

ITEM #55

ADDITIONAL MATERIAL

**Regular Meeting
SEPTEMBER 25, 2018**

SUBMITTED AT THE REQUEST OF

**FINANCE AND ADMINISTRATIVE
SERVICES DEPARTMENT**




Finance and Administrative Services Department
PURCHASING DIVISION

115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6066 • FAX 954-357-8535

MEMORANDUM

DATE: September 24, 2018

TO: Board of County Commissioners

THRU: Kevin B. Kelleher, Deputy CFO/Deputy Director
Finance and Administrative Services Department 

FROM: Brenda J. Billingsley, Director
Purchasing Division **BRENDA BILLINGSLEY** 

SUBJECT: September 25, 2018 - Commission Meeting - Agenda Item No. 55
Motion to Approve Request for Proposals (RFP) No. PNC2117097P1, Engineering Services for Water and Wastewater Services

Digitally signed by KEVIN KELLEHER
Date: 2018.09.24 16:06:24 -04'00'

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Date: 2018.09.24 15:41:03 -04'00'

Per the County Attorney's Office, the Request for Proposals (RFP) No. PNC2117097P1, Engineering Services for Water and Wastewater Services requires the following modification as noted below.

Exhibit 1 – RFP No. PNC2117097P1 – Standard Instructions to Vendors, Section B.1. Litigation History has been revised (page 6 of 48). The Litigation History is the only section on page 6 that has been revised; the other information on this page remains the same.

Attachment

BJB/cm/no/lg

c: Bertha Henry, County Administrator
Monica Cepero, Deputy County Administrator
George Tablack, CPA, Chief Financial Officer
Robert Melton, County Auditor
Andrew Meyers, County Attorney

1. Litigation History

- a. All Vendors are required to disclose to the County 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 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 case is considered to be “material” if it relates, in whole or in part, to any of the following:
 - i. A similar type of work that the vendor is seeking to perform for the County under the current solicitation;
 - ii. An allegation of fraud, negligence, error or omissions, or malpractice against the vendor or any of its principals or agents who would be performing work under the current solicitation;
 - iii. A vendor’s default, termination, suspension, failure to perform, or improper performance in connection with any contract;
 - iv. The financial condition of the vendor, including any bankruptcy petition (voluntary and involuntary) or receivership; or
 - v. A criminal proceeding or hearing concerning business-related offenses in which the vendor or its principals (including officers) were/are defendants.
- b. For each material case, the Vendor is required to provide all information identified in the **Litigation History Form**. Additionally, the Vendor shall provide a copy of any judgment or settlement of any material case during the last three (3) years prior to the solicitation response. Redactions of any confidential portions of the settlement agreement are only permitted upon a certification by Vendor that all redactions are required under the express terms of a pre-existing confidentiality agreement or provision.
- c. The County will consider a Vendor’s litigation history information in its review and determination of responsibility.
- d. If the Vendor is a joint venture, the information provided should encompass the joint venture and each of the entities forming the joint venture.
- e. A vendor is also required to disclose to the County any and all cases(s) that exist between the County 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.

- f. Failure to disclose any material case, ~~or to provide~~ including all requested information in connection with each such case, as well as failure to disclose the Vendor's subcontractors/subconsultants litigation history against the County, may result in the Vendor being deemed non-responsive.