

# BOARD OF COUNTY COMMISSIONERS



August 7, 2017

Mr. Timothy E. Maslin, C.E.S., C.E.C., President  
Florida Environmental Consulting, Inc.  
1835 20<sup>th</sup> Street  
Vero Beach, FL 32960  
timm@fl-env.com

**Reference:** *Decision Regarding Protest of Indian River County Request for Qualifications ("RFQ")  
2017053*

Dear Mr. Maslin:

We are in receipt of your letter of August 4, 2017 protesting the "final selections" made by the selection review committee. After review, the protest made by Florida Environmental Consulting ("FEC") is denied.

## **Background**

Your protest asserts the committee's recommendations do not allow "representation by all of the qualified small local firm respondents" and that selection of five firms should be made.

Your protest also stated "other County departments have selected each (of) the qualified firms with locally headquartered offices."

## **Basis for Denial of Protest**

In regards to your complaint that every qualified small local firm responding to the RFQ should have been recommended for selection, no such criteria or requirement is established by Statute, County Code or within the RFQ. This is consistent with the County decision not to include local preferences in the procurement process.

The alleged instances in which "other County departments have selected each (of) the qualified firms with locally headquartered offices," were not identified and therefore are not able to be substantiated. Regardless, each RFQ is evaluated individually, with the requirement for the committee to determine the firms most highly qualified to perform the services required under that specific RFQ.

Prior to establishing its final ranking of firms at the conclusion of interviews, the committee determined that an award of four contracts would be in the best interest of the County. This number affords a sufficient pool of consultants, while limiting the required contract administration. Although your firm was not ranked in the top four, should negotiations with any of the four higher ranked firms fail, FEC would be the next consultant contacted to negotiate one of those four contracts. Additionally, lack of selection under this RFQ does not prohibit a firm from providing services to the County that do not meet the thresholds established in F.S. 287.055.

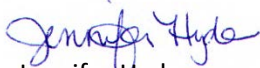
**Conclusion**

Should FEC disagree with the denial of the protest and the bases described in this response, you may appeal this decision to the Board of County Commissioners at its August 15, 2017 meeting, when the Board will be asked to consider the recommended ranking of consultants under Office of Management and Budget Departmental Items. If you do intend to appeal, please notify me in writing, as required by the Protest Procedure set forth in the Purchasing Manual.

As a reminder, the cone of silence remains in effect, and will remain in effect until the item is called at the August 15, 2017 commission meeting. Per the cone of silence policy, you and your agents shall not communicate in any way with the Board of County Commissioners, County Administrator or any County staff other than Purchasing personnel until the Board meets to authorize award. Such communication may result in disqualification.

Please feel free to contact me at 226-1575 or by email at [jhyde@ircgov.com](mailto:jhyde@ircgov.com) if you have any questions regarding the protest procedure.

Sincerely,



Jennifer Hyde  
Purchasing Manager

cc:

Ms. Christina Macon, Ecological Associates, Inc.  
Mr. Claus Hansen, Environmental Science Associates  
Mr. George Kulczycki, G.K. Environmental, Inc.  
Ms. Lynn Kiefer, Kimley-Horn

Attachments:

FEC Protest Letter, dated August 4, 2017

# Florida Environmental Consulting, Inc.



August 4, 2017

Jennifer Hyde  
IRC Purchasing Manager  
1800 27<sup>th</sup> Street  
Vero Beach, FL 32960

**Subject:** Continuing Environmental and Biological Support Services for Civil and Environmental Engineering Projects on an Annual Contractual Basis for Miscellaneous Projects in Indian River County, Florida, IRC-1720, RFQ #: 2017053

Dear Ms. Hyde:

Please accept this letter as Florida Environmental Consulting's aggrieved protest of the final selections for the list of Continuing Environmental and Biological Support Services contractors requested in the subject RFQ.

We would also like to take this opportunity to detail our appeal, to the Selection Committee and to the Board of County Commissioners.

The recommendations in my humble opinion represent a potential oversight of the County in allowing representation by all of the qualified small local firm respondents. As such I also don't believe it aligns with the mission of the board.

Specifically our protest appeal is based on a couple administrative points:

1. The list of selected contractors includes 3 large National or State level firms mostly without local offices at all, and only 1 local small company.
2. The public opportunities for small qualified firms with locally headquartered offices are by nature limited and then further limited but such prohibitive lists.

In summary, we believe first, knowing there are County projects that can utilize our small local firms, the opportunity could be extended to 5 firms in the same way other County departments have selected each the qualified firms with locally headquartered offices. More-over we believe the currently recommended list with minimal local representation does not represent the mission of this Commission nor the community. Those grievances together are what we believe substantiate our protest, and as such we humbly suggest an alternate resolution. Thank you very much for your time and consideration.

Sincerely,

Timothy E. Maslin, C.E.S., C.E.C.  
President