



July 26, 2023

To: Mayor Jerry L. Demings  
-AND-  
County Commissioners

*Chm.*

Carrie Mathes, CFCM, NIGP-CPP, CPPO, C.P.M., Manager II,  
Procurement Division

Contact: Sara Flynn-Kramer, Manager II, Capital Projects Division  
407-836-0048

Subject: Award of Invitation for Bids Y23-7000-MB, Orange County Courthouse  
Uninterrupted Power Supply Systems Replacement

ACTION REQUESTED:

Approval to award Invitation for Bids Y23-7000-MB, Orange County Courthouse Uninterrupted Power Supply Systems Replacement, to the low responsive and responsible bidder, Miller Electric Company, in the total contract award amount of \$1,283,177.31.

In the event the bidder recommended above fails to achieve timely compliance with pre-award deliverables, as defined in the Invitation for Bids, including, but not limited to, M/WBE participation sub-contract agreements, State Division of Corporations registration, E-verify, insurance and bonds, further request authorization for the Procurement Division to award to the next low responsive and responsible bidder as listed in the bid tabulation herein, to the extent practicable and advantageous to the County.

PROCUREMENT:

Work under this contract will include replacement of eight uninterrupted power supply systems, which will improve reliability, efficiency and add redundancy in the system. The work includes replacement of the following: Central Energy Plant, Building A – Public Defender, Building B – State Attorney, and Building C – Tower Courthouse. The project is located in District 5.

FUNDING:

Funding is available in account number 1023-043-1787-3810.

APPROVALS:

The Capital Projects and Business Development Divisions concur with this recommendation.

REMARKS:

Three bids were received in response to this Invitation for Bids and were evaluated for responsiveness and responsibility, and price reasonableness. The bid from Eau Gallie Electric was deemed non-responsive by the Procurement Division based on the analysis provided by the Business Development Division, which identified that the M/WBE participation goal was not achieved, and sufficient good faith documentation was not provided.

Award of Invitation for Bids Y23-7000-MB, Orange County Courthouse Uninterrupted Power Supply Systems Replacement  
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Staff determined that the bid from Miller Electric Company is reasonable for this type of work. References provided by Miller Electric Company were verified and satisfactory for this type of work. Therefore, award is recommended to Miller Electric Company.

Bid tabulation is as follows:

<u>Bidder:</u>	<u>Total Bid:</u>
Miller Electric Company	\$1,283,177.31
Echo ED Corp	\$1,445,000.00
Eau Gallie Electric	Non-Responsive



**BUSINESS DEVELOPMENT DIVISION**

July 17, 2023

**TO:** Michelle Black, Contracting Agent  
Procurement Division

**FROM:** Princess Clarke, Senior Contract Administrator  
Business Development Division

**SUBJECT:** Business Development Division Bid Evaluation

**PROJECT:** **Y23-7000-MB / Orange County Courthouse Uninterrupted Power Supply Systems Replacement**

The Business Development Division evaluated three bids submitted for this project. The Business Development Division completed a M/WBE Availability Analysis. The scope of services for this project had M/WBE availability. As a result, the M/WBE goal remained at 25%. At the time of bid opening; at least 104 firms were certified to provide the scope of services at the subcontract level.

The apparent low bid, submitted by Miller Electric Company, reported 23.92% in M/WBE participation. The M/WBE participation doesn't meet the Orange County M/WBE participation goal of 25% **per the Ordinance requirement.**

Business Development issued a Submittal of Clarification email request on June 23, 2023, for the apparent low bidder to submit:

- Good Faith Effort Form Action #1, #2, #3, #4, and #5

On June 26, 2023, the apparent low bidder responded and submitted:

- Good Faith Effort form- The form was submitted only no documentation submitted to support Good Faith Efforts.
- Good Faith Effort Action #1- No documentation submitted
- Good Faith Effort Action #2- No documentation submitted
- Good Faith Effort Action #3- No documentation submitted
- Good Faith Effort Action #4- No documentation submitted
- Good Faith Effort Action #5- No documentation submitted

*Sheena Ferguson*

**Interoffice Memorandum**

The bidder indicated that they have historically performed all the other scope of services listed on the Good Faith Effort form.

Therefore, no additional M/WBE participation can be included. The M/WBE participation will remain at 23.92% and doesn't meet the Orange County M/WBE participation goal **per the Ordinance requirement. Per the Ordinance**, Sec. 17-321, A prime contractor is not required to subcontract out work that it has historically and consistently performed with its own work force. Please note the following certified M/WBE participation:

MBE-HM	Diversified Supply	\$306,942.58
<b>Total MWBE Participation</b>		<b>\$306,942.58 (23.92%)</b>

The second low bid, submitted by Echo ED Corp, reported 0% in M/WBE participation. The M/WBE participation doesn't meet the Orange County M/WBE participation goal of 25% **per the Ordinance requirement.**

Business Development issued a Submittal of Clarification email request on June 23, 2023, for the second low bidder to submit:

- Good Faith Effort Form Action #1, #2, #3, #4, and #5

On June 26, 2023, the second low bidder responded and submitted:

- Updated Contract and Sub-Contract Goal Participation Schedule form
- Good Faith Effort form-The form was submitted only no documentation submitted to support Good Faith Efforts.
- Good Faith Effort Action #1- No documentation submitted
- Good Faith Effort Action #2- No documentation submitted
- Good Faith Effort Action #3- No documentation submitted
- Good Faith Effort Action #4- No documentation submitted
- Good Faith Effort Action #5- No documentation submitted

An updated Contract and Sub-Contract Goal Participation Schedule form was received denoting M/WBE participation is 25.11% and met the Orange County M/WBE participation goal **per the Ordinance requirement.** Please note the following certified M/WBE participation:

Not Orange County Certified	<i>Echo Ed Corp*</i>	<i>\$1,445,000.00</i>
MBE-HM	M & M Electric of Central Florida	\$362,900.00
<b>Total MWBE Participation</b>		<b>\$362,900.00 (25.11%)</b>

\*At time of bid the company was not Orange County Certified.

**Interoffice Memorandum**

The third low bid, submitted by Eau Gallie Electric, reported 22.45% in M/WBE participation. The M/WBE participation doesn't meet the Orange County M/WBE participation goal of 25% **per the Ordinance requirement.**

Business Development issued a Submittal of Clarification email request on June 23, 2023, for the third low bidder to submit:

- Good Faith Effort Form Action #1, #2, #3, #4, and #5

On June 26, 2023, the third low bidder responded and submitted:

- Updated Contract and Sub-Contract Goal Participation Schedule form removing "Above Group" and adding "Advanced Partners, LLC"
- Equal Employment Opportunity Workforce Schedule Form
- Good Faith Effort Action #1- No documentation submitted
- Good Faith Effort Action #2- No documentation submitted
- Good Faith Effort Action #3- No documentation submitted
- Good Faith Effort Action #4- No documentation submitted
- Good Faith Effort Action #5- No documentation submitted

The updated Contract and Sub-Contract Goal Participation Schedule form submitted included a certified MBE company Advance Partners (\$45,000.00) however the scope of work listed is "Engineering". The MBE Company Advance Partners is not currently certified in this scope of work therefore the amount could not be included in the M/WBE participation.

The company Above Group (\$45,000.00) was listed as a subcontractor on the original Contract and Sub-Contract Goal Participation Schedule form however the company is not currently a certified M/WBE company but a registered service-disabled veteran company.

The M/WBE participation will remain at 22.45% and did not meet the Orange County M/WBE participation goal **per the Ordinance requirement. Good Faith Effort (GFE) was not achieved per the Ordinance requirement if the M/WBE goal is not met.** Therefore, GFE was not achieved. Please note the following certified M/WBE participation:

SDV	<del>Above Group</del>	\$45,000.00
MBE-AFAM	<del>Advanced Partners</del>	\$45,000.00
MBE-HM	Diversified Supply	\$333,540.00
<b>Total MWBE Participation</b>		<b>\$333,540.00 (22.45%)</b>

Our evaluation of these bids was based on the participation listed on the subcontractor/supplier page. Attached is a spreadsheet reconciling the bidders' compliance with the Invitation for Bid's M/WBE requirements, including the percentage breakdown for all bidders and a comparison of the relative bids versus participation percentages.

Also, I confirm my recommendation is free of conflicts of interest.

cc: Sheena Ferguson, Manager, Business Development Division

**BID COMPARISON****Y23-7000-MB / Orange County Courthouse Uninterrupted Power Supply Systems Replacement**

<b>Rank</b>	<b>Bidder</b>	<b>Bid Amount</b>	<b>Prime MWBE \$'s in the Bid</b>	<b>Sub-contractor M/WBE \$'s in Bid</b>	<b>% Prime MWBE self- performing (Goal 51%)</b>	<b>% Sub- contractor M/WBE (Goal 25%)</b>	<b>Total MWBE %</b>	<b>GFE</b>	<b>EEO % M / W</b>
Low Bid	Miller Electric Company	\$1,283,177.31	\$0.00	\$306,942.58	0.00%	23.92%	23.92%	N/A	21 / 8 %
2nd Low	Echo ED Corp	\$1,445,000.00	\$0.00	\$362,900.00	0.00%	25.11%	25.11%	N/A	78 / 16 %
3rd Low	Eau Gallie Electric	\$1,486,000.00	\$0.00	\$333,540.00	0.00%	22.45%	22.45%	No	22 / 66 %