



Public Works Department • Water and Wastewater Services
WATER AND WASTEWATER ENGINEERING DIVISION
2555 West Copans Road • Pompano Beach, Florida 33069 • 954-831-0745 • FAX 954-831-0798/0925

USER CONCURRENCE

TO: Marie Williams, Purchasing Division
FROM: Greg M. Balicki, P.E., Director, Water and Wastewater Engineering Division
SUBJECT: Bid No. Y1233004C1, Water Treatment Plant 1A 1.0 MG Water Storage Tank

CONCURRENCE:

- ☒ The Water and Wastewater Engineering Division has reviewed the response(s) submitted for specification compliance and vendor responsibility. I have reviewed all documents including the Vendor Questionnaire and/or the Instructions to Bidders Supplement, and after careful evaluation, I concur with the recommendation for award to: **Poole & Kent Company of Florida** in the fixed amount of \$1,322,000.
- ☒ I have reviewed the Vendor's financial background/D&B Report and am satisfied with the Vendor's rating and payment performance.
☐ Not applicable
- ☒ I have reviewed the response to the Vendor Questionnaire in regards to litigation history and there is no issue of concern.
☐ A particular issue of concern was identified justifying additional information from the County Attorney's Office as attached.
- ☒ I have reviewed the Vendor's past Performance Evaluations in Contracts Central and:
☐ The Vendor received an overall rating above 2.59 on all evaluations.
☒ The Vendor received a rating 2.59 or less on one or more evaluations. Reasons for concurrence in light of this performance are attached.
☒ The Vendor received a score of "2" or less on one or more individual items on past evaluations. Summary of discussion(s) with past Project Manager(s) is/are attached.
☐ No evaluations within the past three (3) years contained any items rated a score of "2" or less.
☐ Past evaluations are not relevant to the scope of this contract. Reference Verification Forms are attached.
☒ The award amount exceeds the mandatory bid amount. Reference Verification Forms attached.

OR

- ☐ No past Performance Evaluations exist in Contracts Central; Reference Verification Forms attached.

NON-CONCURRENCE:

- ☐ I do not concur. Reason for non-concurrence:

TYPED NAME OF SIGNER: Gregory M. Balicki, P.E. TITLE: Contract Administrator, Director
(Individual authorized to administer the contract.)

SIGNATURE:  DATE: 5/27/14

TYPED NAME OF SIGNER: Alan W. Garcia, P.E. TITLE: Director
(Individual authorized to administer the contract.)

SIGNATURE:  DATE: 5/27/14

Broward County Board of County Commissioners

Reference Verification Form

Recommended Vendor Name:	Poole & Kent Company of Florida	
Broward County Project Title:	Water Treatment Plant 1A 1.0 MG Water Storage Tank	
Broward County Solicitation Number:	Y1233004C1	
Reference Organization Project Title:	10387A – Fiveash Water Treatment Plant Filter Rehabilitation	
Name Of Firm/Reference Organization Contact Information:	Contact Name:	Steve Hillberg
	Contact Company:	City of Fort Lauderdale
	Contact Title:	Design Manager
	Contact Telephone:	(954) 828-5076
Comments:	The project had a high amount of change orders because the City added two more filters to the scope of work. Also, the condition of the underdrains could not be assessed until the filter media was removed. When the media was removed, it was discovered that the underdrains and filter walls needed repairs. The Owner would recommend this contractor to perform work.	
Date Contract Services Provided:	2006 to 2007	
References Checked By:	Name:	Merle Medina
	Title:	Project Representative
	Division/Department:	Hazen and Sawyer / Construction Management
Date Of Verification:	4/30/2014	

*Verify as many references as necessary to assist in the determination of responsibility.

Reference Verification Form

Recommended Vendor Name:	Poole & Kent Company of Florida	
Broward County Project Title:	Water Treatment Plant 1A 1.0 MG Water Storage Tank	
Broward County Solicitation Number:	Y1233004C1	
Reference Organization Project Title:	Wastewater Treatment Plant Digester Building and Gas Piping System Rehabilitation	
Name Of Firm/Reference Organization Contact Information:	Contact Name:	Talia Garcia, P.E., LEED®A.P.
	Contact Company:	City of Boca Raton
	Contact Title:	Utilities Engineering Manager
	Contact Telephone:	(561) 338-7307
Comments:	There are claims on this project. The Owner would recommend this contractor to perform work.	
Date Contract Services Provided:	12/28/2012 – 9/19/2014	
References Checked By:	Name:	Merle Medina
	Title:	Project Representative
	Division/Department:	Hazen and Sawyer / Construction Management
Date Of Verification:	4/30/2014	

*Verify as many references as necessary to assist in the determination of responsibility.

Reference Verification Form

Recommended Vendor Name:	Poole & Kent Company of Florida	
Broward County Project Title:	Water Treatment Plant 1A 1.0 MG Water Storage Tank	
Broward County Solicitation Number:	Y1233004C1	
Reference Organization Project Title:	Membrane Concentrate Line Re-Route	
Name Of Firm/Reference Organization Contact Information:	Contact Name:	Talia Garcia, P.E., LEED®A.P.
	Contact Company:	City of Boca Raton
	Utilities Engineering Manager	Utilities Engineering Manager
	Contact Telephone:	(561) 338-7307
Comments:	Project was behind schedule due to plug valve delivery (Rotork/DeZurik) behind 56 days late. The Owner would recommend this contractor to perform work.	
Date Contract Services Provided:	5/22/2013-1/13/2014	
References Checked By:	Name:	Merle Medina
	Title:	Project Representative
	Division/Department:	Hazen and Sawyer / Construction Management
Date Of Verification:	4/30/2014	

*Verify as many references as necessary to assist in the determination of responsibility.

Reference Verification Form

Recommended Vendor Name:	Poole & Kent Company of Florida	
Broward County Project Title:	Water Treatment Plant 1A 1.0 MG Water Storage Tank	
Broward County Solicitation Number:	Y1233004C1	
Reference Organization Project Title:	North Cape RO Facility	
Name Of Firm/Reference Organization Contact Information:	Contact Name:	Andrew Fenske
	Contact Company:	City of Cape Coral, Florida
	Contact Title:	Chief Operator
	Contact Telephone:	(239) 242-3411
Comments:	There were no claims on this project. The work was completed satisfactorily and on schedule. The Owner would recommend this contractor to perform work.	
Date Contract Services Provided:	2008 / 2010	
References Checked By:	Name:	Merle Medina
	Title:	Project Representative
	Division/Department:	Hazen and Sawyer / Construction Management
Date Of Verification:	4/30/2014	

*Verify as many references as necessary to assist in the determination of responsibility.

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

FIXED CONTRACT - CONSTRUCTION			
Project Nbr / Contract Nbr / Title 8624 / LX02246CF / NRWTP BP I - MODULE E			Commission District(s) 4
Award Amount \$21,198,500.00	Change Amount (\$179,237.74)	Total Cost \$21,019,262.26	
Substantial Completion Date 12/21/2007	Final Completion Date 1/4/2011		
Goal Type SDBE	County Established 16.00	Vendor Committed 0.00	Attained 21.87
EVALUATION SUMMARY			
POOLE & KENT COMPANY is NOT RECOMMENDED For Future Contracts, due to the following. Remarks: Poole and Kent demonstrated poor project management and lack of coordination and performance throughout the project.			Numerical Score 1.55
Overall Rating	UNSATISFACTORY		Weighted Score
Unsatisfactory (1.0 - 1.8) Poor (1.81 - 2.59) Fair (2.60 - 3.19) Good (3.20 - 4.49) Excellent (4.50 - 5.00)			1.61
COUNTY CONTACT INFORMATION			
Overseeing Division WATER & WASTEWATER ENGINEERING			
Contract Administrator Gregory Balicki, P.E.		Email: gbalicki@broward.org	
Project Manager Vin Morello, P.E.		Email: vmorello@broward.org	
APPROVED EVALUATION			
Rated By Vin Morello Date: 5/2/2011		Reviewed By Gregory Balicki, P.E. Date: 5/2/2011	

BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY

A) Project Management		Section Score: 1.60
Evaluation Question		Rating
1. How well did the vendor cooperate with the Contract Administrator, other County personnel and the consultant?		1 - Unsatisfactory
2. How closely did vendor conform with specifications, drawings and other requirements?		3 - Fair
3. How appropriate was the staff assigned to do the work to ensure a quality product on a timely basis?		1 - Unsatisfactory
4. How actively did the vendor communicate with subvendors and others involved in project?		1 - Unsatisfactory
5. How adequate and effective was the vendor's coordination and control of subvendors' work and documentation?		1 - Unsatisfactory
6. How proactively did the vendor participate in the resolution of disputes?		1 - Unsatisfactory
7. How timely were the notices of inspection requests?		3 - Fair
8. How well did the vendor control the project by providing recommendations, addressing issues, participating in decision making, and working with government officials and the County?		1 - Unsatisfactory
9. How clean did the vendor keep the work site on a continuous basis?		3 - Fair
10. How well did the vendor conform to the permit requirements?		1 - Unsatisfactory
Comments: Poole and Kent engaged in continuous disputes for the entirety of the project, culminating in a Claim and a lawsuit. The County filed a counter claim. A final settlement agreement was approved by the Commission on 3/8/2011. Minor permit/inspection issues took extended time to be resolved.		
B) Business Practices		Section Score: 1.50
Evaluation Question		Rating
1. How was the vendor's compliance with the United States Occupational Safety and Health Administration (OSHA) and Broward County's Risk Management Division, Safety and Occupational Health Section requirements? Consider the vendor's established safety program, compliance with standards, safety practices, accident prevention, etc.		2 - Poor
2. How well did the vendor manage business relationships with subvendors by ensuring that subvendors were fully paid for work that had been completed to specifications? (This information can be verified through subvendor complaints or liens for non-payment)		1 - Unsatisfactory
3. How well did the vendor manage business relationships with subvendors by ensuring that subvendors were promptly paid?		1 - Unsatisfactory
4. How well did the vendor follow Broward County procedure in reporting changes of sub vendors?		2 - Poor
Comments: Poole and Kent had injuries on site. Poole and Kent had numerous subcontractor conflicts and payment issues. Employees and sub employees engaged in physical confrontations.		

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

C) Cost Control		Section Score: 1.80
Evaluation Question		Rating
1. How actively did the vendor pursue/take aggressive action in obtaining documents such as building permits, Certificate of Occupancy and other required documents on a timely basis?	1 - Unsatisfactory	
2. How actively did the vendor participate in overcoming problems with other vendors, building officials, and/or regulatory agencies?	1 - Unsatisfactory	
3. How valid were the claims for extra costs?	1 - Unsatisfactory	
4. How well did the vendor comply with the prevailing wage rate policy?	3 - Fair	
5. How well did the vendor comply with the County's Living Wage rate policy (if applicable)?	3 - Fair	
Comments: Poole and Kent engaged in extended debate over permit issues and did not facilitate resolution of issues. Poole and Kent had numerous conflicts with sub contractors on permit and other issues. Poole and Kent alleged delays and other damages in their claims due to permit issues.		
D) Timeliness		Section Score: 1.00
Evaluation Question		Rating
1. How well did the vendor manage delivery of necessary equipment and material for the project?	1 - Unsatisfactory	
2. How timely and accurate were payment requests when submitted?	1 - Unsatisfactory	
3. How well did the vendor meet the schedule of deliverables established at the beginning of the project?	1 - Unsatisfactory	
4. How well did the vendor conform with schedule of work in progress in order to meet the planned completion dates for Phase Completion?	1 - Unsatisfactory	
5. How well did the vendor conform with schedule of work in progress in order to meet the planned completion dates for Substantial Completion?	1 - Unsatisfactory	
6. How well did the vendor conform with schedule of work in progress in order to meet the planned completion dates for Final Completion?	1 - Unsatisfactory	
7. How effectively did the vendor communicate with the Contract Administrator and other County personnel as well as the consultant?	1 - Unsatisfactory	
Comments: Through the investigation of the claim, it was determined that Poole and Kent had multiple delivery issues, many of which were due to their own coordination and management. There were multiple issues in the preparation, adherence, and documentation of their own project schedule. Pay requests were on time, but often had to be commented on heavily by the Consultant before they were made acceptable.		
E) Change Order Management		Section Score: 1.00
Evaluation Question		Rating
1. Did the vendor provide independent estimates of the value of changes?	No	
2. How accurate and timely were the preliminary estimates of the value of change orders/amendments provided by the vendor?	1 - Unsatisfactory	
3. How accurate and timely were change orders/amendments processed with the proper documentation?	1 - Unsatisfactory	
4. How fair and timely did the vendor prepare, negotiate and make recommendations to the County regarding change orders/amendments?	1 - Unsatisfactory	
5. How appropriate were the vendor's recommendations for time extensions based on the actual circumstances and reviewed against the contract requirements?	1 - Unsatisfactory	
Comments: The Contractor on several occasions appeared to delay, for an extended period of time, the preparation of proposals for change order work. Some proposals took longer to prepare than the allowed bid period for the entire project. Change Orders were developed with proper documentation only after extended effort by the Consultant to do so.		

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

F) Quality Of Work		Section Score: 2.25
Evaluation Question		Rating
1. How accessible was the work for inspection?		3 - Fair
2. How close were the equipment and materials to the specifications?		3 - Fair
3. How closely were industry standard construction methods followed?		2 - Poor
4. How responsive and competent were superintendents, supervisors and workers?		1 - Unsatisfactory
Comments: The various superintendents were knowledgeable. The onsite supervising project manager and assistant project manager were not satisfactory. The Contractor employed an un-conventional dewatering method which was not properly devised for the site.		
G) Project Closeout		Section Score: 2.00
Evaluation Question		Rating
1. How well did the project meet specified standards when inspected?		3 - Fair
2. How complete and accurate was the documentation provided at the completion of the project, including punch list, warranties, operation, appropriate manuals and Certificate of Occupancy from the appropriate jurisdiction?		1 - Unsatisfactory
3. How clean did the vendor leave the worksite by completely disposing of debris in a legal manner?		3 - Fair
4. How accurate and timely were the vendor's final project accounting documents sent to Broward County?		1 - Unsatisfactory
Comments: This project ended in a claim and extended legal battle. As-builts were significantly delayed. A Certificate of Completion from the City of Pompano Beach Building Department was never obtained.		

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

FIXED CONTRACT - CONSTRUCTION			
Project Nbr / Contract Nbr / Title 8624 / TX02243CF / NRWTP BP M - DEWATERING BUILDING			Commission District(s) 4
Award Amount \$12,135,000.00	Change Amount \$125,362.02	Total Cost \$12,260,362.02	
Substantial Completion Date 12/10/2008	Final Completion Date 1/4/2011		
Goal Type SDBE	County Established 0.00	Vendor Committed 0.00	Attained 19.16
EVALUATION SUMMARY			
POOLE & KENT COMPANY is NOT RECOMMENDED For Future Contracts, due to the following. Remarks: Poole and Kent demonstrated poor project management and lack of coordination and performance throughout the project.			Numerical Score 1.55
Overall Rating	UNSATISFACTORY		Weighted Score
Unsatisfactory (1.0 - 1.8) Poor (1.81 - 2.59) Fair (2.60 - 3.19) Good (3.20 - 4.49) Excellent (4.50 - 5.00)			1.61
COUNTY CONTACT INFORMATION			
Overseeing Division WATER & WASTEWATER ENGINEERING			
Contract Administrator Gregory Balicki, P.E.		Email: gbalicki@broward.org	
Project Manager Vin Morello, P.E.		Email: vmorello@broward.org	
APPROVED EVALUATION			
Rated By Vin Morello Date: 5/2/2011		Reviewed By Gregory Balicki, P.E. Date: 5/2/2011	

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

A) Project Management		Section Score: 1.60
Evaluation Question		Rating
1. How well did the vendor cooperate with the Contract Administrator, other County personnel and the consultant?		1 - Unsatisfactory
2. How closely did vendor conform with specifications, drawings and other requirements?		3 - Fair
3. How appropriate was the staff assigned to do the work to ensure a quality product on a timely basis?		1 - Unsatisfactory
4. How actively did the vendor communicate with subvendors and others involved in project?		1 - Unsatisfactory
5. How adequate and effective was the vendor's coordination and control of subvendors' work and documentation?		1 - Unsatisfactory
6. How proactively did the vendor participate in the resolution of disputes?		1 - Unsatisfactory
7. How timely were the notices of inspection requests?		3 - Fair
8. How well did the vendor control the project by providing recommendations, addressing issues, participating in decision making, and working with government officials and the County?		1 - Unsatisfactory
9. How clean did the vendor keep the work site on a continuous basis?		3 - Fair
10. How well did the vendor conform to the permit requirements?		1 - Unsatisfactory
Comments: This vendor engaged in continuous disputes for the entirety of the project, culminating in a Claim and a lawsuit. The County filed a counter claim. A final settlement agreement was approved by the Commission on 3/8/2011. Minor permit/inspection issues took extended time to be resolved.		
B) Business Practices		Section Score: 1.50
Evaluation Question		Rating
1. How was the vendor's compliance with the United States Occupational Safety and Health Administration (OSHA) and Broward County's Risk Management Division, Safety and Occupational Health Section requirements? Consider the vendor's established safety program, compliance with standards, safety practices, accident prevention, etc.		2 - Poor
2. How well did the vendor manage business relationships with subvendors by ensuring that subvendors were fully paid for work that had been completed to specifications? (This information can be verified through subvendor complaints or liens for non-payment)		1 - Unsatisfactory
3. How well did the vendor manage business relationships with subvendors by ensuring that subvendors were promptly paid?		1 - Unsatisfactory
4. How well did the vendor follow Broward County procedure in reporting changes of sub vendors?		2 - Poor
Comments: Poole and Kent had injuries on site. Poole and Kent had numerous subcontractor conflicts and payment issues. Employees and sub employees engaged in physical confrontations.		

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

C) Cost Control		Section Score: 1.80
Evaluation Question		Rating
1. How actively did the vendor pursue/take aggressive action in obtaining documents such as building permits, Certificate of Occupancy and other required documents on a timely basis?		1 - Unsatisfactory
2. How actively did the vendor participate in overcoming problems with other vendors, building officials, and/or regulatory agencies?		1 - Unsatisfactory
3. How valid were the claims for extra costs?		1 - Unsatisfactory
4. How well did the vendor comply with the prevailing wage rate policy?		3 - Fair
5. How well did the vendor comply with the County's Living Wage rate policy (if applicable)?		3 - Fair
Comments: Poole and Kent engaged in extended debate over permit issues and did not facilitate resolution of issues. Poole and Kent had numerous conflicts with sub contractors on permit and other issues. Poole and Kent alleged delays and other damages in their claims due to permit issues. There was no evidence of departures from prevailing wage.		
D) Timeliness		Section Score: 1.00
Evaluation Question		Rating
1. How well did the vendor manage delivery of necessary equipment and material for the project?		1 - Unsatisfactory
2. How timely and accurate were payment requests when submitted?		1 - Unsatisfactory
3. How well did the vendor meet the schedule of deliverables established at the beginning of the project?		1 - Unsatisfactory
4. How well did the vendor conform with schedule of work in progress in order to meet the planned completion dates for Phase Completion?		1 - Unsatisfactory
5. How well did the vendor conform with schedule of work in progress in order to meet the planned completion dates for Substantial Completion?		1 - Unsatisfactory
6. How well did the vendor conform with schedule of work in progress in order to meet the planned completion dates for Final Completion?		1 - Unsatisfactory
7. How effectively did the vendor communicate with the Contract Administrator and other County personnel as well as the consultant?		1 - Unsatisfactory
Comments: Through the investigation of the claim, it was determined that Poole and Kent had multiple delivery issues, many of which were due to their own coordination and management. There were multiple issues in the preparation, adherence, and documentation of their own project schedule. Pay requests were on time, but often had to be commented on heavily by the Consultant before they were made acceptable.		
E) Change Order Management		Section Score: 1.00
Evaluation Question		Rating
1. Did the vendor provide independent estimates of the value of changes?		No
2. How accurate and timely were the preliminary estimates of the value of change orders/amendments provided by the vendor?		1 - Unsatisfactory
3. How accurate and timely were change orders/amendments processed with the proper documentation?		1 - Unsatisfactory
4. How fair and timely did the vendor prepare, negotiate and make recommendations to the County regarding change orders/amendments?		1 - Unsatisfactory
5. How appropriate were the vendor's recommendations for time extensions based on the actual circumstances and reviewed against the contract requirements?		1 - Unsatisfactory
Comments: The Contractor on several occasions appeared to delay, for an extended period of time, the preparation of proposals for change order work. Some proposals took longer to prepare than the allowed bid period for the entire project. Change Orders were developed with proper documentation only after extended effort by the Consultant to do so.		

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

F) Quality Of Work		Section Score: 2.25
Evaluation Question		Rating
1. How accessible was the work for inspection?		3 - Fair
2. How close were the equipment and materials to the specifications?		3 - Fair
3. How closely were industry standard construction methods followed?		2 - Poor
4. How responsive and competent were superintendents, supervisors and workers?		1 - Unsatisfactory
Comments: The various superintendents were knowledgeable. The onsite supervising project manager and assistant project manager were not satisfactory. The Contractor employed an un-conventional dewatering method which was not properly devised for the site.		
G) Project Closeout		Section Score: 2.00
Evaluation Question		Rating
1. How well did the project meet specified standards when inspected?		3 - Fair
2. How complete and accurate was the documentation provided at the completion of the project, including punch list, warranties, operation, appropriate manuals and Certificate of Occupancy from the appropriate jurisdiction?		1 - Unsatisfactory
3. How clean did the vendor leave the worksite by completely disposing of debris in a legal manner?		3 - Fair
4. How accurate and timely were the vendor's final project accounting documents sent to Broward County?		1 - Unsatisfactory
Comments: This project ended in a claim and extended legal battle. As-builts were significantly delayed.		

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

FIXED CONTRACT - CONSTRUCTION			
Project Nbr / Contract Nbr / Title 8624 / HX02240CF / NRWTP BP K - PRELIM TREATMENT & MISC IMPROVEMENTS			Commission District(s) 4
Award Amount \$6,374,083.00	Change Amount (\$277,683.08)	Total Cost \$6,096,399.92	
Substantial Completion Date 12/4/2010	Final Completion Date 1/4/2011		
Goal Type SDBE	County Established 10.00	Vendor Committed 0.00	Attained 14.91
EVALUATION SUMMARY			
POOLE & KENT COMPANY is NOT RECOMMENDED For Future Contracts, due to the following. Remarks: Poole and Kent demonstrated poor project management and lack of coordination and performance throughout the project.			Numerical Score 1.58
Overall Rating	UNSATISFACTORY		Weighted Score
Unsatisfactory (1.0 - 1.8) Poor (1.81 - 2.59) Fair (2.60 - 3.19) Good (3.20 - 4.49) Excellent (4.50 - 5.00)			1.66
COUNTY CONTACT INFORMATION			
Overseeing Division WATER & WASTEWATER ENGINEERING			
Contract Administrator Gregory Balicki, P.E.		Email: gbalicki@broward.org	
Project Manager Vin Morello, P.E.		Email: vmorello@broward.org	
APPROVED EVALUATION			
Rated By Vin Morello Date: 4/27/2011		Reviewed By Gregory Balicki, P.E. Date: 5/2/2011	

BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY

A) Project Management		Section Score: 1.60
Evaluation Question	Rating	
1. How well did the vendor cooperate with the Contract Administrator, other County personnel and the consultant?	1 - Unsatisfactory	
2. How closely did vendor conform with specifications, drawings and other requirements?	3 - Fair	
3. How appropriate was the staff assigned to do the work to ensure a quality product on a timely basis?	1 - Unsatisfactory	
4. How actively did the vendor communicate with subvendors and others involved in project?	1 - Unsatisfactory	
5. How adequate and effective was the vendor's coordination and control of subvendors' work and documentation?	1 - Unsatisfactory	
6. How proactively did the vendor participate in the resolution of disputes?	1 - Unsatisfactory	
7. How timely were the notices of inspection requests?	3 - Fair	
8. How well did the vendor control the project by providing recommendations, addressing issues, participating in decision making, and working with government officials and the County?	1 - Unsatisfactory	
9. How clean did the vendor keep the work site on a continuous basis?	3 - Fair	
10. How well did the vendor conform to the permit requirements?	1 - Unsatisfactory	
Comments: Poel and Kent engaged in continuous disputes for the entirety of the project, culminating in a Claim and a lawsuit. The County filed a counter claim. A final settlement agreement was approved by the Commission on 3/8/2011		
B) Business Practices		Section Score: 1.50
Evaluation Question	Rating	
1. How was the vendor's compliance with the United States Occupational Safety and Health Administration (OSHA) and Broward County's Risk Management Division, Safety and Occupational Health Section requirements? Consider the vendor's established safety program, compliance with standards, safety practices, accident prevention, etc.	2 - Poor	
2. How well did the vendor manage business relationships with subvendors by ensuring that subvendors were fully paid for work that had been completed to specifications? (This information can be verified through subvendor complaints or liens for non-payment)	1 - Unsatisfactory	
3. How well did the vendor manage business relationships with subvendors by ensuring that subvendors were promptly paid?	1 - Unsatisfactory	
4. How well did the vendor follow Broward County procedure in reporting changes of sub vendors?	2 - Poor	
Comments: Poole and Kent had injuries on site. Poole and Kent had numerous subcontractor conflicts and payment issues. Employees and sub employees engaged in physical confrontations.		

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

C) Cost Control		Section Score: 1.80
Evaluation Question		Rating
1. How actively did the vendor pursue/take aggressive action in obtaining documents such as building permits, Certificate of Occupancy and other required documents on a timely basis?		1 - Unsatisfactory
2. How actively did the vendor participate in overcoming problems with other vendors, building officials, and/or regulatory agencies?		1 - Unsatisfactory
3. How valid were the claims for extra costs?		1 - Unsatisfactory
4. How well did the vendor comply with the prevailing wage rate policy?		3 - Fair
5. How well did the vendor comply with the County's Living Wage rate policy (if applicable)?		3 - Fair
Comments: Poole and Kent engaged in extended debate over permit issues and did not facilitate resolution of issues. Poole and Kent had numerous conflicts with sub contractors on permit and other issues.		
D) Timeliness		Section Score: 1.00
Evaluation Question		Rating
1. How well did the vendor manage delivery of necessary equipment and material for the project?		1 - Unsatisfactory
2. How timely and accurate were payment requests when submitted?		1 - Unsatisfactory
3. How well did the vendor meet the schedule of deliverables established at the beginning of the project?		1 - Unsatisfactory
4. How well did the vendor conform with schedule of work in progress in order to meet the planned completion dates for Phase Completion?		1 - Unsatisfactory
5. How well did the vendor conform with schedule of work in progress in order to meet the planned completion dates for Substantial Completion?		1 - Unsatisfactory
6. How well did the vendor conform with schedule of work in progress in order to meet the planned completion dates for Final Completion?		1 - Unsatisfactory
7. How effectively did the vendor communicate with the Contract Administrator and other County personnel as well as the consultant?		1 - Unsatisfactory
Comments: Through the investigation of the claim, it was determined that Poole and Kent had multiple delivery issues, many of which were due to their own coordination and management. There were multiple issues in the preparation, adherence, and documentation of their own project schedule. Pay requests were on time, but often had to be commented on heavily by the Consultant before they were made acceptable.		
E) Change Order Management		Section Score: 1.00
Evaluation Question		Rating
1. Did the vendor provide independent estimates of the value of changes?		No
2. How accurate and timely were the preliminary estimates of the value of change orders/amendments provided by the vendor?		1 - Unsatisfactory
3. How accurate and timely were change orders/amendments processed with the proper documentation?		1 - Unsatisfactory
4. How fair and timely did the vendor prepare, negotiate and make recommendations to the County regarding change orders/amendments?		1 - Unsatisfactory
5. How appropriate were the vendor's recommendations for time extensions based on the actual circumstances and reviewed against the contract requirements?		1 - Unsatisfactory
Comments: The Contractor on several occasions appeared to delay, for an extended period of time, the preparation of proposals for change order work. Some proposals took longer to prepare than the allowed bid period for the entire project. Change Orders were developed with proper documentation only after extended effort by the Consultant to do so.		

**BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA
FINAL CONSTRUCTION EVALUATION
OF PRIME VENDOR - POOLE & KENT COMPANY**

F) Quality Of Work		Section Score: 2.50
Evaluation Question		Rating
1. How accessible was the work for inspection?		3 - Fair
2. How close were the equipment and materials to the specifications?		3 - Fair
3. How closely were industry standard construction methods followed?		3 - Fair
4. How responsive and competent were superintendents, supervisors and workers?		1 - Unsatisfactory
Comments: The various superintendents were knowledgeable. The onsite supervising project manager and assistant project manager were not satisfactory.		
G) Project Closeout		Section Score: 2.00
Evaluation Question		Rating
1. How well did the project meet specified standards when inspected?		3 - Fair
2. How complete and accurate was the documentation provided at the completion of the project, including punch list, warranties, operation, appropriate manuals and Certificate of Occupancy from the appropriate jurisdiction?		1 - Unsatisfactory
3. How clean did the vendor leave the worksite by completely disposing of debris in a legal manner?		3 - Fair
4. How accurate and timely were the vendor's final project accounting documents sent to Broward County?		1 - Unsatisfactory
Comments: This project ended in a claim and extended legal battle.		

USER CONCURRENCE ADDITIONAL INFORMATION

May 13, 2014

Water and Wastewater Services (WWS) has worked with Poole & Kent Company of Florida formerly known as The Poole and Kent Company for the past seven years. The projects are the North Regional Wastewater Treatment Plant (NRWWTP) BP I with substantial completion on December 2007, NRWWTP BP M with substantial completion on December 2008 and NRWWTP BP K with substantial completion on December 2010.

On May 7, 2014 WWS staff met with Poole & Kent Company of Florida (via telephone) and discussed the issues highlighted in the performance evaluations, that included subcontractor conflicts, payment and permit issues, onsite injuries, employees engaged in physical confrontations and delivery coordination issues. Poole & Kent Company of Florida has committed to resolving these issues by implementing the following process:

- **Subcontractor conflicts:** Poole & Kent Company of Florida utilizes subcontractors that are familiar with and experienced in performing the trade work on similar projects which are being subcontracted to them. The subcontractors of concern utilized on the prior projects are no longer in business. Most of our subcontractors have ongoing relationships and multiple contracts with Poole & Kent Company of Florida. Both Poole & Kent Company of Florida and its subcontractors understand each other's expectations and responsibilities which are effectively fulfilled. For this project the key subcontractors are: 1)Faithful and True Inc., which is a Broward County CBE and is a repeat subcontractor; 2)Champion Controls Inc., which is a Broward County CBE and is a repeat subcontractor; 3)Sovereign Construction, which is a Broward County CBE; 4)Gilmore Electric, which is a repeat subcontractor with over 60 years of experience in the industry; and 5)Cypress Construction & Coatings, which is a repeat subcontractor specializing in water and wastewater treatment plant coatings.
- **Subcontractor payment issues:** Strong relationships with subcontractors result in timely payment to subcontractors and by subcontractors to suppliers. Our subcontractors' familiarity with our payment requirements expedites payments. Poole & Kent Company of Florida monitors payments to second-tier suppliers (suppliers to subcontractors) and requires releases of lien prior to making future payments. Our subcontract gives us the option of paying second-tier suppliers should a subcontractor fall behind on payment. Additionally, it is our practice to require subcontractors to provide performance and payment bonds.
- **On site injuries:** Poole & Kent Company of Florida's Director of Loss Control and Safety, Mr. Dave Lockhart, was named Safety Professional of the Year by the Construction Association of South Florida on April 25, 2013. Over the past 10 years, under Dave's leadership, Poole & Kent Company of Florida's Workers' Compensation Experience Modifier has decreased from 0.80 to 0.57. In 2012, Poole & Kent Company of Florida had zero (0) recordable injuries and zero (0) days away from work which resulted in The Mechanical Contractors Association of South Florida awarding Poole & Kent Company of Florida the 1st Place Excellence in Safety Award. Dave regularly inspects our projects and provides training for our employees and our subcontractors. Additionally, as an independent consultant, Mr. Larry Leiman of Safety Consulting and Training, Inc. conducts inspections of our projects and consults our supervisors on improving upon safe work practices.

- **Employees engaged in physical confrontations:** Physical confrontation is not tolerated by Poole & Kent Company of Florida and its parent company EMCOR. All of our employees are required to complete workplace harassment training annually, and they understand the consequences of non-compliance. Additionally, the employees which worked on the previous project, including the project manager, the assistant project manager, and the general superintendent, are no longer employed by Poole & Kent Company of Florida.
- **Extended permitting issues without facilitating resolution:** Poole & Kent Company of Florida has partnered with Mr. Rick Bermudez of Plans Runner, Inc. in order to expedite procurement of permits and processing of permit related issues. Plans Runner's business is expediting permits. They are familiar with the various building departments and other permitting agencies and know who to interact with to get things done. While the project manager is not able to spend 100% of his time procuring permits, Plans Runner is focused on this critical task.
- **Delivery coordination issues:** Poole & Kent Company of Florida expedites procurement of equipment and materials beginning with the Owner's Notice of Intent to Award a project. Immediately, we begin: 1) developing the project schedule; 2) issuing subcontracts; and 3) issuing equipment and material purchase orders. Consequently, as early in the project as is possible, delivery dates are established and committed to by subcontractors and suppliers. Procurement progress is monitored from the issuance of subcontracts and purchase orders, to the receipt and approval of submittals, and through the manufacturing process to the delivery of the products. Project managers assure timely deliveries and take necessary actions to expedite deliveries as may be required. The key suppliers utilized for this project are all specified manufacturers which have been determined to be acceptable by the Owner and the Engineer. Poole & Kent Company of Florida does not intend to use any "substitute" manufacturers.

The User Concurrence form states "The Vendor received a score of "2" or less on one or more individual items on past evaluations. Summary of discussion(s) with past Project Manager(s) is/are attached."

Below is a summary of the discussion with the Project Manager on May 1, 2014 regarding the three (3) evaluated contracts:

The vendor and the County entered into a claim and a lawsuit resulting in a final settlement approved by the commission on March 8, 2011. The vendor had numerous subcontractor conflicts, payment and permits issues, onsite injuries, employees engaged in physical confrontations and delivery coordination issues.

Note: The "Vendor" being referred in the evaluations is The Poole & Kent Company. The user concurrence being submitted is for the Poole & Kent Company of Florida. Refer to the attached email for a detailed description of the two corporations.

Orozco, Jorge

From: Brian MacClugage <brian_macclugage@emcorgroup.com>
Sent: Monday, May 05, 2014 4:14 PM
To: Orozco, Jorge
Subject: Bid No. Y1206701C1 - Septage Receiving Facility Improvements
&

Jorge,

Poole & Kent Company of Florida is a wholly owned subsidiary of EMCOR Group, Inc., a publicly traded company on the New York Stock Exchange.

In 1999, The Poole and Kent Company was purchased by EMCOR Group, Inc. The Poole and Kent Company was a Maryland Corporation having two (2) primary locations of business operations - one (1) in Baltimore, Maryland and one (1) in Miami, Florida. The parent company, EMCOR, determined that it would be best to separate The Poole and Kent Company into two (2) distinct companies. Thus, in 2004 Poole & Kent Company of Florida (Miami) was formed while the Maryland Group operated as The Poole and Kent Corporation. Poole & Kent Company of Florida began performing work in early-2005 and has been working continuously in South Florida up to the present. Contracts issued to The Poole and Kent Company (Miami) prior to 2005 continued to be performed until they were all closed.

Should you require any further information, please advise.

Sincerely,
Brian D. MacClugage
Executive Vice-President
1781 NW N River Drive
Miami, FL 33125
305.325.1930 (phone)
305.324.0522 (fax)
954.401.4612 (cell)
BrianM@pkflorida.com



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Orozco, Jorge

From: Brian MacClugage <brian_macclugage@emcorgroup.com>
Sent: Thursday, May 08, 2014 4:18 PM
To: Orozco, Jorge
Cc: Karda, Terry
Subject: Re: Septage Receiving Facility Improvement Project - Additional information requested

Hey Jorge,

We have reviewed the comments provided with regard to prior work by The Poole and Kent Company for North Regional Wastewater Treatment Plant (NRWWTP) BP I with substantial completion on December 2007, NRWWTP BP M with substantial completion on December 2008 and the NRWWTP BP K with substantial completion on December 2010.

Poole & Kent Company of Florida's goal for this project is that the project will be completed:

- ON TIME,
- WITHIN BUDGET,
- WITH MINIMAL CHANGES, and
- AT A LEVEL OF QUALITY THAT MEETS OR EXCEEDS THE CONTRACT DOCUMENTS AND THE OWNER'S EXPECTATIONS;
- WHILE BUILDING STRONG RELATIONSHIPS WITH BROWARD COUNTY, HAZEN AND SAWYER, THE SUBCONTRACTORS AND SUPPLIERS.

Over the past 10 years, Poole & Kent Company of Florida has successfully completed over \$500,000,000 of projects throughout South Florida and has established strong relationships with municipalities, consultants, suppliers, and subcontractors. Our relationships are key to our success, and we look forward to the opportunity to develop a strong relationship with Broward County Water and Wastewater Services.

With regard to the comments regarding work by The Poole and Kent Company for North Regional Wastewater Treatment Plant (NRWWTP) BP I, NRWWTP BP M, and NRWWTP BP K, Poole & Kent Company of Florida's project approach for the Septage Receiving Facility Improvements will minimize such issues as explained below.

- Subcontractor conflicts: Poole & Kent Company of Florida utilizes subcontractors that are familiar with and experienced in performing the trade work on similar projects which is being subcontracted to them. The subcontractors of concern utilized on the prior projects are no longer in business. Most of our subcontractors have ongoing relationships and multiple contracts with Poole & Kent Company of Florida. Both Poole & Kent Company of Florida and its subcontractors understand each others expectations and responsibilities which are effectively fulfilled. For this project the key subcontractors are: 1)Faithful and True Inc., which is a Broward County CBE and is a repeat subcontractor; 2)Champion Controls Inc., which is a Broward County CBE and is a repeat subcontractor; 3)Sovereign Construction, which is a Broward County CBE; 4)Gilmore Electric, which is a repeat subcontractor with over 60 years of experience in the industry; and 5)Cypress Construction & Coatings, which is a repeat subcontractor specializing in water and wastewater treatment plant coatings.
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the 1st Place Excellence in Safety Award. Dave regularly inspects our projects and provides training for our employees and our subcontractors. Additionally, as an independent consultant, Mr. Larry Leiman of Safety Consulting and Training, Inc. conducts inspections of our projects and consults our supervisors on improving upon safe work practices.

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I trust that our plan provided above sufficiently addresses Broward County's concerns. Poole & Kent Company of Florida looks forward to serving Broward County in the construction of the Septage Receiving Facility Improvement Project on time, within budget, and at a level of quality that meets or exceeds the Contract Documents and the County's expectations.

Should any further information be required, please feel free to contact me.

Sincerely,
Brian D. MacClugage
Executive Vice-President
1781 NW N River Drive
Miami, FL 33125
305.325.1930 (phone)
305.324.0522 (fax)
954.401.4612 (cell)
BrianM@pkflorida.com



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Broward County Commission Regular Meeting

15.

Meeting Date: 03/08/2011
Director's Name: Andrew J. Meyers
Department: County Attorney

Requested Action

MOTION TO APPROVE Settlement Agreement, including costs and attorney's fees, in the case of The Poole & Kent Company vs. Broward County, 17th Judicial Circuit Court Case No. 08-051698.07.

ACTION: (T-10:20 AM) Approved.

VOTE: 8-0. Commissioner Jacobs was not present.

Why Action is Necessary

This settlement will resolve the pending litigation.

What Action Accomplishes

Settlement of pending litigation.

Is this Action Goal Related

Previous Action Taken

Summary Explanation/ Background

The Plaintiff, The Poole & Kent Company, filed a lawsuit seeking approximately \$12.5 million in damages resulting from alleged breaches of contracts for the construction, renovation, and rehabilitation of facilities at Broward County's wastewater treatment plant. The County filed a counterclaim for \$4.3 million. The County is currently holding contract retainage and contract balances of \$2,013,351.93.

This settlement would resolve the lawsuit and the counterclaim by Broward County paying the Plaintiff the amount of \$2.8 million in exchange for mutual releases. The Department of Public Works, Division of Water and Wastewater Services concurs with this settlement.

Fiscal Impact

Fiscal Impact/Cost Summary:

Not applicable.
