



# MIAMI BEACH


OFFICE OF THE CITY MANAGER  
NO. LTC # 190-2009

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CITY CLERK'S OFFICE

## LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission  
FROM: Jorge M. Gonzalez, City Manager   
DATE: July 14, 2009  
SUBJECT: Correspondence relative to Item R7H (Lincoln Park) on the July 15, 2009 Commission Meeting

Attached please find two (2) letters related to Item R7H (Lincoln Park) on tomorrow's Commission agenda.

The attachments are as follows:

- (1) Letter to the Mayor & City Commissioners dated July 13, 2009 re: Lincoln Park Consultant Selection from Hargreaves Associates
- (2) Letter to the City Manager dated July 14, 2009 re: Response to Hargreaves Associates Letter Questioning Evaluation Committee's Recommendation to Award Landscape Architect

If you have any questions, please feel free to contact me.

Attachments

JMG/DM

F:\cmgr\5ALL\LTC-09\LTC re Correspondence regarding R7H June 15 Comm.doc

July 13th, 2009

**Mayor Matti Herrera Bower &  
Members of the City Commission**  
1700 Convention Center Drive  
Miami Beach  
Florida, 33139

118 MACAZINE STREET  
CAMBRIDGE, MA 02139

617.651.0020 T  
617.651.0064 F

HARGREAVES.COM

**Re: Lincoln Park Consultant Selection**  
HA Project #: **NWS 0901**

Dear Mayor & Commissioners,

GEORGE HARGREAVES  
MARY MARGARET JONES

Having learnt of the Lincoln Park selection committee's decision on Friday the 10<sup>th</sup> July, we were disappointed but prepared to accept the recommendation and move on - until we read the Commission Item Summary before you.

GLENN ALLEN  
GAVIN McMILLAN  
KURT RIEDER  
TIM ANDERSON  
CATHERINE MILLER

As a friend of Miami Beach, we wish to bring to your attention that the recommendation before you may not be in the public interest. Having gone through a fair public selection process some 4 years ago for South Pointe Park, the consultant selection process for Lincoln Park has not met the same high standard.

BEN HAINES  
CAROLYN RODKIN  
JACOB PETERSEN  
MARCEL WILSON

This unfairness has resulted in a recommendation that is flawed and promises to further tarnish the public image surrounding the Lincoln Park process.

Specifically the flaws are;

**1) The opening date of January 2011 was delayed for one team but not the other.** On numerous occasions the City Commission and its Committees have stressed the importance of opening Lincoln Park for January 2011. The RFQ stressed the importance of on-time delivery, and at the 18<sup>th</sup> June pre-bid meeting, we specifically asked the panel to elaborate on the ambitious schedule. New World Symphony representatives stressed that the park must be operational and look great for January 2011 and City representatives stressed that they would not spend extra funds on an interim landscape just for an opening. At no time were we told that the schedule could be delayed and so we based our presentation around delivering a great park on time and on budget.

Upon reading the Summary, we were shocked to learn that the other team was allowed to delay the park delivery by an extra 8 months to September 2011 and that our team was penalized for sticking to the original deadline.

**2) The RFP evaluation criterion weighting was kept secret.**

The RFQ evaluation criterion and their weighting were known in advance by all bidders. However, the RFP evaluation criterion and their weighting was kept secret. According to the Summary, there was an extraordinary high (50%) weighting to "concept plan, vision & similar projects" which unfairly favored style over substance and image over delivery. If we had known the criterion and weighting prior to the interview we would have done a different interview rather than emphasize delivery and process.

Furthermore, on behalf of the cities we have worked in, the citizens of London, Tokyo, Hong Kong, Singapore, New York, Chicago, San Francisco and even Miami Beach would disagree with the inference that they are not "first tier international cities". By reference, the RFP response included the RFQ response which showed our larger body of work including more "urban" work and this fact should not have been overlooked.

**3) The lowest responsible and best-value bid was overlooked.**

As requested on July 8<sup>th</sup> by Hines, our final fee was confirmed at \$1,393,500 on July 9<sup>th</sup> based on delivering a great park on time and on budget with all of the required expertise included. The other team's fee was higher, to deliver the project later and had missing expertise necessary to deliver the park.

The Hargreaves team carried 11 specialists including an international artist, Miami Beach architect & landscape architect and water feature specialist. We understand the West 8 team only included only 5 specialists - L'Observatoire International, Coastal Systems, Acoustic Dimensions, Cosentini and Ken DiDonato with no Miami Beach architect or landscape architect.

Once the missing expertise is added, the other team's fee would be over budget.

**4) Critical contractual issues were overlooked.**

As requested on July 8<sup>th</sup> by Hines and confirmed by us on July 9<sup>th</sup>, we accepted all the standard contract conditions contained in the RFP unmodified. This fact is omitted from the Summary. Furthermore, the conditions contained in the RFP state a very important clause as follows;

*"II D. QUALIFICATIONS & STAFFING*

*The Landscape Architect represents that it is experienced and fully qualified to perform the Services contemplated by this Agreement, and that it is properly licensed pursuant to applicable law to perform such Services."*

It has been suggested by others that the West 8 team as bid, cannot comply with this contract condition or indeed state law. A quick search of the Florida Department Business & Professional Regulation reveals no listing of West 8's currently listed staff as licensed professionals to practice Landscape Architecture or Architecture in the state as required by law. If this is true, then the West 8 team is not qualified to do the park because their team contained no local landscape architectural or architectural practice as subconsultants. If the West 8 team were allowed to add this missing expertise then their fee would be over budget.

Fundamentally the difference between the 2 bids is this - the Hargreaves proposal believed in the best of Miami Beach – that an alignment of private and public interests can be reached, that the best local and international design can be blended, that art can be included upfront, that resident's voices can be heard, that budgets can be maintained, and that deadlines could be met to **open a great building and a great park in January 2011.**

If you think the public interest has not been served, then you have several options other than accepting the recommendation;

- 1) Do a background check for professional registrations and if no one on the West 8 team is registered to practice landscape architecture or architecture in the State – they either must withdraw or be disqualified,
- 2) Stick with the original schedule and do not delay the project any longer – in which case the West 8 team cannot meet the original schedule,
- 3) Reject both bids and start again.

Hargreaves Associates has enjoyed our small part in serving the public interest and shaping Miami Beach's future and we wanted to bring this to your attention before the Commission meeting so you are fully informed.

Regards,



**Gavin McMillan**  
principal

cc:

Jorge M. Gonzalez, City Manager  
Tim Hemstreet, Assistant City Manager  
George Hargreaves, Hargreaves Associates  
Matt Tucker, Hargreaves Associates  
File



STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF LANDSCAPE ARCHITECTURE
1940 NORTH MONROE STREET
TALLAHASSEE FL 32399-0783

(850) 487-1395

ALLEN, CHESTER GLENN
HARGREAVES ASSOCIATES
398 KANSAS STREET
SAN FRANCISCO CA 94103

HARGREAVES ASSOCIATES
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JUL 13 2009

LANDSCAPE ARCHITECTS
SAN FRANCISCO CA

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation.

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Registration stamp for Allen, Chester Glenn, License # LA6666841, expires 07/02/09. Includes text: STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, REGISTERED LANDSCAPE ARCHITECT, AC# 4461540, SEQ# 109070201908.

DETACH HERE

Main registration card with fields for DATE, BATCH NUMBER, LICENSE NBR, and SIGNATURE. Includes text: AC# 4461540, STATE OF FLORIDA, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, BOARD OF LANDSCAPE ARCHITECTURE, SEQ# 109070201908, ALLEN, CHESTER GLENN, HARGREAVES ASSOCIATES, SAN FRANCISCO CA 94103, CHARLIE CRIST GOVERNOR, CHARLES W. DRAGO SECRETARY, DISPLAY AS REQUIRED BY LAW.

July 14, 2009

Mr. Jorge Gonzalez  
City Manager  
City of Miami Beach  
OFFICE OF THE CITY MANAGER  
1700 Convention Center Drive, Miami Beach, FL 33139

**Hines**

**Lincoln Park, Miami Beach, Florida**  
Re: Response to Hargreaves Associates Letter Questioning Evaluation  
Committee's Recommendation to Award Landscape Architect

Dear Jorge;

Thank you for forwarding a copy of the Hargreaves Associates letter dated July 13, 2009 titled "Lincoln Park Consultant Selection". As you know, the Evaluation Committee consisted of six members, three representatives of City of Miami Beach and of New World Symphony. The Evaluation Committee reviewed Proposals from Hargreaves Associates and West 8 in a transparent and fair process that produced a unanimous recommendation from Evaluation Committee to award contract to West 8.

Please see below our response to each of the issues raised in Hargreaves Associates (Hargreaves) letter. We thank you for the opportunity to respond and look forward to discussing this recommendation with you and the Commission tomorrow.

1. *"The opening date of January 2011 was delayed for one team and not the other."* –

The Request for Proposal Section III Proposal Requirements Paragraph C Design Schedule requests the following

"Provide a Design Schedule from start of Programming through completion of Construction Documents based on Attachment B "Regulatory Process".

The Request for Proposal does not provide any requirements, timeframes or deadlines for Project completion. In the Introduction (Pre-Bid)

Meetings both firms were provided information regarding the anticipated Grand Opening of New World Symphony and a list of Park components that New World Symphony wanted to have operational at the Grand Opening. Each firm approached the schedule in a different manner. Hargreaves presented an aggressive schedule that in Hargreaves words "had no float or room for error" and "would require approvals without delay or second submission or the Project would be delayed". As stated in our recommendation letter, the Evaluation Committee noted with concern that the Hargreaves fee was based on 18-month fast track process with all fee risk transferred to City should the project's duration go beyond 20 months. West 8's fee covered the duration of the project and anticipated as much as a 25 month schedule. Because Hargreaves' fee is contingent on what is an aggressive schedule, the Evaluation Committee felt that the West 8 fee is "safer" and consequently a better value.

2. *"The RFP evaluation criterion weighting was kept secret."*

Request for Proposal Section III Proposal Requirements details the evaluation criterion. The weighting was not provided to either firm. The Evaluation Committee ranked West 8's Proposal higher in every category. Therefore, the relative weighting of categories did not affect the Evaluation Committee's unanimous decision.

3. *"The lowest responsible and best-value bid was overlooked."*

In comparing the Proposals for a complete design team, West 8's proposed fee is less than Hargreaves fee by \$23,015.

West 8 fee per letter dated July 9, 2009 is \$1,284,485.

Hargreaves fee per letter dated July 9, 2009 is \$1,246,500 but does not include what they deemed as special services.

The West 8 Proposal includes Geotechnical borings and updated report, Supplemental updated Survey and Environmental Study and Acoustics. The Hargreaves Proposal lists these services as Special Services that are additive to the fee in the amount of \$30,000, \$8,000 and \$23,000 respectively. The revised fee for Hargreaves is therefore \$1,307,500.

4. *"Critical contractual issues were overlooked."*

Request for Qualifications Section III Proposal Requirements Section A Summary of Minimum Qualifications Paragraph 1 states

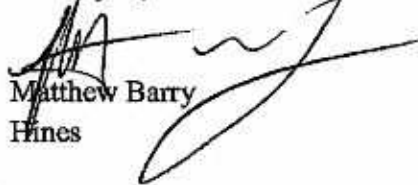
"Professional licenses and insurance in the State of Florida is preferred. If the Firm is not presently licensed as a Landscape Architect in Florida, the Firm shall state in its Proposal whether it will seek licensure in Florida for the Project, or if a sub-consultant Landscape Architecture Firm will be utilized for this purpose."

West 8's response to Request for Qualifications page A.2 states

"West 8 New York will obtain all licenses required by the State of Florida or the City of Miami Beach to perform the services called for in the RFQ."

We believe the Request for Qualifications process and Request for Proposal process was fair, transparent and has provided a recommendation that is in the best interests of the City of Miami Beach. The Evaluation Committee was unanimous in its decision to recommend West 8 to you and the City Commission.

Thank you,



Matthew Barry  
Hines

CC: Evaluation Committee Members  
Mr. Howard Herring, New World Symphony  
Mr. David Phillips, New World Symphony  
Mr. Tim Hemstreet, City of Miami Beach