




October 23, 2023

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

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

Contact: David Gregory, Manager II, Solid Waste Division
407-254-9622

Subject: Award of Invitation for Bids Y23-7011-SH, Orange County Landfill
Cell 11, Phase 2, Bay 20-22 Expansion

ACTION REQUESTED:

Approval to award Invitation for Bids Y23-7011-SH, Orange County Landfill Cell 11, Phase 2, Bay 20-22 Expansion, to the low responsive and responsible bidder, Thalle Construction Co., Inc. in the total contract award amount of \$16,191,242.

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 project will provide future Class I waste disposal capacity for the Orange County Landfill. Approximately 24 acres of lined Class I landfill disposal area divided into three bays will be constructed. Elements of the project include a geosynthetic liner system consisting of prepared subgrade, geosynthetic clay liner layers, two 60-mil high density polyethylene geomembranes, two composite drainage nets, and a sand drainage layer. The project will also include associated leachate and landfill gas piping. The project is located in District 4.

FUNDING:

Funding is available in account number 4410-038-1107-0005-6310.

APPROVALS:

The Solid Waste Division and Business Development Division concur with this recommendation.

Award of Invitation for Bids Y23-7011-SH, Orange County Landfill Cell 11, Phase 2, Bay 20-22 Expansion

Page 2

REMARKS:

Four bids were received in response to the Invitation for Bids (IFB) and the three low bidders were evaluated for responsiveness, responsibility, and price reasonableness. The bid submitted by COMANCO 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. The bid submitted by T&K Construction LLC was deemed non-responsible for failure to provide similar projects that conform to the requirements of the IFB. The bid submitted by Thalle Construction Co., Inc. is considered reasonable based on comparison to the engineer's estimate. Thalle Construction Co., Inc. has a satisfactory record of performance for this type of work and has been determined to be responsible. Therefore, the award is recommended to Thalle Construction Co., Inc.

The bid tabulation is as follows:

<u>Bidder</u>	<u>Total Bid</u>
Thalle Construction Co., Inc.	\$16,191,242
Southeast Environmental Contracting LLC	\$17,323,238
COMANCO	Non-Responsive
T&K Construction LLC	Non-Responsive



BUSINESS DEVELOPMENT DIVISION

October 3, 2023

TO: Sean Hynes, Contracting Agent
Procurement Division

FROM: Kambria Anderson, Senior Contract Administrator
Business Development Division

SUBJECT: Business Development Division M/WBE Bid Evaluation

PROJECT: **Y23-7011-SH, Orange County Landfill Cell 11, Phase 2, Bay 20-22 Expansion**

The Business Development Division evaluated all four bids submitted for this project and completed a Minority/Women Business Enterprise (M/WBE) Availability Analysis. The scope of services for this project has limited M/WBE availability. As a result, the M/WBE goal was reduced to 5%. At the time of bid opening, at least 70 M/WBE firms were certified to provide the scope of services at the subcontract level. The Engineer's Estimate included an estimate for fill dirt. However, an estimate to transport the dirt was not included. As such, the M/WBE goal did not include transportation services.

The apparent low bid was submitted by Comanco Environmental Corporation. The Bidder reported 17.34% M/WBE participation. However, the Bidder listed sub-contractor Siboney Contracting Company (Siboney) within the Contract and Sub-Contract Schedule form and Siboney is not M/WBE certified by Orange County Government. Therefore, the Bidder could not be given M/WBE credit towards the goal for sub-contractor Siboney. The Bidder's actual M/WBE participation equaled 3.81%. Consequently, the Bidder did not meet the Orange County M/WBE participation goal of 5%, **per the M/WBE Ordinance requirement**. If a Bidder does not meet the M/WBE goal, they are required to submit the Good Faith Effort Form, per the M/WBE Ordinance requirement. The Bidder did not submit the Good Faith Effort Form.

Please note the following certified M/WBE participation:

MBE-HM	Montalvo Mejia Construction	\$174,000
MBE-HM	TEK Hauling Incorporated	\$282,100
MBE-HM	La Costa Sod LLC	\$121,400
Not Orange County M/WBE Certified	Siboney Contracting Company	\$2,049,000
Total MWBE Participation		\$577,500 (3.81%)

Sheena Ferguson

The second low bid was submitted by Thalle Construction Co., Inc. and reported 15.51% M/WBE participation. Therefore, the bidder met the Orange County M/WBE participation goal of 5%, **per the M/WBE Ordinance requirement.**

Please note the following certified M/WBE participation:

MBE-AM	Sunrise Hauling & Excavating, Inc.	\$2,593,870
Total MWBE Participation		\$2,593,870 (15.51%)

The third low bid was submitted by T & K Construction, LLC. The Bidder did not correctly complete the Contractor and Sub-Contractor Participation Schedule form.

As a result, the Business Development Division issued the bidder a Request for Clarification requesting the following:

✚ Contract and Sub-Contract Goal Participation Schedule Form

1. Complete and submit the Contract and Sub-Contract Goal Participation Schedule Form correctly in its entirety. List the information for the Prime Contractor in Section 1. List the information for sub-contractors and qualified scopes in Section 2. List suppliers and qualified scopes in Section 3.
2. Ensure the Contract and Sub-Contract Goal Participation Schedule Form states the exact dollar amount, detailed scope of services that will be performed for this project and the firms that will perform the scope of services.
3. Ensure Section 1, Section 2 and Section 3 of the Contract and Sub-Contract Goal Participation Schedule Form totals your Total Bid Amount/Proposal Amount.

✚ Good Faith Effort Form

1. If your bid does not meet the goal for this project, please thoroughly complete the Good Faith Effort Forms, perform Actions 1 through Action 5, and submit any supporting documentation.

The Bidder responded with an updated Contract and Sub-Contract Participation Schedule form reporting 14.66% M/WBE participation. Therefore, the bidder met the Orange County M/WBE participation goal of 5%, **per the M/WBE Ordinance requirement.**

Please note the following certified M/WBE participation:

MBE-HM	Cruz Trucking, Inc.	\$2,134,750
WBE-WF	John B. Webb & Associates	\$110,000
MBE-HM	La Costa Sod LLC	\$257,000
Total MWBE Participation		\$2,501,750 (14.66%)

The fourth low bid was submitted by Southeast Environmental Contracting, Inc. and reported 14.43% M/WBE participation. Therefore, the bidder met the Orange County M/WBE participation goal of 5%, **per the M/WBE Ordinance requirement.**

Please note the following certified M/WBE participation:

MBE-AM	David Outar Trucking, Inc.	\$2,500,000
Total MWBE Participation		\$2,500,000 (14.43%)

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**Y23-7011-SH, Orange County Landfill Cell 11, Phase 2, Bay 20-22 Expansion**

Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 5%)	GFE	\$ Over Low Bid	% Difference From Low Bid (%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO % M / W
Low Bid	COMANCO ENVIRONMENTAL CORPORATION	\$15,144,500.00	\$577,500.00	3.81%	NO					72 / 9%
2nd Low	THALLE CONSTRUCTION CO., INC.	\$16,727,500.00	\$2,593,870.00	15.51%	N/A	\$ 1,583,000.00	10.45%			46 / 8 %
3rd Low	T&K CONSTRUCTION LLC	\$17,063,700.00	\$2,501,750.00	14.66%	N/A	\$ 1,919,200.00	12.67%	\$336,200	2.01%	50 / 10 %
4th Low	SOUTHEAST ENVIRONMENTAL CONTRACTING, INC.	\$17,323,238.00	\$2,500,000.00	14.43%	N/A	\$ 2,178,738.00	14.3863%	\$595,738	3.56%	68 / 16 %