

City of Coral Gables City Commission Meeting
Agenda Item I-5
May 14, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli

Vice Mayor Vince Lago

Commissioner Pat Keon

Commissioner Michael Mena

Commissioner Jorge Fors

City Staff

Interim City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant Finance Director, Celeste Walker

Public Speaker(s)

Raul Carreras

Agenda Item I-5 [0:00:00 p.m.]

A Resolution accepting the recommendation of the Procurement Officer, to authorize the City to negotiate and execute a Professional Services Agreement (“Agreement”) for the Fred B. Hartnett Ponce Circle Park Re-Design Project with Urban Robot Associates Inc., pursuant to Request for Qualifications (RFQ) 2019-007, in an amount not-to-exceed the available budget.

Mayor Valdes-Fauli: Next item.

Vice Mayor Lago: I-5.

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Agenda Item I-5 - Resolution accepting the recommendation of the Procurement Officer, to authorize the City to negotiate and execute a Professional Services Agreement for the Fred B. Hartnett Ponce Circle Park Re-Design Project with Urban Robot Associates Inc., pursuant to Request for Qualifications 2019-007, in an amount not-to-exceed the available budget.

Assistant Finance Director Walker: Okay. This is another competitive solicitation. It was done as an RFP as well. This was to engage a qualified consulting architectural firm for the design of our Ponce Circle Park. This particular solicitation was let and had an evaluation committee of subject matter experts. They are recommending the firm of Urban Robot Associates as the award, and we're asking to move forward with this particular award in this contract.

Mayor Valdes-Fauli: Okay. We have Raul Carreras, who wishes to speak A/E Services Procurement.

Raul Carreras: Good morning, Mr. Mayor, Vice Mayor, members of the Commission, staff. Raul Carreras, representing Bermello Ajamil & Partners, of which I'm a partner, with offices at 2601 South Bayshore Drive, Miami, Florida. We are an interested party in this solicitation. We did some mid qualifications. We were ranked among the top three. And I'm not here because of the outcome of the rankings. It is more the stunted, I guess, selection process that the City has undertaken and the fact that they have waived or chosen not to pursue what I consider the typical procurement process, which is proceeding with a Tier 2 or an oral interview before the final selection is made. We were looking forward to it. The rankings, I think there was one -- there was not one clear leader. You have an overall pool of very qualified firms that submitted. I don't see why -- there may be some reason that we're not privy to, if there's, you know, some urgent matter of schedule that does not allow a Tier 2. We're prepared to make a Tier 2 presentation next week, if that's the City's pleasure. You know, we -- honestly, we've done business with the City for many years. We're -- our principal -- our chairman is a resident of Coral Gables for many years. We're familiar with your practices. Like I said, a lot of the firms that participated are known to us; Urban Robot is not. We've done a little bit of research on them. We've seen their qualifications or what they presented as their qualifications and I don't see the relevant project experience to a project that I've heard described as your Central Park. I mean, this is obviously one of the last remaining public spaces of impact that you have in the city. We're intimately familiar with it. We were the master planners of the Old Spanish Village project with Ralph

Sanchez many years ago, the precursor to the Plaza. And we thought that we had a good opportunity and were looking forward to stating our qualifications and making that oral presentation. For whatever reason, you know, the City has chosen to go this path and they've put this before you today. And what I'm here to ask is that you please not accept the recommendation of the Procurement Office, at least not for today. Encourage them to proceed to stage 2 or Tier 2, oral presentations, and then let the best firm win. I mean, we'll be glad to -- we'll take the outcome, but I think you -- it's in the City's best interest for you to see the process through to its completion. And to do something based on what the paper says or what the qualification booklet that was submitted represents is not how Coral Gables typically does business. You know, I know that we're used to clicking and purchasing things off Amazon sight unseen, but you usually have personal interaction. You like to know who you're partnering with, especially with a project of this prominence, and that's what we're used to doing and that's what we look forward to doing. So, again, my request is that you vote not to award this today, allow us to proceed to a Tier 2 selection process and then after that scoring, may the best firm win.

Mayor Valdes-Fauli: Thank you. Let me ask you a question addressing what Mr. Carreras has said. Why did you not interview the other firms, and why choose a new firm without experience in the area?

Assistant Finance Director Walker: The firm does actually have experience in the area. The minimum requirements were them to have five years of -- relevant experience and for them to be actually certified or have a license to perform the services. So, they met those minimum requirements. With regard to actually holding the actual -- what we would call the presentations, we actually have a section in our solicitation called method of evaluation. And here, we clearly indicate that the actual process may be awarded with or without interviews.

Mayor Valdes-Fauli: Okay. I understand that, but tell me what made this firm so much better than you, using your very permitted procedure forewent the interview process of the other two firms.

What made this one so much better than the others that you went with it without interviewing the others?

Assistant Finance Director Walker: Well, they were evaluated by a committee of subject matter experts. And so, they evaluated all of the criteria that included background experience and projects. The particular firm that we are making the recommendation for does have the relevant experience in projects. So, they listed multiple parks that they've done with Miami Beach, Miami-Dade County, with Tampa, Florida and some other entities where they demonstrated in fact that they do have park and relevant experience. So, all of that was weighed with the committee and the committee decided that based on that relevant experience and other things in their actual submittal, that they would recommend them as the awarded firm. They were ranked the highest firm.

Mayor Valdes-Fauli: They were ranked the highest.

Assistant Finance Director Walker: Yes.

Vice Mayor Lago: Let me ask you a question because this is something, you know, up my alley. This is what we deal with all the time when present for CM contracts and design contracts. We always go to a Tier 2 presentation. I think it's beneficial. I think it's an opportunity to really distinguish yourself from whoever you're going up against because you can only put so much on paper, you know. And obviously, when you're presenting for a project, no matter the scale and scope of the project, you want to make sure that you can properly articulate yourself, that you can meet the team, they know who you're dealing with, they know who's going to be on-site, not just a resume. It's important to meet that person. It's important to meet the organization and really understand via that presentation, either it be five minutes, fifteen, twenty, thirty minutes, whatever the size and scope of the presentation may be. I'm a big fan of the Tier 2 because it allows us to really shine before the client. Why did we circumvent that? We're not talking -- not circumvent

that, but why did we not say let's go to a Tier 2? And we're not talking about a 10,000, 20,000, \$30,000 project. We're talking about a multimillion-dollar contract.

Mayor Valdes-Fauli: You just repeated my question in a much more articulate manner.

Vice Mayor Lago: No. I just -- I'm just trying to understand because I -- I'm not getting the warm and fuzzies.

Assistant Finance Director Walker: Okay.

Vice Mayor Lago: You know.

Assistant Finance Director Walker: So, in our case, we actually have the latitude for us to make that determination, and basically, the committee. So, that particular option was discussed during the committee evaluation meeting. And the committee decided that they did not feel that it was necessary, so they did make their determination based on the paper submittals. But as you are familiar with the actual process and you have participated in presentations, the presentation can only contain information that was submitted in paper, which means you are not allowed to supplement your actual proposal with any additional information to present anything differently. So, they didn't feel that it was necessary or relevant -- which, in this case, they have the latitude to make that determination that they've had enough information to make an informed decision based off of the submittals.

Vice Mayor Lago: Let me ask you one last question. In previous instances, I passed legislation to stop an architectural engineering firm or contractor from doing pre-con work or predesign to being the firm that gets chosen. Do you think that right now after this type of situation has occurred, do you think it warrants the fact that we reduced the amount of a contract value that can -- where we can head in this direction and not go to Tier 2? Like, for example, something under

\$100,000, we don't have to go to a Tier 2 if the committee deems it appropriate. But anything over \$100,000, we must require to go to Tier 2. That's my question. I mean...

Assistant Finance Director Walker: Okay.

Vice Mayor Lago: And that's the same thing...

Assistant Finance Director Walker: So, if you're asking for...

Vice Mayor Lago: Yeah, I'm ask...

Assistant Finance Director Walker: An honest answer...

Vice Mayor Lago: That's what I'm asking.

Assistant Finance Director Walker: I'm not -- I wouldn't say that I would be amenable to that.

Vice Mayor Lago: Okay, perfect.

Mayor Valdes-Fauli: Alright. Do I hear a motion?

Commissioner Mena: How many -- sorry, I just have a question.

Mayor Valdes-Fauli: Go ahead. Of course.

Commissioner Mena: When you do go to Tier 2, typically, how do you manage that? Do you take the top X amount of...

Assistant Finance Director Walker: You...

Commissioner Mena: Do you put everybody through it or you just select the top...

Assistant Finance Director Walker: Usually, you come up with a predetermined -- so, normally, if you're going through CC&A, you make a determination that you're going to do it at least a minimum -- if you're going to do the Tier 2 or the pool, that requires that you do that with at least three, so you determine how many you're going to move forward. Usually, that depends on the delta in the scoring. So, usually, if there's a huge gap between probably somewhere in between, you know, 20 or 30 points, then you make the determination of who you're going to move next -- to the next level to the Tier 2 to maybe have the actual presentations. Now, it's not a hard and fast rule on whether you have an actual presentation. But we have seen times where people have gone into the Tier 2, if you want to call it that, ranked number one and come out and be second or third and then not be quite happy with it. So, it has its pros and cons, so...

Vice Mayor Lago: By the way...

Assistant Finance Director Walker: Again, it's on a case by case basis.

Vice Mayor Lago: And just to give her comments even more value, that happened to me at the School Board when I was going for CM contract. I was -- going in, I was number one. And when we went to the presentations, we came in fourth place and we were left out of the top three, so it does happen because it happened to my firm when we've gone for work. But I just...

City Manager Iglesias: We have Garage 1 and we have Garage 7. Those are major projects. Those will have a Tier 2 presentation for sure.

Vice Mayor Lago: Okay.

City Manager Iglesias: So, I believe that we can assess that and look at the projects that really are going to be benefited by that Tier 2 presentation.

Mr. Carreras: And if I may, precisely because the Tier 1 scoring could be changed or overturned on a Tier 2 is why we request to go to a Tier 2. Tier 2 is not meant to be a rubberstamp or just to put a face with a name. We truly think that when you vet the process, you vet the firms, you ask the experience, you ask about where their five projects are, the fact that they're in Tampa, the fact that they're not their projects, that they're leaning on a consultant, the outcome will be different. I mean, so again, respectfully, we request that you just -- we're not asking you to change the scoring you've done today. We're just asking you to please let it proceed your typical process. This is not anything out of the ordinary. You normally routinely go to a Tier 2, so...

Vice Mayor Lago: But let me ask you this. When he says typical, give me an idea of what is typical. Because do we do Tier 2 90...

Assistant Finance Director Walker: What is typical...

Vice Mayor Lago: Do we do Tier 2 90 percent of the time, 80 percent of the time, 50 percent of the time?

Assistant Finance Director Walker: Fifty percent of the time. I would say that it varies on the actual project. And again, it is let up to the discussion of the actual evaluation committee. That is what we have in our actual solicitation and our template on how we have it worded. So, if the actual evaluation committee determines that there is any question, or they feel like they might have gained some value from them going to the next phase, which would actually be the actual presentations, then they can determine if that's necessary. Again, this particular committee was asked that question and they determined that they did not feel that was any value that would be added or gained by them having presentations.

Mayor Valdes-Fauli: Alright. Do I hear a motion?

Commissioner Mena: That's the only question I...

Vice Mayor Lago: Yeah.

Commissioner Mena: Yeah. I'm wrestling with this because I understand your point. On the one hand, I think, well, why not, you know, go through a little bit further process. But if the people who are the ones saying they don't need a Tier 2 or don't want a Tier 2 are the same people who will then host or conduct the Tier 2, like why is there really any expectation that they will change their mind anyway?

Mr. Carreras: It would not be the first time that the outcome has changed between Tier 1 and Tier 2.

Commissioner Mena: But normally, it goes to Tier 2 because that committee wants to go to Tier 2 at the outset.

Mayor Valdes-Fauli: But they don't...

Mr. Carreras: I think that when...

Mayor Valdes-Fauli: Want to go to Tier 2.

Mr. Carreras: I think that when the merits of the RFQ that were scored for Tier 1 are put out and explained, that -- I don't know what they saw or didn't see. I've seen their proposal and I've come to my own assessment of the experience of the first-ranked firm.

Vice Mayor Lago: Was Tier 2 as per the RFQ or RFP -- I'm not sure what it was.

Assistant Finance Director Walker: It was an RFP.

Vice Mayor Lago: RFP. Was Tier 2 an option or was Tier 2 never even mentioned?

Assistant Finance Director Walker: Tier 2 was an option and it was actually discussed during the evaluation committee, so it has to be a discussion. So, at the time when they're rendering their final determination, then they can then at that time determine whether or not they want to go to actual...

Mayor Valdes-Fauli: But the committee decided that they did not want to go a...

Assistant Finance Director Walker: Decided that they did not want Tier 2.

Mayor Valdes-Fauli: Tier 2 because...

Commissioner Keon: I -- but I -- you know, I -- as I've listened to you talk, I have -- you know, it's -- I've shifted a little bit in my thinking and I understand how you feel about the ability to present your qualifications. But I think that if everyone is qualified and they were deemed to be qualified and if, you know -- I wasn't at the committee. I don't have the notes of the committee. I don't know anything about it. I think it's not an issue of experience of qualifications. It's an -- it seems to be an issue of design, you know, some sort of giving -- you know, looking at what they've done, they seem to be a smaller, more nimble group. It was an opportunity to bring something into the community that's -- of someone that was well qualified to do it. So, I would have to give deference to the procurement process and, you know, allow for it to go forward.

Commissioner Mena: But I do think we need to...

Mayor Valdes-Fauli: Do you make a motion?

Commissioner Mena: I do think...

Commissioner Keon: I would...

Commissioner Mena: To your point, I do think that there probably should be a little bit more objective criteria for when you go to a Tier 2. I mean, whether it's a dollar...

Commissioner Keon: Right.

Commissioner Mena: Threshold or...

Commissioner Keon: Right. And I would think -- I would ask that they would begin to look at that and maybe have, you know, some, again, like with the Round-Up, some best practices...

Mr. Carreras: My...

City Manager Iglesias: This project is...

Commissioner Keon: You know, something (INAUDIBLE), but I understand.

City Manager Iglesias: It's approximately two...

Mayor Valdes-Fauli: Mr. City Manager, please.

City Manager Iglesias: This project is about two million dollars. If we go to Garage 1 and Garage 7, those are Tier 2 projects. This project is of the size that I believe it could be adequately determined by the review committee whether they want Tier 1 or Tier 2.

Vice Mayor Lago: Two million dollars in construction costs.

City Manager Iglesias: Two million dollars.

Commissioner Keon: I think we allocated four million for it.

City Manager Iglesias: Two to three million dollars.

City Attorney Ramos: So, I might suggest an AO...

City Manager Iglesias: And so...

City Attorney Ramos: To address that concern. The Manager's within his authority to provide further guidance to the Procurement Director, as long as it's in compliance with our Code. So, if he wishes to set a threshold upon your recommendation, that's certainly something...

Vice Mayor Lago: That's why...

City Attorney Ramos: That can be done.

Vice Mayor Lago: That's why I brought it up.

Commissioner Keon: Let's get a look at that.

Vice Mayor Lago: That's why I brought up...

Commissioner Keon: Yes.

Vice Mayor Lago: The fact that...

Commissioner Keon: Yeah.

Vice Mayor Lago: When we were doing preconstruction and predesign issues, I know that your firm was also involved in that and was left out of that because the same firm was chosen to pre-con -- excuse me, predesign and the actual design, which I think is -- was in conflict and no longer is allowed here.

City Manager Iglesias: Well, Vice Mayor, that will not happen anymore. However, we...

Vice Mayor Lago: I know.

City Manager Iglesias: Have Garage 1 and Garage 7 coming up. Garage 7 is the design-build project and we will have presentations on that. And Garage 1 will be a typical -- it will be a more typical project going for a guaranteed maximum price, similar to the Public Safety Building, and we will go to presentations on that also. This is -- the scope of this work is of the size that really, I think the committee can determine whether they want presentations or not. In this case, they felt it was not necessary.

Mayor Valdes-Fauli: Okay.

City Manager Iglesias: We will not make the others...

Mayor Valdes-Fauli: Let's go on. We've discussed it enough. Do I hear a motion?

Commissioner Keon: I'll make the motion.

Mayor Valdes-Fauli: Make a motion to what?

Commissioner Keon: To move the item as it is stated.

Mayor Valdes-Fauli: Okay. Is there a second?

Commissioner Mena: I'll second.

Mayor Valdes-Fauli: Okay. Will you call the roll, please?

Commissioner Fors: Yes.

Commissioner Keon: Yes.

Vice Mayor Lago: I'm going to vote no, and I'm going to tell you why I'm going to vote no. Because I very clearly -- I'm of the belief that if you're going to put out that we're potentially going to have a Tier 2, then we need to deliver on a Tier 2.

Mayor Valdes-Fauli: Okay.

Vice Mayor Lago: Because it's an additional benefit to the City. I have the utmost faith and confidence in you and your staff, but I think that we, you know, we need to have...

Mayor Valdes-Fauli: Commissioner...

Vice Mayor Lago: Things a little bit more delineated.

Mayor Valdes-Fauli: Thank you.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 4-1)

Mayor Valdes-Fauli: Thank you very much.

Mr. Carreras: Thank you for your time and consideration.

Mayor Valdes-Fauli: I-6, Mr. City Manager.

Vice Mayor Lago: Thank you.

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