



City Attorney's Communication #2026-26

October 21, 2025

TO: Mayor and City Commissioners

FROM: Mark E. Berman, City Attorney

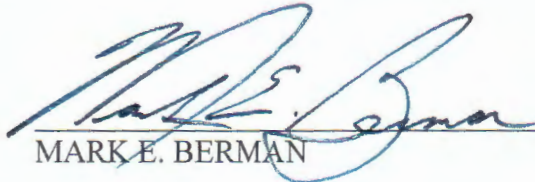
RE: Resolution Approving Construction Contract for the SE 6th Terrace Bridge

At the last City Commission meeting on October 14, 2025, a motion was made by Vice-Mayor Fournier during Reports, requesting the preparation of a Resolution approving the construction contract for the SE 6th Terrace Bridge. Such motion was then approved by the Commission. At the time, I was not familiar with the project, nor had I been provided with any such contract by staff for review.

I am writing to inform you that my office is unable to comply with the request to prepare a Resolution approving the aforementioned contract, as no such contract exists. In fact, as of October 8, 2025, the sole bid was rejected because "the proposed pricing significantly exceeded the budgetary constraints and market benchmarks established for this procurement." Accordingly, the outstanding solicitation was terminated.

I have attached to this memorandum for your review, various documentation that clearly illustrates the problems with the solicitation, the analysis with and recommendations of staff and management with regard to same, along with discussions for future renewal of the procurement process for this project.

Hopefully, this will answer any questions you may have as to same, and should explain why the requested Resolution will not appear on a Commission agenda as requested.


MARK E. BERMAN

MEB/mcm
l:cor/comsn/2026-26

cc: Gregory P. Harrison, City Manager

Mark Berman

From: John Sfiropoulos
Sent: Wednesday, October 1, 2025 5:39 PM
To: Alison Fournier
Cc: Greg Harrison; Brian Donovan; Earl Bosworth; Mary Rivero; Tammy L. Good; Hector Gandia
Subject: FW: ITB25-042 SE 6Th Terrace Bridge - Negotiation Meeting Invitation

Good afternoon Vice Mayor Fournier,

Please see Engineering's recommendation below regarding SE 6th Terrace Bridge. If you have any questions please let us know.

Thank you,



John Sfiropoulos, P.E.
City Engineer
John.Sfiropoulos@copbfl.com
954-545-7009
Pompanobeachfl.gov



From: John Sfiropoulos <John.Sfiropoulos@copbfl.com>
Sent: Wednesday, October 1, 2025 2:44 PM
To: Greg Harrison <Greg.Harrison@copbfl.com>
Cc: Brian Donovan <Brian.Donovan@copbfl.com>; Earl Bosworth <Earl.Bosworth@copbfl.com>; Mary Rivero <Mary.Rivero@copbfl.com>; Tammy L. Good <Tammy.Good@copbfl.com>; Hector Gandia <Hector.Gandia@copbfl.com>
Subject: FW: ITB25-042 SE 6Th Terrace Bridge - Negotiation Meeting Invitation

Good afternoon Greg,

Please see below updated proposal from HA. This is twice the amount of the recently updated cost estimate provided to us by our consultant, Kimley-Horn. These costs are exorbitant and driven by our mandated accelerated schedule to have bridge completed by May of 2026. Based on this, Engineering's recommendation remains the same as before (attached). We believe it's in the City's best interest to reject HA's proposal and re-advertise in the spring of 2026 and start construction following the completion of McNab bridge replacement. We have no doubts that if we re-advertise next year we will get more competition at a significant cost savings to the City, considering contractor will not be up against a deadline which is currently influencing the pricing and lack of competition (HA was the sole bidder). In the interim, we can phase the work and solicit for getting the 6th Terrace bridge hanging utilities undergrounded now

which will show some initiative to the residents. Recall that the delays were a direct result of regulatory agencies which prevented us from advertising much sooner.

If you would like to meet and discuss further please let us know.

Thank you,



John Sfiropoulos, P.E.
City Engineer
John.Sfiropoulos@copbfl.com
954-545-7009
Pompanobeachfl.gov



From: Luis Perez <Luis.Perez@copbfl.com>

Date: September 29, 2025 at 6:32:06 PM EDT

To: Mary Rivero <Mary.Rivero@copbfl.com>

Subject: FW: ITB25-042 SE 6Th Terrace Bridge - Negotiation Meeting Invitation

Mary, see below the email received. In summary there are two options the City requested during the negotiation meeting:

- Option 1 (Bridge opens to the vehicular traffic on May 1st, 2026) - **\$13,928,900.00 - minus the \$500K in contingency.**
- Option 2 (Bridge construction after concluding the McNabb Bridge July 2027) - **\$14,764,634.00 - \$15,182,501.00**

Regards,



Luis E. Perez
Procurement
luis.perez@copbfl.com
954-786-4098
Pompanobeachfl.gov



----- Original message -----

From: Ruel Miles <ruel@ldccompanies.com>

Date: 9/29/25 6:17 PM (GMT-05:00)

To: Luis Perez <Luis.Perez@copbfl.com>

Cc: Henry Angelo IV <hangelo4@hacontracting.com>

This Message Is From an External Sender

This message came from outside your organization.

The BAFO is for the delivery of an operable bridge for traffic on/or before May 1st, 2026. This statement is made with the City proving an award letter or intent to award prior to November 2025, time is of the essence for the notification and delivery as committed.

The reduction offered was derived from some coordination of mobilization, condensed demolition, and a vendor discount for a DOP commitment.

Our team is ready to begin coordination and submittals with the KH Engineering team now, to ensure delivery for the 2026 year.

If, it's the desire of the City to delay the award/commencement of the 6th Terrace Bridge until the McNab Bridge is completed in August 2026. The cost associated with start date for 6th Terrace in September 2026, in our projection based on the trend for the demand on labor and material increases would result in additional escalation between 6% (\$835,734.00) – 9% (\$1,253,601.00) with a delivery of July 2027.

Best Regards,

Ruel Miles

D. Ruel Miles, BD Director

Land Developers Consortium, LLC.

Cell: 305-525-0649

Locations in Palm Beach County, Broward County and Lee County



 Please consider the environment before printing this e-mail

The information contained in this email transmission may contain legally privileged and/or confidential information. This transmission, including any attachments, is intended only for the sole use of the person(s) to whom it is addressed. If you are not the intended recipient of this email, you are hereby notified that any review, dissemination, distribution or duplication of this email, and any attachments thereto, is strictly prohibited. If you are not the intended recipient and you have received this email in error, please immediately contact the sender of this email by reply email and permanently delete the original and any copy of any email and destroy any printed thereof. Thank you.

From: Henry Angelo IV <hangelo4@hacontracting.com>
Sent: Monday, September 29, 2025 5:14 PM
To: Luis Perez <Luis.Perez@copbfl.com>; Ruel Miles <ruel@ldccompanies.com>; Ruel Miles <ruel@ldccompanies.com>
Subject: Re: ITB25-042 SE 6Th Terrace Bridge - Negotiation Meeting Invitation

Good Afternoon Luis,

After review our best and final offer is \$13,928,900.00. If you have any questions please don't hesitate to contact us.

Regards,



Henry Angelo IV

C: [305-588-3199](tel:305-588-3199) | O: [305-591-9212](tel:305-591-9212)

9500 NW 12th Street, Bay #1

Doral, FL 33172

On Fri, Sep 12, 2025 at 6:41 PM Henry Angelo IV <hangelo4@hacontracting.com> wrote:

Luis,

That works. We will see you then.

Regards,

Henry Angelo IV

C: [305-588-3199](tel:305-588-3199) | O: [305-591-9212](tel:305-591-9212)

9500 NW 12th Street, Bay #1

Doral, FL 33172



H.A.CONTRACTING

GENERATIONS OF EXCELLENCE

From: Luis Perez <Luis.Perez@copbfl.com>
Sent: Thursday, September 11, 2025 9:39:13 PM
To: hangelo4@hacontracting.com <hangelo4@hacontracting.com>; ruel@ldconsortium-llc.com <ruel@ldconsortium-llc.com>; ruel@ldccompanies.com <ruel@ldccompanies.com>
Cc: Mary Rivero <Mary.Rivero@copbfl.com>; John Sfiropoulos <John.Sfiropoulos@copbfl.com>; Tammy L. Good <Tammy.Good@copbfl.com>; Hector Gandia <Hector.Gandia@copbfl.com>; Eric Seifer <Eric.Seifer@copbfl.com>
Subject: ITB25-042 SE 6Th Terrace Bridge - Negotiation Meeting Invitation

H.A. Contracting Corp. Team,

Thank you for your detailed proposal about the Invitation to Bid ITB25-042 SE 6Th Terrace Bridge project. After carefully reviewing, we would like to invite your team to a negotiation meeting to discuss key aspects of your submission and explore alignment on scope, schedule, and City requirements.

Meeting Details:

Date: *Thursday, September 18, 2025*

Time: *11:00 AM*

Location: *Procurement and Contracts Department Conference Room*

1010 NE 3rd. Ave. Pompano Beach, FL 33060

Meeting Objectives:

- Review your proposed price, references, scope of work performance, etc.
- Clarify any outstanding items, exclusions, or alternates (if any).
- Discuss contractual terms, milestone commitments, and compliance requirements
- Confirm mutual understanding of project expectations and next steps

Please come prepared to present a brief overview of your bid and address questions related to cost breakdowns and schedule feasibility. We anticipate a collaborative discussion and appreciate your quick reply throughout this process.

Kindly confirm your availability and the names of attendees by **Monday, September 15, 2025, before 5:00 PM.**

THE CONE OF SILENCE REMAINS IN EFFECT FOR THIS SOLICITATION.

Best Regards,



Luis E. Perez
Procurement
luis.perez@copbfl.com
954-786-4098
Pompanobeachfl.gov



Mark Berman

From: Greg Harrison
Sent: Wednesday, October 1, 2025 5:08 PM
To: John Sfiropoulos
Cc: Brian Donovan; Earl Bosworth; Mary Rivero; Tammy L. Good; Hector Gandia
Subject: RE: ITB25-042 SE 6Th Terrace Bridge - Negotiation Meeting Invitation

John, I agree with Engineering's recommendation.



Greg Harrison
City Manager
Greg.Harrison@copbfl.com
954-786-4601
Pompanobeachfl.gov



FOCUSED ON COMMUNITY WELFARE AND DOING GOOD!

From: John Sfiropoulos <John.Sfiropoulos@copbfl.com>
Sent: Wednesday, October 1, 2025 2:44 PM
To: Greg Harrison <Greg.Harrison@copbfl.com>
Cc: Brian Donovan <Brian.Donovan@copbfl.com>; Earl Bosworth <Earl.Bosworth@copbfl.com>; Mary Rivero <Mary.Rivero@copbfl.com>; Tammy L. Good <Tammy.Good@copbfl.com>; Hector Gandia <Hector.Gandia@copbfl.com>
Subject: FW: ITB25-042 SE 6Th Terrace Bridge - Negotiation Meeting Invitation

Good afternoon Greg,

Please see below updated proposal from HA. This is twice the amount of the recently updated cost estimate provided to us by our consultant, Kimley-Horn. These costs are exorbitant and driven by our mandated accelerated schedule to have bridge completed by May of 2026. Based on this, Engineering's recommendation remains the same as before (attached). We believe it's in the City's best interest to reject HA's proposal and re-advertise in the spring of 2026 and start construction following the completion of McNab bridge replacement. We have no doubts that if we re-advertise next year we will get more competition at a significant cost savings to the City, considering contractor will not be up against a deadline which is currently influencing the pricing and lack of competition (HA was the sole bidder). In the interim, we can phase the work and solicit for getting the 6th Terrace bridge hanging utilities undergrounded now which will show some initiative to the residents. Recall that the delays were a direct result of regulatory agencies which prevented us from advertising much sooner.

If you would like to meet and discuss further please let us know.

MEMORANDUM
Purchasing #26-001

DATE: October 15, 2025
TO: Mark Berman, City Attorney
VIA: Earl Bosworth, Assistant City Manager
FROM: Mary Rivero, Director, Procurement & Contracts Department
SUBJECT: ITB25-042 SE 6Th Terrace Bridge – Rejection of all Bids

The Procurement & Contracts Department posted a recommendation tabulation with the following language:

"In accordance with ITB25-042 Section 4.1, the City reserves the right to reject any bid that is not determined to be fair, reasonable, and in the best interest of the City.

After a thorough review of the revised proposals received from H.A. Contracting Corp., and in accordance with the ITB25-042 Section 4.1, the City recommends rejecting the bid submitted by H.A. Contracting Corp. The proposed pricing significantly exceeded the budgetary constraints and market benchmarks established for this procurement."

Please see the following timeline:

1. September 4, 2025: bid opening with bid amount of \$14,117,292.68 from sole bidder H.A. Contracting Corp (double the amount of our engineering consultant's estimate).
2. September 8th, 2025: Considering the exorbitant bid amount (influenced by our mandated accelerated construction schedule), we had a meeting at City Manager's office with the Vice Mayor and we informed her of Engineering's recommendation to re-advertise in 2026 following completion of McNab bridge, in which an accelerated construction schedule would not be required yielding more competition and better pricing.
3. September 10th, 2025: Vice Mayor sent an email to Mary asking her whether we can negotiate the price with the bidder.
4. September 18, 2025: Negotiation meeting held with Procurement, Engineering, and H.A. Contracting Corp.
5. September 29, 2025: Best and final offers (two options) from H.A. Contracting were provided to the City:
 1. Option 1 (Bridge opens to the vehicular traffic on May 1st, 2026) - \$13,928,900.00 - minus the \$500K in contingency.
 2. Option 2 (Bridge construction after concluding the McNabb Bridge) - \$14,764,634.00 - \$15,182,501.00.
6. October 1, 2025: Engineering informed the City Manager of our recommendation to reject HA's "best and final" offers, and the City Manager agreed .



Florida's Warmest Welcome

PROCUREMENT & CONTRACTS DEPARTMENT
MARY RIVERO, DIRECTOR
PHONE: 954.786.4098 | **EMAIL:** mary.rivero@copbfl.com

7. October 1, 2025: Engineering informed the Vice Mayor of our intention to reject the bid and re-advertise next year. *Following this, the Vice Mayor had a couple of questions, which were answered by me in subsequent emails.*
8. October 8th, 2025: Engineering requested Procurement to formally reject HA's bid and close the solicitation.
9. October 8th, 2025: Procurement posted the recommendation tabulation on Ionwave (the Solicitation Platform), formally rejecting all bids.

Please see the attached documentation. If you have any further questions, please do not hesitate to contact the Procurement & Contracts Department.

ITB #:	<u>ITB25-042</u>	Tentative City Commission Meeting Date*:	<u>TBD</u>
ITB Title:	<u>SE 6th Terrace New Bridge Replacement</u>	# Notified:	<u>1221</u> # Downloaded: <u>17</u>
		# of Responses Rec'd:	<u>1</u> # of "No Bids": <u>0</u>
For:	<u>Engineering Department</u> (Department)	ITB Opening Date:	<u>SEPTEMBER 4, 2025</u>

POSTING OF ITB RECOMMENDATION/TABULATION: ITB Recommendations and Tabulations will be posted in the eBid System, IonWave, on **October 8, 2025**, at **07:20 PM** and will remain posted for 72 hours. Any person who may be adversely affected by the decision or intended decision shall file a notice of intent to protest in writing within 72 hours of posting the notice of the decision or intended decision. The formal written protest shall be filed within ten (10) days after the date the notice of intent to protest is filed. Failure to file a notice of intent to protest or a formal written protest shall constitute a waiver of proceedings under this chapter. Section 120.57(3)(b), Florida Statutes, states that "The formal written protest shall state with particularity the facts and law upon which the protest is based." Saturdays, Sundays, state holidays, and days when the City is closed shall be excluded from the computation of the 72-hour time period provided. Filings shall be at the office of the Director of Procurement and Contracts, 1010 NE 3rd Avenue, Pompano Beach, FL 33060. Any person who files an action protesting an intended decision shall post with the City, at the time of filing the formal written protest, a protest bond, payable to the City of Pompano Beach, Florida, in an amount equal to one percent (1%) of the estimated value of the contract. Failure to submit the protest bond within the time allowed for filing a bond shall constitute a waiver of the right to protest. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the protest bond or other security required by law within the time allowed for filing a bond, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

(*) The Cone of Silence, as stated in the ITB / RFP / RFQ / HARD BID, is in effect until it is approved by the City Commission. The City Commission meeting date stated above is tentative. Confirm with the Purchasing Agent of record for the actual date the Cone of Silence has concluded.

RECOMMENDATION TABULATION

The City of Pompano Beach, Florida, received one (1) bid for the **ITB25-042 SE 6th Terrace New Bridge Replacement**. H.A. Contrating Corp. (H.A.) submitted the bid, which is declared responsive and responsible.

Florida Statute 287.057 (6) states:

"If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, the department or other agency may negotiate on the best terms and conditions."

On September 18, 2025, at 11:00 A.M., the City staff participated in the negotiations meeting with H.A. As a result of the negotiations, on September 29, 2025, the City received the revised proposal from H.A.

ITB25-042 Section 4.1 mentions:

"The City reserves the right to reject any and all bids, to waive any and all informalities not involving price, time, and changes in the work, and to negotiate contract terms with the Awarded Bidder, and the right to disregard all nonconforming, nonresponsive, unbalanced, or conditional bids. Also, the City reserves the right to reject the bid of any Bidder if the City believes that it would not be in the best interest of the Project to make an award to that Bidder, whether because the bid is not responsible, or the Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by the City."

"The City requires that all bidders submit cost estimates that are consistent with fair market pricing. All bids will be reviewed to ensure that proposed costs align with current industry standards for similar projects. If any submitted bid is found to be substantially higher or lower than what is deemed reasonable by prevailing market conditions. Suppose any submitted bid is found to be substantially higher or lower than what is deemed reasonable by prevailing market conditions. In that case, the City reserves the right to reject the bid in question. Such determinations will consider both the overall project cost and individual line items within the bid.

The City may rely on independent evaluations, cost databases, or comparative analyses to establish fair market ranges."



Florida's Warmest Welcome

**Procurement and Contracts
Department**
Mary Rivero, Director
mary.rivero@copbfl.com

Recommendation Tabulation
ITB25-042 SE 6th Terrace New Bridge Replacement
Page 2

In accordance with ITB25-042 Section 4.1, the City reserves the right to reject any bid that is not determined to be fair, reasonable, and in the best interest of the City.

After a thorough review of the revised proposals received from H.A. Contracting Corp., and in accordance with the ITB25-042 Section 4.1, the City recommends rejecting the bid submitted by H.A. Contracting Corp. The proposed pricing significantly exceeded the budgetary constraints and market benchmarks established for this procurement.

By:

Jeffrey English

(Purchasing Agent)

Date:

10/08/2025