



**PEMBROKE PINES
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INTER-OFFICE CORRESPONDENCE

MEMORANDUM NO. 2019-227

TO: Mark Gomes, Procurement Director
Gabriel Fernandez, Purchasing Manager

CC: Charles F. Dodge, City Manager
Aner Gonzalez, Assistant City Manager
Marlene D. Graham, City Clerk

FROM: Samuel S. Goren, City Attorney *SSG*
Jacob G. Horowitz, Assistant City Attorney *JGH*

DATE: October 28, 2019

RE: City of Pembroke Pines ("City") / CCNA Compliance

Pursuant to your request, the City Attorney's Office has reviewed Request for Qualifications #PSUT-19-01 (the "RFQ"), related to power electrical engineering services for the utility division, and the prospective award of a contract to Hiller Electrical Engineering, Inc. ("Hiller") to ensure compliance with Section 287.055, F.S., the Consultant's Competitive Negotiation Act ("CCNA").

Based on our review, the proposed agreement with Hiller has been procured in accordance with the legal requirements of the CCNA.

It is our understanding that the City is seeking to enter into a "continuing contract" with Hiller, to be utilized on an as needed basis. "Continuing contracts" are legally permitted by the CCNA and specifically defined by Section 287.055(2)(g), F.S. Any services provided pursuant to an agreement with Hiller are limited in value and scope to the definition set forth in that section.

Please consider the following:

1) On April 3, 2019, the City Commission publicly approved the RFQ, which included a general description of the project and indicated how professional consultants may apply for consideration.

2) On July 1, 2019, the Evaluation Committee (the "Committee") convened to consider the seven (7) responses to the RFQ. The Committee agreed to shortlist to the top three (3) qualified firms and hear presentations from the firms on the shortlist.

- 3) On July 22, 2019, the Committee reconvened to consider presentations from the three (3) shortlisted firms. After considering presentations, the Committee recommended that the City Commission award a contract to Hiller and instructed the City Manager to negotiate a contract with that firm.
- 4) On August 1, 2019, the City Commission approved the findings and recommendations of the Committee to award a contract to Hiller pursuant to the RFQ and directed the city manager to negotiate a contract for services. The agenda request form included findings of the Committee and identified the rank order of the firms on the shortlist, along with all other firms that submitted a response to the RFQ.
- 5) City Administration engaged in negotiations with Hiller, in accordance with the City Commission's direction, and has presented a continuing services contract with Hiller to the City Commission for consideration. The proposed contract satisfies the requirements of a continuing services contract, as set forth in the CCNA.

Please contact our office if there is any additional information that we can provide.