

## **REQUEST FOR PROPOSALS**

**24. Revoke award made to Harbor Branch Environmental Laboratories, Inc. as a Secondary Contractor for RFP-4269-06/BJC – Term Contract for Water and Wastewater Laboratory Services (Term Contract).**

RFP-4269-06/BJC will provide for the services of a certified laboratory on a continuing basis to run chemical analysis of samples taken from, but not limited to, potable water, wastewater, surface water, groundwater, Stormwater, and industrial pretreatment discharge. The project was approved and awarded by the Board of County Commissioners on June 23, 2006 as follows:

- Flowers Chemical Lab – Primary Contractor
- Harbor Branch Environmental Laboratories, Inc. – Secondary Contractor

Harbor Branch Environmental Laboratories, Inc. did not agree to the terms of the agreement, their pricing proposed in a competitive environment; therefore decided not to execute the contract. The company has agreed to extend the fee schedule from Loxahatchee River District, Jupiter's contract which is currently in effect and will run through 2008 and may be renewed for a period of five (5) years. Environmental Services Department will issue orders against the Loxahatchee River District's contract for the split sampling and lead and cooper sampling only and will utilize the primary contract, Flowers Chemical Lab, to fulfill all other County's needs and requirements.

Environmental Services Department and Fiscal Services/Purchasing and Contracts Division recommend the Board to revoke the award to Harbor Branch Environmental Laboratories, Inc. and authorize the Purchasing and Contracts Manager to notify the company of such action.

DEPARTMENT OF FISCAL SERVICES

PURCHASING AND CONTRACTS DIVISION



June 16, 2006

Ms. Kathleen M. Cooney  
Harbor Branch Environmental Laboratories, Inc.  
5600 U.S. 1 North  
Fort Pierce, Florida 34946

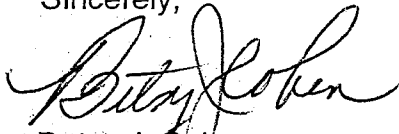
Re: RFP-4269-06/BJC – Term Contract for Water and Wastewater Laboratory Services

Dear Ms. Cooney:

Please be advised that the signed documents received from Harbor Branch Environmental Laboratories, Inc are considered unacceptable to the County. The Board of County Commissioners approved Harbor Branch Environmental Laboratories as the Secondary Contractor for RFP-4269-06/BJC – Term Contract for Water and Wastewater Laboratory Services and the agreement sent to you on April 20 and June 12 included the approved contract. The contract documents and the Scope of Services were modified by Harbor Branch Environmental Laboratories without the County's consent.

Enclosed please find the approved copy of the Agreement for your execution. If you have any questions or need further assistance, please contact my office.

Sincerely,



Betsy J. Cohen  
Purchasing Supervisor

Cc: John Cirello, Environmental Services Department - Director  
Ann Colby, Assistant County Attorney  
Ray Hooper, CPCM, Purchasing and Contracts Manager

## Hooper, Ray

---

**From:** Rudolph, Gary  
**Sent:** Tuesday, July 18, 2006 11:23 AM  
**To:** Cohen, Betsy; Spikes, Scylina; Cirello, John; Reeves, Chris; Miller, Michael  
**Cc:** Colby, Ann; Hooper, Ray; Hazard, Ruth  
**Subject:** RE:RFP-4269-06/BJC - Harbor Branch Environmental

Dr. Cirello, Ruth and me discussed with Ms Cromer the reluctance of HBEL to sign as a secondary lab. She expressed that there proposal was prepared with the intent to be the primary lab. They can not hold the prices delivered on a as need basis. As such they will not sign the contract. Please move on whatever process needs to be done to clean up the contracting release.

In regards to a secondary lab we feel it is in the best interest of the County to utilize the existing piggy back with HBEL if needed. Our intent was to get the best pricing we could and to that end Flowers provided what we were hoping for. We will be fininshing up our Lead and Copper sampliing this year with HBEL do to the fact we need to be consitant with this years results. Our intent is to continue to use the Piggy Back to finish that specific sampling.

If there are any issues please get with me.

Thanks for all your help in this matter.

-----Original Message-----

**From:** Cohen, Betsy  
**Sent:** Tuesday, July 18, 2006 8:27 AM  
**To:** Spikes, Scylina; Cirello, John; Rudolph, Gary; Reeves, Chris; Miller, Michael  
**Cc:** Colby, Ann; Hooper, Ray  
**Subject:** RE:RFP-4269-06/BJC - Harbor Branch Environmental

We have been consulting with the County Attorney's Office during the entire process. They are aware of any and all correspondence/communication in reference to this procurement. There is nothing the County can do if a company chooses not to do business with us. At this time, we have a solicitation in place that needs to be concluded. The revoke of the award made by the Board of County Commissioners must be pursued in order to move forward. This is the first communication I received since my last message. I am waiting for the response from the Evaluation Committee Meeting and the Director of the Department.

If you have any questions or need further assistance, please contact my office.

Betsy J. Cohen, CPPB, FCPA, FCPM  
Purchasing Supervisor  
Purchasing and Contracts Division  
Phone: 407-665-7112  
Fax: 407-665-7956

-----Original Message-----

**From:** Spikes, Scylina  
**Sent:** Tuesday, July 18, 2006 7:23 AM  
**To:** Cohen, Betsy; Cirello, John; Rudolph, Gary; Reeves, Chris  
**Cc:** Miller, Michael  
**Subject:** FW:RFP-4269-06/BJC - Harbor Branch Environmental  
**Importance:** High

-----Original Message-----

**From:** Michael Miller [mailto:mgator292004@yahoo.com]  
**Sent:** Tuesday, July 18, 2006 12:04 AM  
**To:** Spikes, Scylina  
**Subject:** Re:

Scylina,

Please forward the message below to Betsy, Dr.  
Cirello, Gary, Ruth, & Chris. Thanks.

Betsy:

As my section will be impacted more by the loss of HBEL services than the Wastewater Division, I am reluctant to end the business relationship entirely. Flowers has yet to prove it can maintain the level of service required for our operations and provided by HBEL. ELAB can not completely substitute Flowers in the event of an emergency as identified in the solicitation process. I can appreciate the time constraints you must address, but is there any indication as to the circumstances regarding HBEL's communication with the County Attorney? Will those conversations impact future laboratory services, and if so, how soon might that occur? I understand you may not be privy to those details. Yet, given the analytical regulatory requirements remaining for this year and the prospect of an active hurricane season, I find no comfort in relinquishing a proven vendor if it can be avoided. I would suggest we contact the County Attorney's Office for their advice based on their communication with HBEL. If they feel no resolution is in sight, then we move on. You can reach me at my personal cell phone @ 407.399.0499 if you have questions/concerns because I am on vacation until next Monday, July 24, 2006. Thanks.

Regards,  
Michael A. Miller

--- "Spikes, Scylina" <SSpikes@seminolecountyfl.gov>  
wrote:

> Sincerely,  
>  
> Scylina Spikes  
>  
> Seminole County Government, Environmental Services  
>  
> Water & Wastewater, Compliance  
>  
> 3304 Dike Road  
>  
> Winter Park, Fl 32792  
>  
>  
>  
> sspikes@seminolecountyfl.gov  
> <mailto:sspikes@seminolecountyfl.gov>  
>  
> Ph: 407-665-2760  
>  
> Fx: 407-665-2790  
>  
> -\*\*\*\*Florida has a very broad Public Records Law.  
> Virtually all written communications to or from State and Local  
> Officials and employees are public records available to the public and  
> media upon request. Seminole County policy does not differentiate  
> between personal and business emails.  
> E-mail sent on the County system will be considered public and will  
> only be withheld from disclosure if deemed confidential pursuant to  
> State Law.\*\*\*\*-  
>  
> -\*\*\*\*Florida has a very broad Public Records Law.  
> Virtually all written communications to or from State and Local  
> Officials and employees are public records available to the public and  
> media upon request. Seminole County policy does not differentiate  
> between personal and business emails.  
> E-mail sent on the County system will be considered public and will  
> only be withheld from disclosure if deemed confidential pursuant to  
> State Law.\*\*\*\*-  
>