



Finance and Administrative Services Department

PURCHASING DIVISION

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

Certified Mail No. 7006 3450 0003 8479 0936

December 7, 2018

Robert Rauch, President
Eastern Elevator Service, Inc.
2111 N. Commerce Pkwy.
Weston, FL 33326

Re: Notice of Suspension – Eastern Elevator Service, Inc.
Contract No. D2114263B1 (Group 1 and Group 2), Elevator & Escalator Maintenance & Repair

Dear Mr. Rauch:

The purpose of this letter is to inform you of an intended action to be taken against your firm, Eastern Elevator Service, Inc. ("EESI"), regarding your failure to comply with solicitation and contract requirements for Bid No. D2114263B1 (Elevator and Escalator Maintenance and Repair/Broward County, Florida). During the past several months, the County has provided ample opportunity for EESI to prove it had all required insurance coverage for Bid No. D2114263B1 (Elevator and Escalator Maintenance and Repair/Broward County, Florida). The actions of EESI in not providing proof of this required insurance coverage, both at the time of contract award and during the time of contract performance, is unacceptable and cannot be ignored.

Section 21.119 of the County's Procurement Code authorizes the Purchasing Director to suspend a person or company for award of contracts if there is probable cause for debarment. Therefore, pursuant to Section 21.119.a. of the County's Procurement Code, you are hereby given notice that EESI is suspended from conducting business with Broward County for a period of up to three (3) months. During this period of suspension neither EESI, its affiliates, nor any other companies with any of the same officers or principals, may 1) bid on any County contracts, regardless of the dollar amount, or 2) be approved as a subcontractor to perform under a County contract. Section 21.119 of the Procurement Code further provides that "A decision to suspend by the Director of Purchasing shall be considered a conclusive and final act with no right of appeal." The County will subsequently review your firm for possible debarment pursuant to Section 21.119. The suspension of Eastern Elevator Service, Inc. is effective as of December 7, 2018.

Sincerely,

A handwritten signature in blue ink that reads "Brenda J. Billingsley".

Brenda J. Billingsley, Director
Purchasing Division

BJB/cb/lg

- c: George Tablack, CPA, Chief Financial Officer
Kevin B. Kelleher, Deputy CFO/Deputy Director, Finance and Administrative Services Department
Scott Campbell, Director, Facilities Management Division
Glenn Marcos, Assistant Director, Purchasing Division
Carla Byrd, Purchasing Manager, Purchasing Division
Randy Plunkett, Purchasing Agent Senior, Purchasing Division
Michael J. Kerr, Deputy County Attorney, Office of the County Attorney
Fernando Amuchastegui, Assistant County Attorney, Office of the County Attorney
Neil Sharma, Assistant County Attorney, Office of the County Attorney

Broward County Board of County Commissioners

Protests not timely made under this section shall be barred and shall not be heard by the Director of Purchasing or the Hearing Officer. Any basis or ground for a protest not set forth in the letter of protest required under this section shall be deemed waived.

(1994-0052, 1-25-94; 1998-1021, 10-6-98; 2001-1071, 10-23-01; 2002-685, 7-9-02; 2009-316, 4-28-09; 2010-106, 3-9-10; 2011-086, 3-8-11; 2011-696, 11-8-11; 2015-213, 4-14-15; 2018-295, 6-12-18)

21.119. - Authority To Debar or Suspend.

- a. *Authority.* After reasonable notice to the person or company involved and reasonable opportunity for that person or company to be heard, the Director of Purchasing, after consultation with the Office of the County Attorney, shall have authority to debar or suspend a person or company, whether a prime contractor/consultant or subcontractor/subconsultant, for cause from consideration for award of future contracts. The debarment shall be for a period commensurate with the seriousness of the cause(s), and shall continue for the entire time set by the Director of Purchasing. Where the offense is willful or egregious, an indefinite term of debarment may be imposed. The Director of Purchasing shall also have the authority to suspend a person or company from consideration for award of contracts if there is probable cause for debarment. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period. The Director of Purchasing may suspend the person or company for a period of not more than three (3) months. During the period of debarment or suspension, the person or company and its affiliates, or other companies with any of the officers or principals the same as the suspended company, may not bid on any County contracts, regardless of dollar amount, nor be approved as a subcontractor on any County contract. A decision to suspend by the Director of Purchasing shall be considered a conclusive and final act with no right of appeal.
- b. *Cause for Debarment.* The causes for debarment include the following:
 1. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
 - 2.

Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a contractor.

3. Conviction under state or Federal antitrust statutes arising out of the submission of bids or proposals.
 4. Violation of contract provisions, as set forth below, of a character which is regarded by the Director of Purchasing to be so serious as to justify debarment action:
 - (a) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - (b) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
 5. Refutation of an offer by failure to provide bonds, insurance or other required certificates within a reasonable time period.
 6. Refusal to accept a purchase order, agreement, or contract, or to perform thereon provided such order was issued timely and in conformance with the offer received.
 7. Presence of principals or corporate officers in the business of concern, who were principals within another business at the time when the other business was suspended or debarred within the last three years under the provisions of this section.
 8. Violation of the ethical standards set forth in state law.
 9. Violation of the Cone of Silence, Section 1-266, Broward County Code.
 10. Violation of the fair dealing policy as set forth in Section 1-81.6(b), Broward County Code of Ordinances.
 11. Any other cause the Director of Purchasing determines to be so serious and compelling as to affect responsibility as a county contractor, including debarment by another governmental entity for any cause listed in this Code.
- c. *Decision.* The Director of Purchasing shall issue a written decision to debar or

suspend. The decision shall:

1. State the reason for the action taken, and
 2. Inform the debarred person of its rights to Administrative Review.
- d. *Notice of Decision.* A copy of the decision for the debarment or suspension shall be mailed or otherwise furnished immediately to the debarred person and any other party intervening.

(1988-0180, 1-12-88; 1990-2809, 9-11-90; 1994-0052, 1-25-94; 1998-1021, 10-6-98; 2002-685, 7-9-02; 2009-316, 4-28-09; 2018-295, 6-12-18)