

**From:** Fletcher, Wayne  
**To:** Byrd, Carla  
**Cc:** Billingsley, Brenda; Marcos, Glenn; Amuchastegui, Fernando; Sharma, Neil; Kerr, Michael; Plunkett, Randall; Pounall, Colleen; Garcia, Lucy  
**Subject:** RE: Risk Mgmt Determination Needed: 3rd Document: Meeting of 10/18/18: Notice of Intent to Suspend and/or Debar - Eastern Elevator Service, Inc. - Contract No. D2114263B1 (Group 1 & 2)  
**Date:** Thursday, November 08, 2018 7:38:27 PM  
**Attachments:** [image004.png](#)  
[image007.png](#)  
[image008.png](#)

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Carla,

Per your request, Risk Management reviewed the insurance information provided by Eastern Elevator Services. Based on the documentation submitted via the recent emails, Eastern Elevator Services **did not** satisfy the insurance requirements as set forth in Solicitation No. D2114263B1.

Based on the referenced solicitation, the minimum insurance requirements were:

- Commercial General Liability-- \$1,000,000 each occurrence and \$2,000,000 aggregate
- Automobile Liability-- \$1,000,000 combined single limit
- Workers Compensation-- Statutory with \$1,000,000 Employers Liability
- Pollution Liability-- \$1,000,000

The documents received in the referenced emails provided the following evidence of insurance coverage:

Commercial General Liability: Based on the e-mail documentation provided, Eastern Elevator **did meet** the requirement for Commercial General Liability through policy # WS298830, effective 10/04/2017 – 10/04/2018.

Automobile Liability: Coverage afforded by Progressive Insurance **did not** provide sufficient liability limits to meet the minimum insurance requirements and the insurance policy was in the name of Robert Rauch; not Eastern Elevator Services. The Geico Auto policy, while providing coverage for the vehicles owned by Eastern Elevator Services, **did not** provide sufficient liability limits to meet the minimum insurance required by the solicitation and the policy effective date of 5/8/18 was after the contract award date.

Workers Compensation: Declarations pages for Workers Compensation were not provided. There was a document showing Workers Compensation loss runs for the period of 1/25/18 – 3/3/18. However, this period was after the contract award date. There were no documents submitted to prove that Workers Compensation coverage was in place at the time of award. Therefore, the requirement for Workers Compensation was **not met**.

Pollution Liability: The Declarations pages for Pollution Liability coverage were not provided in the most recent emails from Eastern Elevator Services and no other evidence was submitted to show that the requirement for Pollution Liability insurance was in place. Therefore, the Pollution Liability requirement was **not met**.

Do not hesitate to contact me if you have any questions or concerns about these determinations.



WAYNE FLETCHER

**Director of Risk Management**

Broward County Risk Management Division

115 South Andrews Avenue, Suite 218

Fort Lauderdale, Fl. 33301

Telephone 954-357-7203 Cell 954-548-0334

[wfletcher@broward.org](mailto:wfletcher@broward.org)



**From:** Byrd, Carla

**Sent:** Wednesday, November 07, 2018 6:56 PM

**To:** Garcia, Lucy <LUGARCIA@broward.org>; Fletcher, Wayne <WFLETCHER@broward.org>; Pounall, Colleen <CPOUNALL@broward.org>

**Cc:** Billingsley, Brenda <BBILLINGSLEY@broward.org>; Marcos, Glenn <GMARCOS@broward.org>; Amuchastegui, Fernando <FA@broward.org>; Sharma, Neil <NKSharma@broward.org>; Kerr, Michael <MKERR@broward.org>; Plunkett, Randall <RPLUNKETT@broward.org>

**Subject:** Risk Mgmt Determination Needed: 3rd Document: Meeting of 10/18/18: Notice of Intent to Suspend and/or Debar - Eastern Elevator Service, Inc. - Contract No. D2114263B1 (Group 1 & 2)

Thank you for sending the following, Lucy:

Email dated 11/5/18 @ 9:58am – attachment concerning 2017 Eastern policies and declaration pages for insurance.

Email dated 11/5/18 at 9:59am - attachment concerning 2017 Eastern policies and declaration pages for insurance

Email below....

Hi Wayne,

Based upon the email provided below to Mr. Robert Rauch and Mr. Rodolfo Mayor, Esq., sent Friday, October 19, 2018, 12:24pm, the emails previously identified were received concerning the above-referenced. Please review to determine if Eastern Elevator Service, Inc. satisfied the insurance requirement as set forth in Solicitation No. D2114263B1, which had a due date of August 9, 2017, reading as follows:

“The insurance requirement designated in the **Insurance Requirement Form** indicates the

minimum coverage required for the scope of work, as determined by the Risk Management Division. Vendor shall provide verification of compliance such as a Certificate of Insurance, or a letter of verification from the Vendor's insurance agent/broker, which states the ability of the Vendor to meet the requirements upon award. The verification must be submitted within three business days of County's request. Vendor may be deemed non-responsive for failure to fully comply within stated timeframes. Final award shall be subject to receipt and acceptance by the County of proof of meeting all insurance requirements of the bid."

Email sent Tuesday, September 19, 2017 at 5:07pm requesting required insurance documents from Eastern Elevator.

Please be reminded that your determination based upon your review will be used to determine Eastern Elevators continued use of doing business with Broward County. In addition, your determination is needed as soon as possible due to another procurement being contingent upon your response; and this other procurement expires next month-December 2018. So, Purchasing is working to get this procurement awarded next month and can't proceed without your response.

Based upon these facts, please send a responsive email as to when Purchasing should expect to receive your response.

PS... Solicitation with insurance requirements (Page 105-107) attached as an easy find.

Thank you,



**Carla R. Byrd, JD, MBA, CPPO, CPPB**  
Purchasing Manager  
Broward County Purchasing Division  
115 South Andrews Avenue, Suite A460  
Fort Lauderdale, FL 33301  
Office: 954-357-6288

**From:** Garcia, Lucy

**Sent:** Monday, November 05, 2018 10:01 AM

**To:** Amuchastegui, Fernando <[FA@broward.org](mailto:FA@broward.org)>; Kerr, Michael <[MKERR@broward.org](mailto:MKERR@broward.org)>; Sharma, Neil <[NKSharma@broward.org](mailto:NKSharma@broward.org)>; French, Danielle <[DFRENCH@broward.org](mailto:DFRENCH@broward.org)>; Baron, Keoki <[KBaron@broward.org](mailto:KBaron@broward.org)>; Fletcher, Wayne <[WFLETCHER@broward.org](mailto:WFLETCHER@broward.org)>; Pounall, Colleen <[CPOUNALL@broward.org](mailto:CPOUNALL@broward.org)>

**Cc:** Billingsley, Brenda <[BBILLINGSLEY@broward.org](mailto:BBILLINGSLEY@broward.org)>; Marcos, Glenn <[GMARCOS@broward.org](mailto:GMARCOS@broward.org)>; Byrd, Carla <[CBYRD@broward.org](mailto:CBYRD@broward.org)>; Plunkett, Randall <[RPLUNKETT@broward.org](mailto:RPLUNKETT@broward.org)>; Brannon, Harambie <[HBrannon@broward.org](mailto:HBrannon@broward.org)>

**Subject:** 3rd Document: Meeting of 10/18/18: Notice of Intent to Suspend and/or Debar - Eastern Elevator Service, Inc. - Contract No. D2114263B1 (Group 1 & 2)

3<sup>rd</sup> and final document attached.



Lucy Garcia  
Administrative Coordinator  
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*Customer care is my priority. How am I doing? Please contact my Director, Brenda J. Billingsley, at [bbillingsley@broward.org](mailto:bbillingsley@broward.org) with feedback.*

**From:** Garcia, Lucy

**Sent:** Monday, November 05, 2018 9:59 AM

**To:** Amuchastegui, Fernando <[FAMUCHASTEGUI@broward.org](mailto:FAMUCHASTEGUI@broward.org)>; Kerr, Michael <[MKERR@broward.org](mailto:MKERR@broward.org)>; Sharma, Neil <[NKSharma@broward.org](mailto:NKSharma@broward.org)>; French, Danielle <[DFRENCH@broward.org](mailto:DFRENCH@broward.org)>; Baron, Keoki <[KBaron@broward.org](mailto:KBaron@broward.org)>; Fletcher, Wayne <[WFLETCHER@broward.org](mailto:WFLETCHER@broward.org)>; Pounall, Colleen <[CPOUNALL@broward.org](mailto:CPOUNALL@broward.org)>

**Cc:** Billingsley, Brenda <[BBILLINGSLEY@broward.org](mailto:BBILLINGSLEY@broward.org)>; Marcos, Glenn <[GMARCOS@broward.org](mailto:GMARCOS@broward.org)>; Byrd, Carla <[CBYRD@broward.org](mailto:CBYRD@broward.org)>; Plunkett, Randall <[RPLUNKETT@broward.org](mailto:RPLUNKETT@broward.org)>; Brannon, Harambie <[HBrannon@broward.org](mailto:HBrannon@broward.org)>

**Subject:** 2nd Document: Meeting of 10/18/18: Notice of Intent to Suspend and/or Debar - Eastern Elevator Service, Inc. - Contract No. D2114263B1 (Group 1 & 2)

2<sup>nd</sup> document attached.



Lucy Garcia  
Administrative Coordinator  
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*Customer care is my priority. How am I doing? Please contact my Director, Brenda J. Billingsley, at [bbillingsley@broward.org](mailto:bbillingsley@broward.org) with feedback.*

**From:** Garcia, Lucy

**Sent:** Monday, November 05, 2018 9:57 AM

**To:** Amuchastegui, Fernando <[FAMUCHASTEGUI@broward.org](mailto:FAMUCHASTEGUI@broward.org)>; Kerr, Michael <[MKERR@broward.org](mailto:MKERR@broward.org)>; Sharma, Neil <[NKSharma@broward.org](mailto:NKSharma@broward.org)>; French, Danielle <[DFRENCH@broward.org](mailto:DFRENCH@broward.org)>; Baron, Keoki <[KBaron@broward.org](mailto:KBaron@broward.org)>; Fletcher, Wayne <[WFLETCHER@broward.org](mailto:WFLETCHER@broward.org)>; Pounall, Colleen <[CPOUNALL@broward.org](mailto:CPOUNALL@broward.org)>

**Cc:** Billingsley, Brenda <[BBILLINGSLEY@broward.org](mailto:BBILLINGSLEY@broward.org)>; Marcos, Glenn <[GMARCOS@broward.org](mailto:GMARCOS@broward.org)>; Byrd, Carla <[CBYRD@broward.org](mailto:CBYRD@broward.org)>; Plunkett, Randall <[RPLUNKETT@broward.org](mailto:RPLUNKETT@broward.org)>; Brannon, Harambie <[HBrannon@broward.org](mailto:HBrannon@broward.org)>

**Subject:** 1st Document: Meeting of 10/18/18: Notice of Intent to Suspend and/or Debar - Eastern Elevator Service, Inc. - Contract No. D2114263B1 (Group 1 & 2)

We were able to retrieve the three PDF documents that were provided in the emails received from Mr. Rauch.

At this time, you can view the document but we have been unable to print them; we are looking into this issue which may involve how the documents were created.

Unfortunately due to the volume/size of the documents, we will need to send them in separate emails.

Attached is the first document, the other two will follow.

Thank you,



Lucy Garcia  
Administrative Coordinator  
Broward County Purchasing Division  
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*Customer care is my priority. How am I doing? Please contact my Director, Brenda J. Billingsley, at [bbillingsley@broward.org](mailto:bbillingsley@broward.org) with feedback.*

**From:** Garcia, Lucy

**Sent:** Wednesday, October 31, 2018 12:24 PM

**To:** Amuchastegui, Fernando <[FAMUCHASTEGUI@broward.org](mailto:FAMUCHASTEGUI@broward.org)>; Kerr, Michael <[MKERR@broward.org](mailto:MKERR@broward.org)>; Sharma, Neil <[NKSharma@broward.org](mailto:NKSharma@broward.org)>; French, Danielle <[DFRENCH@broward.org](mailto:DFRENCH@broward.org)>; Baron, Keoki <[KBaron@broward.org](mailto:KBaron@broward.org)>; Fletcher, Wayne <[WFLETCHER@broward.org](mailto:WFLETCHER@broward.org)>; Pounall, Colleen <[CPOUNALL@broward.org](mailto:CPOUNALL@broward.org)>

**Cc:** Billingsley, Brenda <[BBILLINGSLEY@broward.org](mailto:BBILLINGSLEY@broward.org)>; Marcos, Glenn <[GMARCOS@broward.org](mailto:GMARCOS@broward.org)>; Byrd, Carla <[CBYRD@broward.org](mailto:CBYRD@broward.org)>; Plunkett, Randall <[RPLUNKETT@broward.org](mailto:RPLUNKETT@broward.org)>; Mahabeer, Marilyn <[MMAHABEER@broward.org](mailto:MMAHABEER@broward.org)>; Matthew, Hazel Mae <[hmatthew@broward.org](mailto:hmatthew@broward.org)>; Brannon, Harambie <[HBrannon@broward.org](mailto:HBrannon@broward.org)>

**Subject:** Meeting of 10/18/18: Notice of Intent to Suspend and/or Debar - Eastern Elevator Service, Inc. - Contract No. D2114263B1 (Group 1 & 2)

Attached are two emails that were provided by Mr. Rauch with a "message from sender" embedded in the emails (these were duplicates to the previous emails provided to you on Friday, October 26<sup>th</sup>).

Also, attached is the email received on 10/27/18 from Mr. Rudy Mayor.

Thank you,



Lucy Garcia  
Administrative Coordinator  
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**From:** Garcia, Lucy

**Sent:** Friday, October 26, 2018 5:39 PM

**To:** Amuchastegui, Fernando <[FAMUCHASTEGUI@broward.org](mailto:FAMUCHASTEGUI@broward.org)>; Kerr, Michael <[MKERR@broward.org](mailto:MKERR@broward.org)>; Sharma, Neil <[NKSharma@broward.org](mailto:NKSharma@broward.org)>; French, Danielle <[DFRENCH@broward.org](mailto:DFRENCH@broward.org)>; Baron, Keoki <[KBaron@broward.org](mailto:KBaron@broward.org)>; Fletcher, Wayne <[WFLETCHER@broward.org](mailto:WFLETCHER@broward.org)>; Pounall, Colleen <[CPOUNALL@broward.org](mailto:CPOUNALL@broward.org)>

**Cc:** Billingsley, Brenda <[BBILLINGSLEY@broward.org](mailto:BBILLINGSLEY@broward.org)>; Marcos, Glenn <[GMARCOS@broward.org](mailto:GMARCOS@broward.org)>; Byrd, Carla <[CBYRD@broward.org](mailto:CBYRD@broward.org)>; Plunkett, Randall <[RPLUNKETT@broward.org](mailto:RPLUNKETT@broward.org)>; Mahabeer, Marlyn <[MMAHABEER@broward.org](mailto:MMAHABEER@broward.org)>; Matthew, Hazel Mae <[hmatthew@broward.org](mailto:hmatthew@broward.org)>; Brannon, Harambie <[HBrannon@broward.org](mailto:HBrannon@broward.org)>

**Subject:** Meeting of 10/18/18: Notice of Intent to Suspend and/or Debar - Eastern Elevator Service, Inc. - Contract No. D2114263B1 (Group 1 & 2)

As requested in the email notification below to Mr. Rauch & Mr. Mayor, Eastern Elevator was to provide documentation by Tuesday, October 30, 2018.

As of this email, we have received the following attached emails with documentation.

Thank you,



Lucy Garcia

Administrative Coordinator

Broward County Purchasing Division

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(954) 357-6071 Fax: (954) 357-8535

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**From:** Garcia, Lucy

**Sent:** Friday, October 19, 2018 12:24 PM

**To:** 'easternelev@gmail.com' <[easternelev@gmail.com](mailto:easternelev@gmail.com)>; 'Rudy Mayor' <[rudy@ddpalaw.com](mailto:rudy@ddpalaw.com)>

**Cc:** Tablack, George <[GTABLACK@broward.org](mailto:GTABLACK@broward.org)>; Billingsley, Brenda <[BBILLINGSLEY@broward.org](mailto:BBILLINGSLEY@broward.org)>; Marcos, Glenn <[GMARCOS@broward.org](mailto:GMARCOS@broward.org)>; Byrd, Carla <[CBYRD@broward.org](mailto:CBYRD@broward.org)>; Plunkett, Randall <[RPLUNKETT@broward.org](mailto:RPLUNKETT@broward.org)>; Campbell, Scott <[SCAMPBELL@broward.org](mailto:SCAMPBELL@broward.org)>; Fletcher, Wayne <[WFLETCHER@broward.org](mailto:WFLETCHER@broward.org)>; Pounall, Colleen <[CPOUNALL@broward.org](mailto:CPOUNALL@broward.org)>; Kerr, Michael

<MKERR@broward.org>; French, Danielle <DFRENCH@broward.org>; Amuchastegui, Fernando <FAMUCHASTEGUI@broward.org>; Sharma, Neil <NKSharma@broward.org>; Baron, Keoki <KBaron@broward.org>; Johnson, Rose <RJOHNSON@broward.org>; Matthew, Hazel Mae <hmatthew@broward.org>; Mahabeer, Marlyn <MMAHABEER@broward.org>; Brannon, Harambie <HBrannon@broward.org>

**Subject:** Meeting of 10/18/18: Notice of Intent to Suspend and/or Debar - Eastern Elevator Service, Inc. - Contract No. D2114263B1 (Group 1 & 2)

Dear Mr. Robert Rauch and Mr. Rodolfo Mayor, Esq:

Pursuant to Section 21.119 of Broward County's Procurement Code, the Broward County Purchasing Division, of the Finance and Administrative Services Department, held a meeting yesterday, October 18, 2018 at 10:00 a.m., with Eastern Elevator Service, Inc., the County Attorney's Office and Risk Management Division. The purpose of the meeting was to provide Eastern Elevator Service, Inc. an opportunity to be heard and provide information and answers to the pending questions posed by Broward County during the August 6, 2018, conference call in which both of you were in attendance. These points were also reiterated in my certified letter sent to Mr. Robert Rauch on October 3, 2018.

To briefly recap the facts of yesterday's meeting, the summary is as follows:

1. As a requirement to being determined responsive and responsible to a solicitation, bidders must provide proof of the required insurance within "three business days of Broward County's request. Vendor may be deemed non-responsive for failure to fully comply within stated timeframes. Final award shall be subject to receipt and acceptance by the County of proof of meeting all insurance requirements of the bid." Yesterday's meeting focused on Eastern Elevator Service, Inc. providing documentary proof it had the required insurance at the time of Bid award and during the term of the Contract.
2. On October 20, 2017, the Director of Purchasing awarded Contract No. D2114263B1 (Group 2) to Eastern Elevator Service, Inc. Subsequently, on April 24, 2018, the Board of County Commissioners awarded Contract No. D2114263B1 (Group 1) to Eastern Elevator Service, Inc.
3. Based upon correspondence sent to and received by Eastern Elevator Service, Inc. and Di Pietro Partners, Attorneys at Law, additional information and documentary proof is needed concerning your Certificate of Liability Insurance dated September 21, 2017 and Certificate of Liability Insurance dated May 11, 2018.

Based upon yesterday's meeting and consistent with the above requirements, you agreed to provide the following documentation no later than Tuesday, October 30, 2018:

1. A chart listing all "*insurers*" referenced in the Certificates of Liability Insurance dated September 21, 2017 and May 11, 2018.
2. In the chart referenced above, the respective contact names, contact titles, contact phone numbers, contact email addresses, and contact mailing addresses shall be included for each individual "insurer" referenced on the Certificate of Liability



Insurance dated September 21, 2017 and Certificate of Liability Insurance dated May 11, 2018.

3. The respective contact names, contact titles, contact phone numbers, contact email addresses, and contact mailing addresses shall be required for both certificate of insurance "**producers**" Bruening Insurance and Accredited Insurance Agency.
4. A copy of all Declaration Pages from the respective insurers used to reflect proof of coverage at the time of bid submittal and during contract term on the Certificate of Liability Insurance dated September 21, 2017 and Certificate of Liability Insurance dated May 11, 2018. The copies of all Declaration Pages must be sent directly to Broward County from the respective insurance carriers.
5. The respective contact names, contact titles, contact phone numbers, contact email addresses, and contact mailing addresses for the workers compensation insurance carrier who provided workers compensation insurance coverage to Eastern Elevator Service, Inc. at the time of Bid award and during the term of the Contract. A copy of the Declaration Page for the workers compensation insurance carrier must also be sent directly to Broward County from the insurance carrier.

Failure to respond in a timely and proper manner by the stipulated date underlined above will be considered an admission by Eastern Elevator Service, Inc. that it did not possess the required insurance policies during the time of Bid award and term of the Contract. Broward County will proceed in its best interest based on the information and documentation provided by Eastern Elevator Service, Inc.

Thank you,



**Sent on behalf of Brenda J. Billingsley, Director, Purchasing Division**

Lucy Garcia  
Administrative Coordinator  
Broward County Purchasing Division  
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