Seel agreed with Commissioner Long's comments regarding staffing of the building; whereupon, she stated that she will not approve a contract with anyone until specific information is received about how much it will cost the County going forward; and Commissioner Roche concurred, and confirmed with Ms. Warren that the federal guidelines specify that the money must be spent and the building complete by the 2015 timeline.

Commissioner Roche stated that if the Board votes to change the award of bid, it would set a far-ranging precedent.

Thereupon, Commissioner Latvala reiterated that she is not changing the process; and that final approval of the contract will come back before the Board; whereupon, she moved, seconded by Commissioner Morroni, that staff be authorized to begin negotiations with the second ranked firm, Creative Contractors, Inc.

Commissioner Morroni indicated that the confirmation by Attorney Bennett that the Board has the authority to choose the second ranking company relieved his concerns as to the legal ramifications; that he supported local preference when the Board held hearings on the issue in response to the demands of the community; and that he hopes the message staff takes away today is that when the point count is close during the ranking of firms, the Board's direction on providing jobs in the Pinellas community and spreading the work among the companies must be taken into account.

During discussion, Chairman Welch noted that he would not be supporting the motion, as the process does matter; and agreed that it would set a precedent going forward. Commissioner Seel stated that the Board had already sent a strong message that the Board set a high priority on spreading the work around to

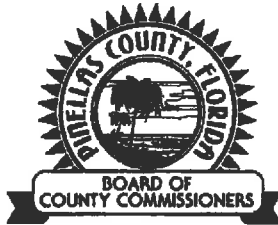
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2:05 P.M. FUTCH/Schmidt

different businesses in the community. Mr. Lauro reiterated that staff followed state statute; whereupon, Commissioner Latvala stated for the record that the County policy was followed; and that her issue is not with the policy but about spreading the work around; and Commissioner Roche indicated that while he agrees with the concept, he would not support the motion because more information is needed.

Following discussion and upon call for the vote, the motion to award the bid to Creative Contractors, Inc. carried by a vote of 4 to 3, with Chairman Welch, and Commissioners Roche and Justice dissenting.

Motion	-	Commissioner Latvala
Second	-	Commissioner Morroni
Vote	-	4 – 3 (Chairman Welch and Commissioners Roche and Justice dissenting)

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**BOARD OF COUNTY COMMISSIONERS**

DATE: August 20, 2013

AGENDA ITEM NO. 7

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature:

**Subject:**

Approval of Ranking of Consultant Selection - Professional Design Build Services- Pinellas County Health Facility Contract No. 123-0276-NC(RM)

**Department:**

Real Estate Management / Purchasing

**Staff Member Responsible:**

Paul Sacco / Joe Lauro

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE RANKING OF FIRMS AND AUTHORIZE STAFF TO NEGOTIATE AN AGREEMENT WITH THE NUMBER ONE RANKED FIRM, PETER BROWN CONSTRUCTION, INC., CLEARWATER, FLORIDA, FOR PROFESSIONAL DESIGN BUILD SERVICES- PINELLAS COUNTY HEALTH FACILITY.

**Summary Explanation/Background:**

On May 1, 2012, the Department of Health and Human Services was awarded a \$5 million Health Resources and Service Administration capital grant to construct a facility that would increase access to health care for those most in need in Pinellas County. The new facility will be an extension of the County's Mobile Medical Unit; a Federally Qualified Health Center that currently serves the homeless population at 12 locations countywide. The new facility will provide homeless families with children much needed access to health care and social support services.

On May 8, 2013, in accordance with Consultant Competitive Negotiation Act (CCNA) requirements, the Purchasing Department on behalf of the Department of Real Estate Management (REM) let a Request for Proposal (RFP) for the intent of obtaining the services of a qualified design build firm to provide services for construction of the health facility. More specifically, the overall objective of this project is to provide a new health care facility to serve as a patient-centered medical home that uniquely serves the needs of homeless individuals through in-house medical care and social support services. In addition, the facility will house a 24 hour/day medical respite facility to provide convalescent care for those recently released from a hospital. The health facility will be located at 14790 49<sup>th</sup> Street North, Clearwater, Florida.

Proposals were received from the following firms:

1. Ajax Building Corporation
2. Biltmore Construction Co., Inc.
3. Construction Services, Inc.
4. Creative Contractors, Inc.
5. Charles Perry Partners, Inc.
6. Gilbane Building Company
7. HDR Constructors
8. Hennessey Construction Services
9. J. Kokolakis Contracting, Inc.
10. Peter R Brown Construction, Inc.
11. Spring Engineering and Bandes Construction Co. Joint Venture LLC
12. The A.D. Morgan Corporation

An evaluation committee (committee) consisting of one (1) representative from the Real Estate Management Department (REM), two (2) representatives from Health and Human Services, one (1) representative from the Department of Environment & Infrastructure (DEI), and one (1) representative from the Airport, along with a representative from the Purchasing Department acting as a facilitator, met on June 26, 2013, to evaluate and score the proposals received. The three (3) highest ranked firms were then invited to the oral presentation process.

On July 25, 2013 oral presentations were conducted by each of the three (3) firms. The final ranking of the firms by the committee is as follows:

1. Peter R. Brown Construction, Inc.
2. Creative Contractors, Inc.
3. Charles Perry Partners, Inc.

At the direction of the Board, staff will begin negotiations with the highest ranked firm in accordance with County CCNA procedures. A final negotiated contract will be presented to the Board for consideration at a future date.

**Fiscal Impact/Cost/Revenue Summary:**

The estimated cost for the project is \$4,500,000.00. Funding for this project will be derived from the Department of Health and Human Services Capital Grant.

**Exhibits/Attachments:**

Contract Review  
Evaluation Criteria Tabulation





RFP TITLE: Professional Design/Build Services Pinellas County Health Facility  
 RFP # 123-0276 -IC(RM) - ORAL PRESENTATION

NAME	EVALUATOR	EVALUATOR	EVALUATOR	EVALUATOR	EVALUATOR	TOTAL POINTS	TOTAL AVERAGE	RANK
Charles Perry Partners, Inc.	Marjo Ferraglis 845.00	Bob Humberstone 850.00	Nealie Jackson 850.00	Arjel Ludwig 851.00	Dennis Simpson 854.00	4230.00	846.00	3
Creative Contractors, Inc.	878.00	871.00	847.00	866.00	866.00	4347.00	869.40	2
Peter R. Brown Construction, Inc.	871.00	857.00	871.00	872.00	890.00	4361.00	872.20	1

Date: July 25, 2013