



OFFICE of the CITY ATTORNEY  
Adam C. Cobb, City Attorney

April 25, 2025

**VIA EMAIL**

NorthStar Contracting Group, Inc.  
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NorthStar Contracting Group, Inc.  
c/o Derek E. Bruce  
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L.M. Sessler Excavating & Wrecking, Inc.  
c/o Jeffrey Sessler, Owner  
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L.M. Sessler Excavating & Wrecking, Inc.  
c/o Joseph M. Goldstein  
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Re: Request for Proposals for the Decommissioning and Demolition Contractor for the  
Former Baptist Hospital Complex, RFP No. 25-008 (the "RFP")

Gentlemen:

I write to you now in response to the Protest and Reply (both as defined below).

As you know, the City of Pensacola ("City") issued the RFP on or about January 14, 2025. A copy of that RFP is attached as Exhibit A. Thereafter, the City invited the shortlisted respondents to the RFP to make oral presentations to the City's selection committee ("Committee") on or about April 3, 2025. On or about April 4, 2025, the City issued its notice of intent to award ("NOI"), noting the Committee's intent to recommend to the Mayor that L.M. Sessler Excavating & Wrecking Inc. ("Sessler") be awarded the contract related to the RFP ("Contract"). A copy of the NOI is attached as Exhibit B. On or about April 11, 2025, NorthStar Contracting Group, Inc. ("NorthStar") submitted a notice of protest ("Protest") relating to the NOI, a copy of which Protest is attached as Exhibit C. Sessler submitted a written response to the Protest on or about April 22, 2025 ("Reply"), a copy of which Reply is attached as Exhibit D.

In its Protest, NorthStar raised two primary concerns, which I restate as follows (1) Sessler is not a qualified vendor pursuant to the terms of the RFP, and (2) the NOI lacks a fair value analysis. After careful consideration of the issues raised in the Protest and Reply and thorough research and

review of the facts, history and actions surrounding the same, the City responds the Protest as follows:

1. Sessler's qualifications under the RFP.

a. Relevant terms of the RFP.

Section 10 of the "General Purchasing Conditions" in the RFP states as follows:

**10. Licenses, Registration and Certificates:** Each proposer shall possess at the time of submitting its proposal all licenses, registrations and certificates necessary to engage in the business of contracting (or special contracting if the work to be performed necessitates a particular type of specialty contractor) in the City of Pensacola. Proposer must also possess all licenses, registrations and certificates necessary to comply with federal, state and local laws and regulations. The awarded proposer shall be registered at the time of contract execution as an active vendor with the Florida Department of State, Division of Corporations ([www.sunbiz.org](http://www.sunbiz.org)). (emphasis in original)

Those "General Purchasing Conditions" go on to state as follows:

**ANY AND ALL SPECIAL CONDITIONS AND SPECIFICATIONS ATTACHED HERETO WHICH VARY FROM THESE GENERAL CONDITIONS SHALL HAVE PRECEDENCE.** (emphasis in original)

Relevant portions of those specifications can be found in Section 2.2 of the RFP, which states as follows:

EVALUATION CRITERIA:

The following must be included with each submittal:

... Required with submittal but not part of evaluation criteria:

10. Licensure: Contractor shall provide proof of a valid State of Florida General Contractor's license and/or Escambia County General Contractor certification as well as all other required licenses for this project. (emphasis added)

b. Sessler's submission in response to the RFP.

In response to the RFP, Sessler submitted its Response to Request for Proposals, RFP 25-008 ("Submission"). A copy of such Submission is attached as Exhibit E. In Section 10 of its Submission, Sessler included what it identified as a "Sessler Wrecking State of Florida General Contractor's License."<sup>1</sup>

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<sup>1</sup> See page 353 of the pdf exhibit document, sent simultaneously with this correspondence.

However, upon further review, what Sessler actually submitted was not a Florida general contractor's license, but rather, a Florida demolition specialty contractor's license ("Specialty License"). Sessler concedes in its Reply that it did not hold a Florida general contractor's license at the time of its Submission or at the time of its Reply.

Sessler failed to include evidence or other proof of a valid State of Florida general contractor's license or Escambia County general contractor certification with its Submission or Reply as required by Section 2.2 of the RFP – for itself or any other person or entity.

In its Reply, Sessler further concedes that its Specialty License is insufficient and that demolition of the structures included within the scope of the RFP would require a general contractor's license. Again, evidence of any such admittedly required license is completely absent from Sessler's Submission. Sessler failed to show in its Submission that it possessed all licenses, registrations and certificates necessary to comply with federal, state and local laws and regulations, as required by Section 10 of the "General Purchasing Conditions" of the RFP.

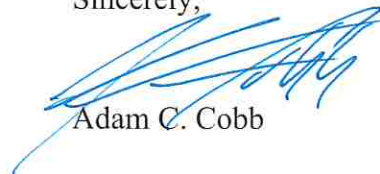
The proof of licensing and related timing requirements noted above were intentional, material components of the RFP, necessary for a responding contractor to demonstrate, at the time of its submission, its ability to fully perform the scope of work contemplated in the RFP. Because of Sessler's failure to meet such requirements, NorthStar's Protest as to Sessler's qualifications under the RFP is sustained.

2. The NOI lacks a fair value analysis. Given the deficiencies in Sessler's Submission noted above, this concern is now moot and not addressed in substance in this correspondence.

In light of the forgoing decision, the City must, and hereby does, respectfully reject Sessler's Submission and disqualify it from any Contract resulting from the RFP.

Thank you all for your time, professionalism and expertise. We appreciate your interest in doing business with the City of Pensacola and hope that interest will continue moving forward.

Sincerely,



Adam C. Cobb

enclosures