

CITY OF PLANTATION BID PROTEST COMMITTEE

In Re:

CASE NO. 2021-001

ITB 070-21 -CITY-WIDE
REHABILITATION OF SEWER
LATERAL PIPE LINING; BID PROTEST
OF LMK PIPE RENEWAL
("Complainant")

SCHEDULING ORDER,
PRELIMINARY HEARING, AND
REQUEST FOR CONTACT
INFORMATION FROM
PARTICIPANTS

This matter came before me, as the chairperson of the bid protest committee created pursuant to section 2-242 of the Plantation City Code. Accordingly, I hereby issue the following scheduling order:

1. The preliminary hearing in this case is set for Wednesday, September 22, 2021 at 10:00 a.m. The preliminary hearing will be limited to one hour. The Complainant and all other bidders on this solicitation ("parties") are invited to attend the hearing.
2. The preliminary hearing will be conducted with a quorum of the bid protest review committee being physically present. The City will provide access to the Complainant, parties, and the public through the use of communications media technology (via Zoom).
3. The complainant and other parties may join the meeting by logging into Zoom.us, choosing "join meeting" and then enter the Meeting ID 878 8139 1900
Passcode - 091322
Telephone – dial 1-646-876-9923
4. Any filing in this proceeding shall be submitted via email to ABEGGEROW@PLANTATION.ORG. If you require additional information about the hearing, please contact the City Clerk's office by mail at 400 NW 73RD Avenue, Plantation Florida 33317, by phone at 954-797-2719 or by e-mail at ABEGGEROW@PLANTATION.ORG. Any document filed with the City Clerk must be served on all other parties identified in the Certificate of Service below.
5. The Complainant and parties to this case are requested to review the contact information set forth in the Certificate of Service below. If any party wishes to receive documents, notices, etc. to a person or address different than what is designated below,

please prepare and file in these proceedings a notice statement for that purpose. Please include a telephone number and e-mail address as well.

6. All parties appearing remotely shall not engage in any unprofessional conduct.
7. Subsection 2-242(2), Plantation City Code provides the following in relevant part:

“(2) *Preliminary hearing.* In bid protests where the contract has an estimated value in excess of five hundred thousand dollars (\$500,000.00), a preliminary hearing shall be required as set forth in this paragraph. The bid protest review committee shall convene a scheduling meeting for the purpose of scheduling any document reviews and witness interviews that may be necessary for the participants to prepare their respective preliminary evaluations described below, and to schedule a preliminary hearing regarding any timely filed written protest. The scheduling meeting shall occur within ten (10) calendar days of the solicitation deadline, nonsolicitation deadline, or award protest deadline, whichever is appropriate. The preliminary hearing shall be scheduled no sooner than twenty-five (25) calendar days of [before] the solicitation deadline, nonsolicitation deadline, or protest deadline, whichever is appropriate. The preliminary hearing is designed to help the complainant and parties preparing for the protest hearing by enabling the complainant and parties to anticipate matters discussed, contested or considered at the protest hearing. If the complainant does not attend the preliminary hearing, the protest shall be considered voluntarily dismissed. If any party does not attend the preliminary hearing, such party shall be deemed to have waived the right to participate in further protest proceedings.

- a. The complainant and parties shall be notified, at least twelve (12) calendar days beforehand, of the date, time, and place where the bid protest review committee shall convene to hold a preliminary hearing. This notification may be made by any reliable means, and a telephone call with a confirming letter to follow shall be acceptable.
- b. 1. Within six (6) calendar days before the preliminary hearing the complainant and each party shall submit to each other and file with the city clerk a prepared preliminary evaluation. Such preliminary evaluation shall be prepared to the best of the complainant's or each party's ability and in good faith and shall address in turn:
 - i. A statement of ultimate issues relevant to the resolution of the protest.
 - ii. A statement of factual questions considered by the complainant or party submitting the preliminary evaluation to be at issue.
 - iii. A detailed statement of ultimate facts which support a favorable resolution of the issues identified in subparagraph i, above.
 - iv. A detailed disclosure of evidence believed relevant to support favorable findings of ultimate facts, identified in subparagraph iii, above, ultimate issues identified in subparagraph i, above, or resolution of factual issues identified in subparagraph ii, above. This statement shall include the nature and types of such supportive evidence, and, if such evidence is to be presented in oral form, the name of the person so testifying.

2. The following procedure shall apply at the preliminary hearing:
 - i. Attendance shall be taken.
 - ii. The complainant shall make an updated statement of the nature of his protest.
 - iii. The complainant and each party shall, in turn, be allowed to comment upon and ask questions about each preliminary evaluation submitted prior to the hearing, except those of parties not present at the hearing.
 - iv. After this first round of discussion, a second discussion period shall ensure which shall consist of an open forum and free exchange of questions and answers. This second discussion period shall continue until a majority of the committee determines to conclude the second discussion.
 - v. After the second discussion period is concluded, the complainant and each party shall advise if any additional document reviews or witness interviews will be needed in order for the participants to prepare for the protest hearing, and if same is desired, the committee shall schedule a date and time for same to take place.
3. At the conclusion of the preliminary hearing, the complainant and parties shall be notified of the date of the protest hearing, which hearing shall be held not more than twenty-one (21) calendar days after the preliminary hearing nor less than ten (10) calendar days after the preliminary hearing, unless and extension to these deadlines is critically necessary for the complainant or parties to develop evidence as set forth in sub-paragraph 2.v above. In addition, they shall be notified that they may request permission to present testimony (that is not rebuttal and not re-direct in nature) or make oral argument, and that their requests must contain the information detailed in paragraph (3)b, below, and be submitted prior to said paragraph's deadline.”

8. In accordance with the Americans with Disabilities Act, any person having a disability requiring the use of auxiliary aids may contact April Beggerow, City Clerk, at (954) 797-2237 at least 72 hours prior to the hearing.
9. If any person decides to appeal any decision, such person will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DONE AND ORDERED this 9th day of September, 2021.



Anna Otiniano, Chairperson

FOR OFFICIAL USE ONLY:


I HEREBY CERTIFY that the Original of the foregoing document was received by the Office of the City Clerk and entered into the Public Record docket for the above procurement protest this 9th day of September, 2021, as Document No. 2. *AKB*



April Beggerow, City Clerk

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing was served on the following parties via e-mail this 9th day of September, 2021: to Charles Spencer, Jr., Procurement Director for the City of Plantation at espencer@plantation.org; Joseph Goldstein, Esq. at jgoldstein@shutts.com and Andrew E. Schwartz, Esq. at aschwartz@shutts.com as counsel for LMK Pipe Renewal 200 East Broward Boulevard, Suite 2100| Fort Lauderdale, FL 33301; and via U.S. mail to the BLD Services, LLC at 2424 Tyler Street, Kenner, Louisiana 70062 and via email: Jacob@bldllc.net .



April Beggerow, City Clerk