PROCUREMENT DIVISION

ONE CITY. ONE JACKSONVILLE.

MEMORANDUM

TO: General Government Awards Committee

FROM: Dustin L. Freeman, Chief of Procurement

DATE: 2/7/2023

SUBJECT: **Protest of Notice of Debarment**

The attached debarment filed by Tritt & Associates on behalf of Real Estate Solutions Jax, LLC is presented for action by the General Government Awards Committee, on Thursday, 2/23/2023 at 1:00pm.

The General Government Awards Committee action is as follows:

UPHELD:	**DENIED:**
Dir. Adm. & Finance or Designee	Dir. Adm. & Finance or Designee
General Counsel or Designee	General Counsel or Designee
Director of Public Works or Designee	Director of Public Works or Designee

ACTION OF AWARDING AUTHORITY

Date: _____

_____ **Approved**

_____ **Disapproved**

Signature of Authentication: _____

City of Jacksonville, Florida

Lenny Curry, Mayor

Procurement Division
Ed Ball Building
214 N. Hogan Street, Suite 800
Jacksonville, Florida 32202

ONE CITY. ONE JACKSONVILLE.

February 2, 2023

VIA EMAIL:

Helen H. Albee
Tritt & Associates, P.A.
707 Peninsular Place
Jacksonville, FL 32204
Helen.Albee@atritt.com

Re: Revised - Protest of Notice of Debarment, Real Estate Solutions Jax, LLC

Dear Ms. Albee:

I am in receipt of your protest letter filed on behalf of Real Estate Solutions Jax, LLC received via email on Wednesday, December 7, 2022 at 2:30 p.m. for the above referenced bid. Accordingly, we request that you and/or a representative of your firm appear before the General Government Awards Committee (GGAC) on Thursday, February 23, 2023, at 1:00 p.m. on the 8th floor of the Ed Ball Building, 214 N. Hogan Street, Conference Room 851, to present arguments limited to and in support of the issues in your letter.

Furthermore, by copy of this letter, I will formally request that all other firms having standing in this matter have a representative appear before the GGAC on the above-mentioned date and time, if they desire to be heard in this matter.

If you have any questions, comments, or concerns, please do not hesitate to call.

Sincerely,

for Dustin Freeman
Chief, Procurement Division

cc: Robert Waremburg, Procurement Manager
Annette Burney, Asst. Manager, Purchasing Services
Angie Dixon, Ombudsman
Steve D. Long, Jr., Director of Public Works
Kyle Gavin, Esquire
Council Auditor
Bid File

Tritt & Associates, P.A.

Attorneys at Law

Construction Law and Business Litigation

December 9, 2022

Dustin L. Freeman, Chief
Procurement Division
City of Jacksonville, Florida
214 N. Hogan St., Suite 800
Jacksonville, FL 32202
dustinf@coj.net

Re: Notice of Protest of Real Estate Solutions Jax, LLC

Dear Mr. Freeman,

This firm represents Real Estate Solutions Jax, LLC in matters arising from the Notice of Debarment issued by you on December 1, 2022. Please accept this correspondence as Real Estate Solutions Jax, LLC's formal Notice of Protect to said Notice. As grounds for this Notice of Protest, Real Estate Solutions Jax, LLC ("RE Solutions") states as follows:

Failure to provide RE Solutions with Due Process

Based upon the document provided with the Notice of Debarment, the City has based its decision to debar RE Solutions solely on information provided by General Contracting Repair & Installation, Inc. ("GRCI"). GRCI has provided inaccurate information and has omitted key facts related to the allegations leveled against RE Solutions. Additionally, GRCI is the party in privity with the City, **not** RE Solutions. Consequently, any alleged violation of the GRCI's contract with the City must be visited upon GRCI, not RE Solutions. GRCI has and continues to have the responsibility to comply with all terms of its contract with the City. RE Solutions has the responsibility to comply with its contract with GRCI. However, because the City has relied solely on information from GRCI in reaching its debarment decision, RE Solutions has been deprived of due process by the City. RE Solutions protests the manner in which the debarment decision was reached and submits it should be provided the opportunity to be fully heard on this important matter.

RE Solutions Response to GRCI's Position Statement

RE Solutions vehemently denies it violated common industry standards in fulfilling its contractual obligations to GRCI. However, GRCI's allegations are so vague and general, it is difficult even know to what GRCI is referring. This vagueness also implicates RE Solutions' due process violations as it is unable to know exactly what violations of industry standards or professionalism are at issue.

On August 2, 2022, RE Solutions received a punch list from GRCI with instructions to address them "asap". The email and punch list received is attached. RE Solutions was prepared to perform the work required to complete this punch list. However, as Mr. Hodges is well aware, Ricco

Johnson, RE Solutions' representative, was hospitalized on August 4, 2022 for serious medical condition and unable to work for a period of time. Despite his hospitalization, Mr. Johnson attempted to resolve any outstanding issues related to its work for GRCI with Mr. Hodges. However, Mr. Hodges refused any settlement offers. Additionally, GRCI, through Mr. Hodges, wrongfully terminated RE Solutions from completing any further work on the projects at issue.

GRCI, as the contractor in privity with the City, has the ultimate responsibility to oversee and complete the Projects. GRCI may not place the blame for its failures on RE Solutions. Upon information and belief, GRCI has suffered no penalty for its failures to comply with its contractual obligations to the City. Again, this situation is relevant to RE Solutions' due process objections to its Notice of Debarment. RE Solutions has been responsive to the needs of each of the projects; however, GRCI has failed to pay RE Solutions as agreed and then, terminated RE Solutions wrongfully and without paying amounts due for work completed.

To add further insult to injury, GRCI provided incomplete or vague information to the City which led to the issuance of the Notice of Debarment. Based upon the above, RE Solutions requests the Notice of Debarment be rescinded or, that RE Solutions be provided with a meaningful opportunity to be heard on the allegations leveled against it. RE Solutions is anxious to fully respond to GRCI's allegations to order to clear it from the Disqualified Vendor's List.

Thank you for your attention in this matter.

Sincerely,

Helen H. Albee
Board Certified-Construction Law

Enc. as stated.

cc: Real Estate Solutions Jax, LLC (via email)

EXHIBIT A

6211 Lobelia

7 messages

Chris Hodges <chris@hodges.pro> Tue, Aug 2, 2022 at 3:40 PM
To: Rico Johnson <rjohnson@gcri.us>

Good afternoon,

I just had an exhaustive walk thru with Angie, Christean, Rick, and Raelyn at Lobelia. The owner contacted ombudsman over the issues detailed on the attachment.

Thank you,

Chris Hodges
General Contracting Repair & Installation, Inc.
Phone: (904) 495-2700
Email: Chris@Hodges.pro
Web: www.GCRI.us

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Chris Hodges <chris@hodges.pro> Tue, Aug 2, 2022 at 3:41 PM
To: Rico Johnson <rjohnson@gcri.us>

Here's the attachment

Thank you,

Chris Hodges
General Contracting Repair & Installation, Inc.
Phone: (904) 495-2700
Email: Chris@Hodges.pro
Web: www.GCRI.us

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Begin forwarded message:

From: Chris Hodges <chris@hodges.pro>
Subject: 6211 Lobelia
Date: August 2, 2022 at 3:40:35 PM EDT
To: Rico Johnson <rjohnson@gcri.us>

6211 Lobelia issues

The home owner has contacted Ombudsman on the following issues. Please have these addressed asap.

Please make sure anyone painting or working in the house is using drop cloths or plastic to cover the floors and belongings in the affected areas.

Please get another change order together for:

1 - cutting down the tree in the side yard
2 - adding the 1x6 base board in the back great room
3 – skim and paint wallpapered soffit in kitchen.
4 – costs to replace door in bedroom 2. stained and sealed, not painted. Trim needs to match front bedroom door trim.
The cost of this line item needs to be added to tree removal so it is not seen on the change order.
5 - time extension to handle all these issues.

Exterior

- Cut down tree
- Move grill
- Install covered patio
- Clean overspray from brick window sills

Front great room

- Ceiling sagging. Not fastened properly
- Clean sheetrock mud and paint from carpet

Kitchen

- Hole in wall where trim was removed
- Backsplash not complete or painted
- Replace damaged hood grease screen
- Fasten panel on back side of bar
- Fasten scribe molding where bar meets wall
- Cabinet doors need adjusting
- Skim and paint wall papered soffit

Front hallway

- Need corner molding and base tie in.
- Casing to door needs finished. Needs to match existing per spec.
- Fasten plumbing access panel in closet
- Bedroom door needs trim finished

Front bedroom

- Touch up ceiling

6211 Lobelia issues

Second bedroom

- Replace white door with a stained/sealed door. Flush glazed. Trim and door to match the front bedroom door.

Front right bathroom

- Do not install crown
- Door needs adjusting

Back great room

- Re-attach paneling properly ensuring center seam is tight
- Install 1x6 base board painted brown

Master Bath

- Touch up paint around ceiling
- Clean up paint drippings

Back bathroom

- Finish and paint patch in wall at ceiling

Miscellaneous

- Clean drywall mud and paint from carpets through out
- Clean drywall smears and paint from wood doors through out
- Crown in all areas ceiling was installed, except front right bathroom
- Clean drywall smears and paint from existing paneling through out.