

CITY OF MIAMI, FLORIDA  
INTER-OFFICE MEMORANDUM

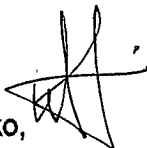
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TO: Pedro G. Hernandez, P.E.,  
City Manager

DATE: July 1, 2009

FILE:

SUBJECT: Rejection of proposal submitted  
for Step 2 of RFQ No. 07-08-023  
for Gibson Park Design-Build

FROM: Ola A. Aluko,   
Director  
Department of Capital Improvements

REFERENCES:

ENCLOSURES:

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### Recommendation

Based on staff's determination, after consultation with the City Attorney's Office and the Purchasing Director, that it is in the City's best interest to ensure that the Committee has multiple qualified candidate firms to select from while also maintaining as fair and competitive a process as possible, the Department of Capital Improvements Program ("CIP") recommends that the MBR technical and price proposals, the only responses submitted prior to the close of the bid period, be rejected and CIP be authorized to issue a new, one step RFP to solicit Design-Build Services for the design and construction of Gibson Park. The remaining alternative would be to prepare legislation to request that the City Commission approve waiving competitive bidding requirements and accept the proposal from RDC. The City Attorney's Office and the Purchasing Director do not recommend this alternative.

### Background

#### Initial RFQ

On August 8, 2008, CIP issued Request for Qualifications No. 07-08-020 soliciting Design-Build Services for the design and construction of Gibson Park. CIP received three (3) proposals before closure of the bid period on September 8, 2008, however, two of the respondents were deemed non-responsive for failure to meet the minimum qualifications specified in the RFQ. With only one responsive proposal, it was determined to be in the City's best interest to re-issue the Gibson Park RFQ, first, to ensure that there were enough qualified candidate firms to select from and secondly, to maintain a fair and competitive process.

#### Revised RFQ

CIP re-issued the Gibson Park RFQ on September 23, 2008 with revised minimum qualifications which, among other things, required proposers to have successfully completed one design-build park project ("RFQ No. 07-08-023"). In addition, Gibson Park RFQ No. 07-08-023 implemented a two step process for the award of this contract with Step 1 consisting of the pre-qualification of up to a maximum of five (5) firms or teams who would then participate in Step 2, the final selection of the design-build firm or team to complete the project. In addition to being one of the five (5) top ranked firms, Proposers had to obtain a minimum arithmetic mean score of 85 from the Selection Committee ("Committee") during Step 1 in order to be considered for final selection pursuant to Step 2.

CIP received ten (10) responses to re-issued RFQ No. 07-08-023 before closure of the bid period on October 24, 2008. On November 24, 2008, the Committee analyzed all of the submittals and, based thereon, established the final ranking of the pre-qualified proposing firms. During their detailed review of the proposals, the Committee noted substantial deficiencies in the qualifications of most of the

proposing teams. As a result, the Committee scored just two of the proposers 85 or higher. The remaining eight disqualified firms received scores between 0 and 65.8. However, in a further effort to ensure availability of enough qualified candidate firms to select from, while maintaining as fair and competitive a process as possible, the Committee invited the four highest ranked disqualified firms to participate in an oral presentation, interview and re-evaluation session.

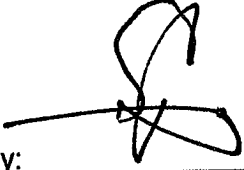
**Re-evaluation of Disqualified Firms**

The Committee held the oral presentation, interview and re-evaluation of the top disqualified teams on February 20, 2009. One of the four firms invited declined to participate. Each of the three remaining firms were given the opportunity to provide answers to an identical series of structured questions and each was able to present their team's experience and capabilities in the allotted 30 minute timeframe. The Committee re-evaluated each of the firms based on their initial Step 1 score, their responses to the structured questions and their team's experience and capabilities. After re-evaluation and re-scoring by the Committee, each of the three teams again failed to achieve the required mean score of 85. Accordingly, CIP proceeded with Step 2 by requesting proposals from the two teams originally pre-qualified by the Committee. .


**Step 2 – Selection of Design Build Firm or Team**

On November 24, 2008, the Committee pre-qualified Recreational Design & Construction, Inc. ("RDC") and MBR Construction, Inc. ("MBR") with overall scores of 98.4 and 91.2, respectively. On February 27, 2009, CIP commenced Step 2 under RFQ No. 07-08-023- **Selection of Design Build Firm or Team** - requiring RDC and MBR to submit technical and price proposals for the design and construction of Gibson Park based on the provided design criteria package. The submission date for the Step 2 technical and price proposals was originally March 30, 2009, but was ultimately extended to May 8, 2009 at 2:00 pm.

On May 8, 2009, MBR was the only one of the two pre-qualified firms to submit its technical and price proposals by the 2:00 pm deadline. After numerous reminders of the City's strict policy of not considering late submissions, RDC still submitted its technical and price proposals to the Clerk's office at 2:14 pm. As a result of this series of unfortunate events, CIP is again left with only one responsive proposal.

Approved by:   
Pedro G. Hernandez, P.E.  
City Manager

Date: 7/8/09

cc:  Gary Fabrikant, Assistant Director, CIP  
David Mendez, Assistant Director, CIP  
Marcel Douge, Sr. Project Manager, CIP  
Carlos Vasquez, Project Manager, CIP