

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20021189

1. REQUESTED MOTION:

ACTION REQUESTED: Concur with the selection of the sole responsive Consultant by the Competitive Negotiations Committee for CN-02-23, Sanibel Bridge Toll Plaza Reconstruction and Cape Coral Bridge Toll Plaza Reconstruction, and authorize contract negotiations to commence with the sole selected Consultant, URS Corporation.

WHY ACTION IS NECESSARY: Pursuant to Administrative Code AC-4-4 Lee County Contracts Manual, approved by the Board On September 25, 2001, the Board is required to approve all Consultant selections.

WHAT ACTION ACCOMPLISHES: This project involves the Consultant providing engineering/architectural services to include surveys, preparing an environmental impact summary, develop traffic data, final plans and specifications, coordinating all utility system adjustments, preparing cost estimates, bid documents, contracts and all government permit applications for the Sanibel Bridge Toll Plaza Reconstruction (including a new administration building) and Cape Coral Bridge Toll Plaza Reconstruction.

2. DEPARTMENTAL CATEGORY:

09. Transportation

COMMISSION DISTRICT #:

C9C

3. MEETING DATE:

11-5-02

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE *AC-4-4*
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT *Transportation*
- C. DIVISION
- BY: *Scott Gilbertson, Director*

7. BACKGROUND:

Letters of Interest were solicited on behalf of the Board of County Commissioners for professional engineering/architectural services for the Sanibel Bridge Toll Plaza Reconstruction and Cape Coral Bridge Toll Plaza Reconstruction.

The deadline for receipt of Letters of Interest was July 30, 2002. Only one (1) Letter of Interest was received from The Louis Berger Group Inc., by the established deadline. Because only one submittal was received, Contracts Management re-advertised the project for a second time to try and solicit additional submittals.

The project was re-advertised on August 2, 2002 with a new deadline date of August 19, 2002. Several phone calls were made by the Project Manager to various firms to personally invite them to submit a Letter of Interest. On August 19, 2002, only one additional submittal was received by the established deadline date and time which was from URS Corporation.

--- Continued on Page 2 ---

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>10/18/02</i>				G County Manager
					OA	OM	Risk	GC	
<i>10/2/02</i>	<i>10/15/02</i>	<i>N/A</i>	<i>10/15/02</i>	<i>Andrea</i>	<i>P.M.</i>	<i>10/21/02</i>	<i>10/23/02</i>	<i>10/21/02</i>	<i>10.15.02</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by COMET
 Date: *10/18/02*
 Time: *11:54 am*
 Forwarded To: *Budget*
10/18/02

RECEIVED BY COUNTY ADMIN. EW
10/18 3:30
 COUNTY ADMIN. FORWARDED TO:
10/23 10:00

7. Background (Continued)

ADVERTISEMENT STATISTICS	1ST ADVERTISEMENT	2ND ADVERTISEMENT
Notices Issued	271	271
# of Firms Picking Up Documents	20	9
# of Submittals Received	1	1

Both Letters of Interest were considered at the Competitive Negotiations Committee meeting held on August 26, 2002. With two attempts to satisfy statutory requirements for CCNA selection, staff felt comfortable that we would have enough justification to proceed with the interview process with just two firms. The Competitive Negotiations Committee consisted of the following staff members: Jim Lavender, Director of Public Works, as Chairman; Scott Gilbertson, Director DOT and Don DeBerry, DOT Project Manager. Based on the information submitted by the Consultants in their Letters of Interest, it was the consensus of the Committee to invite both firms for an interview/presentation.

The interview/presentations were scheduled for September 12, 2002. On the morning of September 12, 2002, Contracts Management received a letter from The Louis Berger Group registering a complaint about the Competitive Negotiations Process that had taken place. In that letter, The Louis Berger Group withdrew from their presentation to be given on the afternoon of September 12, 2002. Based on this letter it was the consensus of the Committee to also cancel the interview with URS Corporation.

A call was made to The Louis Berger Group to discuss their issues and to try and have them reconsider from withdrawing from the process. This attempt failed. A meeting was then called with the County Attorney's office to reexamine our options.

Based on the discussions of all involved staff members, it was the consensus of the Committee to recommend that the Board concur with the selection of the sole Consultant for CN-02-23 Sanibel Bridge Toll Plaza Reconstruction and Cape Coral Bridge Toll Plaza Reconstruction and authorize contract negotiations to commence with the sole consultant, URS Corporation based on the following:

- 271 notices were mailed from the Consultants list maintained by Contracts Management (both times)
- Two advertisements were placed in the Fort Myers News Press at separate times.
- Very little interest showed at both deadlines.
- Numerous calls were made by the Project Manager to other prospective consultants.
- A re-advertisement will not guarantee any additional submittals
- Past history with URS Corporation is good.

Funds are available in account: 20581542142.506510 (Cape Coral - \$500K)
20581642142.506510 (Sanibel - \$1.0 mil)

Attachments: 1. Both Advertisements
2. Letter from The Louis Berger Group
3. Lee County response



The Louis Berger Group, Inc.

133 Sharwood Drive
Naples, FL 34110
Telephone: (239)571-5280 • Facsimile: (239) 594-1453
e-mail: kdunne@louisberger.com
www.louisberger.com

ENGINEERS • PLANNERS • SCIENTISTS • ECONOMISTS • ARCHAEOLOGISTS

LEE COUNTY
RECEIVED

02 SEP 13 PM 1:49

JON J. DEWITT CENTER
FOURTH FLOOR

September 10, 2002

Ms. Cindy Logan
LEE COUNTY CONTRACTS MANAGEMENT
1500 Monroe Street, 4th Floor
Fort Myers, FL 33901

RE: CN-02-23 SANIBEL BRIDGE TOLL PLAZA RECONSTRUCTION AND
CAPE CORAL BRIDGE TOLL PLAZA
SUBJECT: September 12, 2002 Interview

Dear Ms. Logan,

Based on the Florida Consultant's Competitive Negotiations Act, The Louis Berger Group submitted the only Qualified Proposal in a timely manner, requiring that the existing Toll Equipment Systems Integrator, Transcore, be involved in the relocation of all Toll Collection Equipment from existing facilities to the new Facilities with 100% Toll Collections, as specifically addressed in our Proposal dated June 30, 2002. This understanding of the County's requirements was the direct result of four separate meetings between our Project Manager and County Staff.

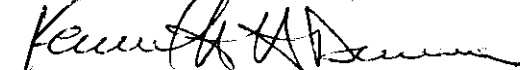
We were advised that, while our proposal was the only acceptable one submitted within the guidelines of the procurement, the County was going to ask others to submit proposals, but, since we had already submitted one, we did not have to resubmit.

With your invitation to an interview on September 12, 2002, you added the requirement that Transcore be part of the consultant team. Transcore have indicated to us that they will be part of the winning team and have opted to join the URS team, and declined to join us.

Since there was no action taken on our submittal by Lee County, and since URS have been invited to submit a proposal, and since Transcore have apparently been advised that URS have been recommended for this contract in advance of the interview, we do not feel that there is any reason for us to attend the interview.

As this is clearly a flawed procurement, we would like to be reimbursed for our expenses incurred to date on this effort. We will be submitting an invoice to you under separate cover.

Sincerely,
THE LOUIS BERGER GROUP, INC.


Kenneth H. Dunne, P.E.
Senior Associate

Cc: Commissioners Bob Janes, St. Cerny, Coy, Albion, Judah
Peter Polk
File



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 335-2183

Bob Janes
District One

September 20, 2002

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Kenneth Dunne
The Louis Berger Group Inc.
133 Sharwood Drive
Naples FL 34110
Fax: (239) 594-1453

**SUBJECT: CN-02-23 SANIBEL BRIDGE TOLL PLAZA RECONSTRUCTION
AND CAPE CORAL BRIDGE TOLL PLAZA**

Dear Mr. Dunne:

We are in receipt of your letter dated September 10, 2002, in reference to the above subject project. We are advising as follows:

In response to paragraphs 1 and 2, in accordance with Florida State Statutes 287.055, "Consultants' Competitive Negotiation Act," Lee County is required to select no fewer than three firms. As you already know we received only one submittal on June 30, 2002, and that was from your firm. In order to meet the statute requirements, Lee County opted to re-advertise and to solicit additional submittals. This second advertisement lead to one additional submittal, and that was URS Corporation. With two attempts to satisfy the statutes Lee County felt comfortable that we would have enough justification to proceed with the interview process with just the two firms.

In paragraph 3 you imply that Lee County added the requirement that Transcore be part of the consultant team. This is simply a misunderstanding on your part. I refer you to the Guidelines for Consultants, page 4 of 4, question number 2, "Have you worked with Transcore? Reference please." This question only asks if you have worked with Transcore, and if so, please submit any reference. Nowhere in this question or any of the other questions does it say or even imply that Transcore must be part of the consultant's team.

You have also indicated that Transcore relayed to you that they will be part of the winning team, and have opted to join the URS team, and declined to join The Louis Berger Group. Lee County made no pre-selection nor recommended any particular firm. Somehow you were misinformed from parties other than County representatives.

Our procurement process was not flawed during this solicitation. I assure you that this process has followed every step required by the Lee County Contract Manual as well as Florida State Statutes. I am disappointed to hear that your firm has withdrawn from the process.

I hope this letter has addressed your concerns. We look forward to receiving future qualification statements from The Louis Berger Group. If you should have any questions, or would like to discuss the matter further, please contact my office at your convenience.

Sincerely,



Jim Lavender
Public Works Director

cc: Commissioner Janes
Commissioner St Cerny
Commissioner Coy
Commissioner Judah
Commissioner Albion
Donald Stilwell, County Manager
Scott Gilbertson, Director DOT
Don DeBerry, DOT Project Manager
James Yaeger, County Attorney
David Owen, Assistant County Manager
Cindy Logan, Contract Management Supervisor

NEWS-PRESS

Published every morning - Daily and Sunday
Fort Myers, Florida

LEE CTY. FINANCE

02 JUL 15 PM 2:57

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared

Kieanna Henry

who on oath says that he/she is the

Asst. Legal Clerk of the News-Press, a daily newspaper,
published at Fort Myers, in Lee County, Florida; that the
attached copy of advertisement, being a

Legal Notice

In the matter of **CN-02-23**

in the _____ Court

was published in said newspaper in the issues of

July 5, 2002

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

5th day of **July 2002** by

Kieanna Henry

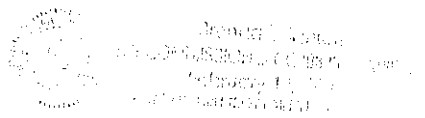
personally known to me or who has produced

_____ as identification, and who did or did not take an oath.

Notary Public

Print Name _____

My commission Expires:



NOTICE OF COMPETITIVE NEGOTIATION
CN-02-23
SANIBEL BRIDGE TOLL PLAZA RECONSTRUCTION AND CAPE CORAL BRIDGE TOLL PLAZA RECONSTRUCTION
CONSULTANTS ARE ADVISED THAT THE BOARD OF COUNTY COMMISSIONERS HAS ADOPTED A POLICY ESTABLISHING AN OVERALL 10% GOAL FOR LOCAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION IN COUNTY SERVICES. CONSULTANTS WILL TAKE ALL REASONABLE AND NECESSARY AFFIRMATIVE STEPS TO ASSURE THAT LOCAL DBE FIRMS WILL BE UTILIZED FOR THIS PROJECT.
Consultants are advised that the Board of County Commissioners adopted Lee County Ordinance No. 92-22 whereby prohibiting the County from soliciting a professional services firm to perform project design and/or construction services if the firm has or had been retained to perform the project feasibility planning or study analysis. A copy of said ordinance may be obtained from Lee County Contracts Management, at (239) 335-2183. The Lee County Board of County Commissioners invites Letters of Interest and Qualifications Statements from Consultants to provide professional engineering/architectural services for the project known as Sanibel Bridge Toll Plaza, Reconstruction (including a new administration building) and Cape Coral Bridge Toll Plaza.
There are hereby placed on notice that they are not to contact members of the County Commission or staff members for such purposes as holding meetings of introduction, dinners, etc. to influence the outcome of the selection process, if they intend to, or have submitted a proposal or Letter of Interest for this project.
Consideration of Disadvantaged, Minority, and Women Business Enterprise Consultants shall be made in accordance with applicable governmental policies and regulations. The selection of the Consultant will be made in accordance with Lee County Procurement Policy and Chapter 287.055 Florida Statutes.
All Letters of Interest and Qualification Statements addressing the scope and requirements for this project must be submitted to and received in Lee County Contracts Management, 1500 Monroe Street, 4th FL, Fort Myers, FL 33901 not later than 2:00 p.m., **TUESDAY, JULY 30, 2002.**
THIS DOCUMENT CAN BE MADE AVAILABLE IN ALTERNATIVE ACCESSIBLE FORMATS TO PERSONS WITH DISABILITIES, UPON REQUEST
Jul 5 No. 4795

NEWS-PRESS

Published every morning - Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared

Kieanna Henry

who on oath says that he/she is the

Asst. Legal Clerk of the News-Press, a daily newspaper,
published at Fort Myers, in Lee County, Florida; that the
attached copy of advertisement, being a

Legal Notice

In the matter of CN 02-23

in the _____ Court

was published in said newspaper in the issues of

August 2, 2002

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

2nd day of Augsut 2002 by

Kieanna Henry

personally known to me or who has produced

_____ as identification and who did or did not take an oath.

Notary Public

Print Name

My commission Expires:



Janet E. Cobb
MY COMMISSION # CC980442 EXPIRES
November 19, 2004
BONDED THRU TROY FAIN INSURANCE, INC

READVERTISEMENT
NOTICE OF COMPETITIVE
NEGOTIATION
CN-02-23
SANIBEL BRIDGE
TOLL
PLAZA RECONSTRUCTION
AND CAPE CORAL
BRIDGE
TOLL PLAZA
RECONSTRUCTION
READVERTISEMENT:
IF YOUR FIRM PREVIOUSLY SUBMITTED
A LETTER OF INTEREST FOR THIS PROJECT ON TUESDAY, JULY 30, 2002, YOU WILL NOT NEED TO RESUBMIT FOR THIS RE-ADVERTISEMENT. LETTERS OF INTEREST SUBMITTED PREVIOUSLY WILL BE CONSIDERED FOR EVALUATION.
CONSULTANTS ARE ADVISED THAT THE BOARD OF COUNTY COMMISSIONERS HAS ADOPTED A POLICY ESTABLISHING AN OVERALL 10% GOAL FOR LOCAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION IN COUNTY SERVICES. CONSULTANTS WILL TAKE ALL REASONABLE AND NECESSARY AFFIRMATIVE STEPS TO ASSURE THAT LOCAL DBE FIRMS WILL BE UTILIZED FOR THIS PROJECT.

Consultants are advised that the Board of County Commissioners adopted Lee County Ordinance No. 92-22 whereby prohibiting the County from soliciting a professional services firm to perform project design and/or construction services if the firm has, or had, the County Commission nor any employees from the Project Sponsoring Department nor members of the Competitive Negotiation Committee wish to be lobbied either individually or collectively about this project. Firms and their agents are hereby placed on notice that they are not to contact members of the County Commission or staff members for such purposes as holding meetings of introduction, dinners, etc. to influence the outcome of the selection process, if they intend to, or have submitted a proposal or Letter of Interest for this project.

Consideration of Disadvantaged, Minority, and Women Business Enterprise Consultants shall be made in accordance with applicable governmental policies and regulations. The selection of the Consultant will be made in accordance with Lee County Procurement Policy and Chapter 287.055 Florida Statutes.

All Letters of Interest and Qualification Statements addressing the scope and requirements for this project must be submitted to and received in Lee County Contracts Management, 1500 Monroe Street, 4th FL, Fort Myers, FL 33901 not later than 2:00 p.m., MONDAY, AUGUST 19, 2002.

THIS DOCUMENT CAN BE MADE AVAILABLE IN ALTERNATIVE ACCESSIBLE FORMATS TO PERSONS WITH DISABILITIES, UPON REQUEST.
Aug 2 No. 21324