



**Agenda**  
**Procurement Appeals Board Meeting**  
**November 30, 2017**  
**NOON**  
**Customer Center 6<sup>th</sup> Floor – North Conference Room**

Members:               Mike Brost, Chair  
                              Paul Cosgrave  
                              Angie Hiers

- I.     Introductory remarks by Mike Brost as Chair of the Procurement Appeals Board.
  - A.   Announcement of the matter to be heard – Board Chair
  - B.   Safety Briefing – Procurement – Ms. Weir presented safety briefing
  - C.   Introduction of JEA representatives present – Roundtable Introductions
  
- II.   Presentment of Protest Issues
  - A.   T B Landmark presents – Mr. Zebouni (Attorney for TB Landmark) presented facts of his position to the PAB.
  - B.   DBE Presents – Mr. Franklin (Attorney for DBE) presented facts of his position to the PAB.
  - C.   JEA Procurement presents – Mr. McCarthy (Chief Procurement Officer for JEA) presented facts of his position to the PAB.
  - D.   Office of the General Counsel - Emerson Lotzia (Attorney for the PAB) provided guidance for the PAB discussion and voting.
  - E.   PAB renders decision:
    - i.   Paul Cosgrave made motion to deny the appeal
    - ii.  Angie Hiers provided the 2<sup>nd</sup>
    - iii. Vote was unanimous – motion carries
  
- III.  Close of Meeting

# Sign in

<u>Name</u>	<u>Company</u>	<u>Phone</u>
Rachelle Weir	JEA	665-8675
John McCarthy	"	665-5544
Jody Brooks	"	
Jenny McCellum	"	
Paul Cosgrane		
Mike Borst		
Angie Hiers		
Raynette Marshall		
Sam Hamilton		
Nick Sambrase		
Beth Dimeo		
Hlechter Board		
DUSTIN ERTCE	DBE	561-644-2182
JOHN GRANT	DBE	561-503-0813
Fred Franklin	RT	904-398-3911
Emily Pierce	Rogers Towers	904-398-3911
EMERSON LOTZIA	COJ	904.630 3559
<del>Ragnar</del> Robin Thigpen	TBL	904-751-1016
Rebecca Ross	RWZA (observe only)	904-772-4604
Angelina Hiers	JEA	904-668-4747
Tony Zebocini	RWZA	904-861-0770

**Written Order from November 30, 2017 Hearing  
Before the JEA Procurement Appeals Board (PAB)**

**Protestor:** T.B. Landmark Construction, Inc. ("**Landmark**")

**Solicitation:** JEA Solicitation No. 085-17 T-Line to Busch Drive Transmission Force Main

**WHEREAS**, on July 20, 2017, JEA announced its intention to issue a notice of intent to award the Contract for JEA Solicitation No. 085-17 ("**Contract**"), T-Line to Busch Drive Transmission Force Main to DBE Management Inc. d/b/a DBE Utility Services ("**DBE**");

**WHEREAS**, by letter dated July 20, 2017, Landmark filed a formal protest (the "**Protest**") with respect to JEA's notice of intent to award the Contract pursuant to JEA's Awards Committee agenda posted to the JEA website on July 20, 2017 and supplemented its Protest with a letter from its attorney dated July 24, 2017;

**WHEREAS**, on October 6, 2017, JEA's Chief Procurement Officer, after taking into consideration (i) the Protest and information presented at the Chief Procurement Officer's informal protest meeting held on August 15, 2017, (ii) DEB submitting back-up documentation on September 1, 2017, (iii) Landmark submitting a challenge to the back-up information dated September 13, 2017 and (iv) a follow up meeting with DEB and Landmark on October 2, 2017, determined that the Protest was without merit and DBE should be awarded the Contract;

**WHEREAS**, by letter dated October 10, 2017, Landmark's attorney filed an Appeal with JEA's Procurement Appeals Board ("**PAB**") with respect to JEA's Chief Procurement Officer's decision to award the Contract to DBE (the "**Appeal**");

**WHEREAS**, on November 30, 2017, the PAB (consisting of Mike Brost, Chair, Paul Cosgrave and Angie Heirs) conducted a protest hearing on the Appeal, beginning at approximately 12 Noon and ending at approximately 2:00 pm;

**WHEREAS**, the PAB heard arguments and testimony from (i) the Landmark, through its attorney, Anthony B. Zebouni, (ii) DBE, through its attorneys, Fred Franklin and Emily G. Pierce, (iii) John McCarthy, JEA's Chief Procurement Officer and Jody Brooks, the attorney representing JEA's Chief Procurement Officer;

**WHEREAS**, written information was provided prior to the hearing to the PAB members by JEA, Landmark and DBE; and

**WHEREAS**, in supplemental materials filed by DBE, DBE requested either a change order or supplemental work authorization but DBE withdrew this request prior to the PAB hearing and confirmed the withdrawal of this request at the PAB hearing.

NOW THEREFORE, at the conclusion of the hearing, based on the information presented, the PAB decided as follows:

1. On a motion by Paul Cosgrave, seconded by Angie Heirs, and unanimously approved by the members of the PAB, the PAB denied the Appeal of Landmark and upheld the decision of JEA's Chief Procurement Officer of the notice of intent to award the Contract to DBE.
2. The PAB's denial of the Appeal was based on competent and substantial evidence presented to the PAB at the Appeal hearing on November 30, 2017, and such evidence may be found in the record of the proceeding.

Entered this 7<sup>th</sup> day of December, 2017, in Jacksonville, Florida.

  
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Mike Brost, Chair