Joint City/County Commission Meeting
Approval of Construction-Manager Services
For the Public Safety Complex
October 13, 2009
LEON COUNTY, FLORIDA

A meeting of the Joint City/County Commissions was held to approve the selection of the Construction-Manager Services for the Public Safety Complex. Chairman Desloge called the meeting to order at 5:20 p.m.

Present were County Commissioners Desloge, Sauls, Thaell, Akinyemi, Proctor, Rackleff and Dailey. City Commissioners present were Mayor Marks and Commissioners Lightsey, Mustian, Gillum and Ziffer. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, City Attorney Jim English, and Board Secretary Rebecca Vause.

Alan Rosenzweig, Assistant County Administrator, explained that the purpose of the Joint Meeting was to seek authorization to negotiate and execute a contract with Ajax Building Corporation/Construction Support Southeast for construction management services in support of the public safety complex. He provided a chronology of events leading up to the recommendation of the Public Safety Communications Board (PSCB) to the Joint Commission. He pointed out that the PSCB, at its August 17, 2009 meeting, considered information provided by the County Attorney regarding concerns related to the use of price in the selection process. The PSCB voted unanimously to remove cost from consideration; this action did not alter the overall ranking and Ajax continued to be ranked number one.

Speaker

- Rick Bateman, 401 E. Virginia St., spoke on behalf of Baycrest, Turner, Pinnacle. He asserted that the bid was improper and invalid and opined that the RFP unintentionally violated Florida Statutes Sections 255 and 287.055(4)(b).

  Commissioner Gillum established with County Attorney Thiele that no formal appeal was filed.

- Jay Smith, 1544 Isabelle Court, represented Ajax Construction. He requested that the Joint Commission accept staff's recommendation and the unanimous vote of the PSCB for the Selection of Ajax as the construction manager of the public safety complex. He added that the PSCB's recommendation to award the bid to Ajax was based only on qualifications and its team.

Mayor Marks asked Mr. Thiele to address the allegations that the process was flawed and to provide the current status of the RFP. Mr. Thiele responded that he did have initial concerns regarding the inclusion of pricing in the bid component; however, these concerns were presented to the PSCB for consideration and discussion and it was determined by members of the PSCB, by unanimous vote, that removal of pricing from the evaluation criteria would satisfy the concerns over the validity of the RFP. He pointed out that Ajax continued to be the highest ranking firm after the removal of pricing. Mr. Thiele commented that the actions taken by the PSCB significantly diminished the chances of being sued and of losing and that he, along with City Attorney English, supported the recommendation of the PSCB.

Commissioner Thaell confirmed with City Attorney English that he concurred with Mr. Thiele in this matter. Commissioner Thaell stated, for the record, that this was not the way the process should go and that he was deeply disappointed and very sorry for all the parties that this has landed on the Joint Commission table. Mr. Thiele established with Mr. Thiele that the bid "protest clock" had run out that no formal bid protest had been filed within the County's

purchasing department. Commissioner Thaell dialogued with the County Attorney on options available to the Joint Commission. He also voiced urgency for local governments get back to reviewing and approving price bids.

Commissioner Rackleff expressed concern over the original RFP and suggested it be rebid. He stated that he could not support the PSCB's recommendation.

Commissioner Dailey affirmed that 1) both the City and County Attorney support the PSCB's recommendation; 2) no official bid protest had been filed and 3) an avenue for further appeal is available through the courts.

On behalf of the County, Commissioner Dailey moved, duly seconded by Commissioner Akinyemi to approve Options 1 & 2: 1) Authorize County and City staff to commence contract negotiations with the top-ranked firm for construction management services related to the Public Safety Complex and to enter into a contract upon successful negotiations, and 2) If negotiations are unsuccessful with the top-ranked firm, authorize county and City staff to proceed with contract negotiations with the second ranked firm for construction management services related to he Public Safety Complex and to enter into a contract upon successful negotiations.

City Attorney English clarified that City staff did not believe that the process was flawed, nor illegal.

Commissioner Dailey affirmed with City Attorney English, for the record, his support for recommendations 1 & 2. Commissioner Dailey affirmed with County Attorney Thiele, for the record, his support for recommendations 1 & 2.

Commissioner Gillum voiced an assumption that had the process been deemed "illegal" it would never have come before the Joint Commission. He noted that should the bids be rejected, all other criterion that had been met would be thrown out and reiterated that no formal bid protest had been received. He stated that he would support staff's recommendation.

Commissioner Mustian remarked that he would rely on the advice of the City Attorney and accept staff's recommendation.

On behalf of the City, Commissioner Mustian moved, duly seconded by Commissioner Gillum, to approve Options 1 & 2: 1) Authorize County and City staff to commence contract negotiations with the top-ranked firm for construction management services related to the Public Safety Complex and to enter into a contract upon successful negotiations, and 2) If negotiations are unsuccessful with the top-ranked firm, authorize county and City staff to proceed with contract negotiations with the second ranked firm for construction management services related to he Public Safety Complex and to enter into a contract upon successful negotiations.

Commissioner Akinyemi articulated the need to move forward, but continue to look for ways to improve the process. He noted that he would support the motion.

Mayor Marks stated that a protest was not filed and the flaw in the process was cured. He commented that he would rely on the advice of the City Attorney and move forward.

Commissioner Proctor established that all WMBE and local preference policies would be applied.

Commissioner Lightsey declared that her primary goal is to get joint dispatch done and to get it done soon. She expressed disappointment in the potential delay and in the manner in which the process was conducted. Commissioner Lightsey articulated that she would support the motion and would be governed by the City Attorney and City Manager's judgment.

The County's motion to approve Options 1 & 2 carried 5-2 (Commissioners Sauls and Rackleff in opposition)

The City's motion to approve Options 1 & 2 carried 4-0 (Commissioner Ziffer abstaining)

The meeting adjourned at 6:15 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bryan Desloge, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida