




January 9, 2024

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

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

Contact: Lindy A. Wolfe, P.E., LEEP AP, Manager II, Utilities Engineering Division  
407-254-9918

Subject: Award of Invitation for Bids Y24-724-CC, Eastern Water Reclamation Facility  
Phase 6A Improvements

ACTION REQUESTED:

Approval to award Invitation for Bids Y24-724-CC, Eastern Water Reclamation Facility Phase 6A Improvements, to the low responsive and responsible bidder, Wharton-Smith, Inc., in the total contract award amount of \$69,557,838.

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 consists of installing a new storage and re-pump facility to expand the Public Access Reuse facility to add nine-million gallons of storage and 17,000 gallons per minute of additional pumping capacity along with the replacement of aging internal recycle pumps and the replacement of existing aging motor control centers. The project is located in District 4.

FUNDING:

Funding is available in account numbers 4420-038-1538-0025-6310, 4420-038-1538-0033-6310, and 4420-038-1538-0036-6310.

APPROVALS:

The Utilities Engineering 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, responsibility, and price reasonableness. The bid submitted by Thalle

Award of Invitation for Bids Y24-724-CC, Eastern Water Reclamation Facility Phase 6A  
Improvements

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Construction Co., Inc. 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 effort documentation was not provided. Wharton-Smith, Inc. has a satisfactory record of performance for this type of work and has been determined to be responsible. Therefore, award is recommended to Wharton-Smith, Inc.

The bid tabulation is as follows:

<b>Bidder</b>	<b>Bid Total</b>
Wharton-Smith, Inc.	\$69,557,838
Prime Construction Group, Inc.	\$73,377,337
Thalle Construction Co., Inc.	Non-responsive



**BUSINESS DEVELOPMENT DIVISION**

December 28, 2023

TO: Corie Cummings, Contracting Agent  
Procurement Division

FROM: Princess Clarke, Senior Contract Administrator  
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

**PROJECT: Y24-724-CC, Eastern Water Reclamation Facility Phase 6A  
Improvements**

The Business Development Division evaluated three bids submitted for this project. The Business Development Division completed an M/WBE Availability Analysis. The scope of services for this project had limited M/WBE availability. As a result, the M/WBE goal was reduced from 25% to 9%. At the time of bid opening, at least 178 firms were certified to provide the scope of services at the subcontract level.

The apparent low bid, submitted by Wharton-Smith, Inc. reported 9.04% in M/WBE participation. The apparent low bid met the Orange County M/WBE participation goal **per the Ordinance requirement**.

Business Development issued a Submittal of Clarification email request on December 21, 2023, for the apparent low bidder to submit:

- Contract and Sub-Contract Goal Participation Schedule form

On December 22, 2023, the apparent low bidder responded and submitted:

- Contract and Sub-Contract Goal Participation Schedule form

*Sheena Ferguson*

**Interoffice Memorandum**

The apparent low bid met the Orange County M/WBE participation goal **per the Ordinance requirement**. Please note the following certified M/WBE participation:

MBE-AFAM	Sterling Silver Scape & Sod	\$198,368.00
MBE-HM	Central Florida Construction Walls	\$1,080,406.00
MBE-AFAM	Williams Earthwork	\$780,960.00
MBE-AFAM	J.B. Mechanical	\$377,335.00
MBE-HM	Diversified Supply	\$2,050,000.00
WBE-WF	The Pipe Nipple & Supply	\$1,800,000.00
<b>Total MWBE Participation</b>		<b>\$6,287,069.00 (9.04%)</b>

The second low bid, submitted by Prime Construction Group, Inc. reported 9.02% in M/WBE participation. The second low bid met the Orange County M/WBE participation goal **per the Ordinance requirement**. Please note the following certified M/WBE participation:

MBE-AFAM	HZ Construction	\$3,678,794.00
WBE-WF	JML Advertising	\$850.00
MBE-HM	Diversified Supply	\$2,935,500.00
<b>Total MWBE Participation</b>		<b>\$6,615,144.00 (9.02%)</b>

The third low bid, submitted by Thalle Construction Co., Inc., reported 8.96% in M/WBE participation and did not meet the Orange County M/WBE participation goal **per the Ordinance requirement**. The bidder listed MWBE Company Ambient Technologies to perform scope of services in which they are not certified on the Contract and Sub-Contract Goal Participation Schedule form.

Business Development issued a Submittal of Clarification email request on December 21, 2023, for the third low bidder to submit:

- Contract and Sub-Contract Goal Participation Schedule form
- Good Faith Effort Form Action #1, #2, #3, #4, #5

On December 27, 2023, the third low bidder provided no response.

The bid 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. Please note the following certified M/WBE participation:

MBE-HM (Not certified as M/WBE subcontractor- Pipe Removal)	<i>Ambient Technologies</i>	<i>\$50,000.00</i>
WBE-WF	Aristocuts Lawn & Garden	\$383,257.00
WBE-AFAF	Geotechnical and Environmental Consultants	\$25,200.00
MBE-HM	Central Florida Construction Walls	\$1,113,738.00

<b>Interoffice Memorandum</b>		
MBE-HM	On Point Surveying	\$42,000.00
MBE-AM	Sunrise Hauling & Excavating	\$577,157.00
MBE-AFAM	HZ Construction	\$196,440.00
MBE-AFAM	Williams Earthwork	\$920,000.00
WBE-WF	The Pipe Nipple & Supply	\$1,894,155.00
MBE-HM	Diversified Supply	\$1,809,579.00
<b>Total MWBE Participation</b>		<b>\$6,961,796.00 (8.96%)</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

**Y24-724-CC, Eastern Water Reclamation Facility Phase 6A Improvements**

<b>Rank</b>	<b>Bidder</b>	<b>Bid Amount</b>	<b>M/WBE \$'s in Bid</b>	<b>% M/WBE (Goal 9%)</b>	<b>GFE</b>	<b>EEO % M / W</b>
Low Bid	Wharton-Smith, Inc.	\$69,557,838.00	\$6,287,069.00	9.04%	N/A	69 / 9 %
2nd Low	Prime Construction Group, Inc.	\$73,377,337.00	\$6,615,144.00	9.02%	N/A	69 / 9 %
3rd Low	Thalle Construction Co., Inc.	\$77,732,600.00	\$6,961,796.00	8.96%	No	46 / 7 %