



Protest Committee Minutes

Town of Lake Park, Florida

Lease Arrangement for Town of Lake Park
Community Redevelopment Agency Owned

Building Located at 800 Park Avenue, Lake Park, Florida

Monday, July 9, 2018 10:00 a.m.

Commission Chamber, Town Hall, 535 Park Avenue

The Protest Committee meeting was conducted on Monday, July 9, 2018. The meeting was called to order by Chair Lourdes Cariseo at 10 a.m. who asked for a roll call. Present were Committee members, Finance Director Lourdes Cariseo, Town Manager John D'Agostino, and Town Attorney Thomas Baird.

Town Attorney Baird explained the procedure outlined in the Town Code regarding a bid protest and an appeal of the Finance Director's decision. He explained that the Code provides that the Committee Members consist of the Finance Director, the Town Manager, the Department Director, and the Town Attorney. In this case, however, there is no Director because the RFP originated from the Community Redevelopment Agency (CRA), which has no departments. He stated that this meeting was not a public hearing. This meeting is solely to consider the information the protestor wishes to present to the Committee. He explained that following the protestors presentation, the Committee may ask questions, and then it will be up to the Committee to make a decision.

Chair Cariseo invited the Protestor, The Artists of Palm Beach County to present. Ms. Mary Jane Zapp, representing The Artist of Palm Beach County explained that The Artists of Palm Beach County were satisfied with the decision of Ms. Cariseo, who indicated that a new Request for Proposal would be generated. Consequently, The Artists of Palm Beach County never appealed that decision. She does not understand why this Committee was meeting when no appeal was filed. Attorney Baird explained that under the abundance of caution he took the June 22, 2018 email as a notice of appeal. If The Artists of Palm Beach County position was that they are not appealing, then he would like to make some remarks into the record. Ms. Zapp reiterated that they are not filing an appeal. She stated that The Artists of Palm Beach County received conflicting information concerning the submittals that were uploaded to the Town's website and only sought clarification to make sure that they met all the deadlines to file or respond to the process.

Town Attorney Baird stated for the record his evaluation of the protest and to the extent that there was an appeal that under the Town Code this Request for Proposal is in violation of the Town laws and procedures. He explained that the basis of the violation of the Code and procedures was that the CRA is not subject to the Town Code. This protest a solicitation by the CRA. The most obvious reflection that there is a difference between the Town Code and its procedures were not followed is that the CRA does not have a department director, which is why there is no department director here today as part of this Committee.

He stated that the second and more serious concern he has with this process is that violation by both The Artists of Palm Beach County and the Surfing Museum of the “Cone of Silence”. The Cone of Silence existed from the time the Request for Proposal was issued until such time that the Commission makes a decision. He explained that there were public comments made at a public meeting to the CRA Board, the Town Commission, the Town Manager and Finance Director. In his opinion those public comments were violative of the Cone of Silence and the RFP procedures that are set forth in the Town Code and the RFP. After the Town Commission meeting wherein these comments were made, there were additional breaches of the Cone of Silence because emails were sent to the Commission, Town Officials, including himself, from both The Artists of Palm Beach and the Surfing Museum. He stated that as he read those emails, they were clearly intended to influence an award, which is inconsistent with the Town Code, and the procedures established by the Request for Proposal. He stated that he was ready to make a motion that both Offerors failed to observe the restrictions of the Cone of Silence and that both Offerors be disqualified from award of the Proposal. Since no appeal was filed his motion would be moot. He stated that if in fact this would be re-advertised, he would recommend that it be a Town of Lake Park request for proposal and not a CRA request for proposal and if either of these two Offerors respond to the request for proposal that the Cone of Silence be observed as required by law and the procedures.

ADJOURNMENT:

Motion: Town Attorney Baird moved to adjourn; seconded by Town Manager D’Agostino.

The Protest Committee meeting for Request for Proposal 104-2018 adjourned at 10:07 a.m.

Town Clerk Vivian Mendez