

From: Aleman, John <John.Aleman@jacobs.com>
Sent: Monday, November 14, 2022 12:05 PM
To: Kelly M. Crowe
Cc: Elizabeth Ignoffo; Kline, Kimberly; Francois, Diana
Subject: [EXTERNAL] RE: RFQ 22-008 Directional Bore

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Dear Kelly,

This letter is in response to your email of 11/4/2022, in which you indicated that the City of Key West is concerned that Jacobs Engineering Group Inc. (Jacobs) may have a conflict of interest with respect to RFQ #22-008. Jacobs believes there is no conflict of interest, and respectfully submits the following for your consideration:

1. RFQ DEFINITION OF CONFLICT OF INTEREST

CITY OF KEY WEST RFQ #22-008 REQUEST FOR QUALIFICATIONS FOR TRENCHLESS INSTALLATION OF UTILITIES ACROSS FLEMING CHANNEL defines:

"1. Conflict of Interest: Conflict of Interest requirements are specified in 23 CFR 1.33 and 23 CFR 172.7(b)(4). All firms submitting a proposal on a solicitation for professional services must disclose with their bid the name of any officer, director or agent who is also an employee of the City or any of its departments. Further, all firms must disclose the name of any City employee who owns directly or indirectly, an interest of five percent (5%) or more in the firm's entity or any of its branches or subsidiaries. Non-government Conflicts a) A firm shall not submit a response or enter into a contract with the City if the contract would result in the proposer having a conflict of interest. As used herein, the term conflict of interest shall mean: i. The firm's contract with another customer or entity will be averse to the interest of the City; or ii. There is a significant risk that the interest of the City will be materially impacted by the firm's responsibilities to a current customer or entity, a former customer or entity or any other third party. b) Notwithstanding the existence of a conflict of interest under paragraph (a), a firm may submit a proposal and enter into a contract with the City if: i. The firm reasonably believes that they will be able to provide competent and diligent representation to each affected customer or entity; and ii. The conflict of interest is not prohibited by law; and iii. The proposal or contract does not involve the assertion of a claim by one customer or entity against another represented by the firm in the same project or other proceeding. In addition, each individual participating in the selection process for professional services contracts must also disclose any conflict of interest. Consultant and subconsultant firms representing the City of Key West must be free of conflicting professional or personal interests. It is the responsibility of the consultant to recuse itself from submitting responses for a project if a conflict of interest exists. Subconsultants are responsible for disclosing potential conflicts of interest to the prime consultant firm and recusing themselves accordingly where conflict of interest exists."

Jacobs does not have a conflict of interest per the foregoing definition because:

Per subsection (i), Jacobs does not have a contract with another customer or entity that is averse to the interest of the City.

Under "TASK ORDER 1-19 SWR AMENDMENT 1 - PERMITTING FOR THE TRENCHLESS INSTALLATION OF UTILITY PIPELINES ACROSS FLEMING CHANNEL" the City had requested that Jacobs provide Permitting Services for the Trenchless Installation of City Utilities across Fleming Channel. A stop work order was directed by former Utilities Director John Paul Castro in August 2021. Jacobs ceased all work on this task order in August 2021 and the Project Number was subsequently closed. There is no further work anticipated under this Task Order.

Therefore, because the task order is essentially closed, Jacobs does not have a contract with another customer or entity that is averse to the interest of the City.

Per subsection (ii), there is no risk that the interest of the City will be materially impacted by Jacobs responsibilities to a current customer or entity, a former customer or entity or any other third party. As stated above, there is no current contract that Jacobs maintains with a current customer or entity, a former customer or entity or any other third party.

Per subsection (iii), The proposal or contract does not involve the assertion of a claim by one customer or entity against another represented by the firm in the same project or other proceeding. Jacobs does NOT have current work with another customer or entity.

2. PRIOR DETERMINATION OF NO CONFLICT BY CITY OF KEY WEST

The City of Key West had previously issued **RFQ #22-003 REQUEST FOR QUALIFICATIONS FOR TRENCHLESS INSTALLATION OF UTILITIES ACROSS FLEMING CHANNEL**, which was substantially the same as RFQ #22-008. During the Question Period of that earlier solicitation, there were two inquiries as to whether Jacobs was conflicted, both of which were resolved by the City that Jacobs has no conflicts:

Request for Qualification Addendum No. 2

Are there any engineering firms that are excluded from participating in this RFQ?

Response: No.

City of Key West RFQ # 22-003, Request for Qualification Addendum No. 4

Regarding the conflict-of-interest provisions stated in Section A.3 Requirements, will Jacobs Engineering Group be allowed to be a competitor to this contract, having served and/or appearing to be serving as the owner's representative, as well as sharing authorship of this RFP selection and project administration?

Response: Jacobs Engineering Group is not the owner's representative and did not have a role in writing this Request for Qualifications. Work completed by Jacobs Engineering Group includes the Trenchless Installation Feasibility Evaluation of Existing Utilities Across the Fleming Channel. Jacobs Engineering Group will be allowed to submit qualifications for this RFQ 22-003.

3. JACOBS PROPOSAL LANGUAGE

During selection committee for RFQ#22-008, one of the selection committee members made verbal comments highlighting language from Jacobs' proposal, raising the question of whether a potential conflict of interest exists. From Page 3-1 of our Submittal to RFQ #22-008, under "Organization Chart," Jacobs included the following content:

We assembled a highly qualified team to deliver to your project. Our proposed team includes **Project Manager Mike Stickley, PE**, who excels in effective leadership, has in-depth understanding of your investment in this project, and aligns our team to deliver on your priorities and goals. **Principal-in-Charge John Elizabeth Aleman** provides project delivery oversight, verifying our team meets your expectations. **Utility Relocation Coordination Manager Javier Colignon** provides the same, detailed knowledge of your utilities he brought to the previous phase. Similarly, **Trenchless Engineer Robert Martin** continues to provide overall design, expanding on his work from the feasibility stage. **Permitting Lead Leigh Ann Cannon, ENV SP**, who already significantly advanced the permitting, continues this work to obtain the needed permits without issues. **Quality Control and Quality Assurance (QA/QC) Lead Andrew Bursey, PE**, is our resource to review each design deliverable throughout this contract.

Perhaps the verbiage "Leigh Ann Cannon [...] continues this work" caused confusion, but as with Robert Martin ("continues to provide") this language was meant to communicate that these professionals **would be re-engaged** to perform work on the current pursuit. Jacobs has NOT been actively performing any activities regarding Fleming Channel. All work was stopped in August 2021. Therefore, these individuals would be performing work on the new pursuit similar to the kind of services previously provided to the City, should Jacobs be awarded this contract.

Any other interpretation of language in the Jacobs proposal (to RFQ#22-008) suggesting that Jacobs is providing ongoing services related to Fleming Channel is incorrect.

Based on the above, Jacobs does not have a conflict of interest related to **RFQ #22-008 REQUEST FOR QUALIFICATIONS FOR TRENCHLESS INSTALLATION OF UTILITIES ACROSS FLEMING CHANNEL.**

Sincerely,

John Elizabeth Aleman | Jacobs | Client Account Manager, Miami-Dade and Monroe Counties | john.aleman@jacobs.com | +M 786-298-0180 | Miami, FL | www.jacobs.com

From: Kelly M. Crowe <kcrowe@cityofkeywest-fl.gov>
Sent: Friday, November 4, 2022 5:47 PM
To: Aleman, John <John.Aleman@jacobs.com>
Cc: Elizabeth Ignoffo <eignoffo@cityofkeywest-fl.gov>
Subject: [EXTERNAL] RFQ 22-008 Directional Bore
Importance: High

Hi John,

In the ranking meeting for RFQ 22-008 (Trenchless Installation of Utilities Across Fleming Channel) on Wednesday 11/2, one of the ranking committee members noted that Jacobs cited permitting work currently being done for the project. Upon review, it appears this is correct. Jacobs (CH2M) has an open purchase order #92214 for the permitting of trenchless installation of utility pipelines across Fleming Key. Please see the attached task order that was approved per Resolution 20-123.

We believe this may be a conflict of interest but would like to give Jacobs and opportunity to respond.

Thanks,

Kelly M. Crowe, P.E.
Utilities Director
City of Key West
305 809-3967



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