



February 4, 2022

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

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

Contact: Kenneth Leeming, P.E., Manager II, Highway Construction Division  
407-836-7713

Subject: Award of Invitation for Bids Y22-107-CH, Construction Services for The Sidewalk Safety Improvement Program

**ACTION REQUESTED:**

Approval to award Invitation for Bids Y22-107-CH, Construction Services for The Sidewalk Safety Improvement Program, to the low responsive and responsible bidders, Huffman, Inc. DBA NuWave Concrete in the estimated contract award amount of \$723,505 for the base year, Parthenon Construction Company in the estimated contract award amount of \$699,525 for the base year, American Persian Engineering and Construction, LLC in the estimated contract award amount of \$831,770 for the base year, and RMS Constructors Group, Inc in the estimated contract award amount of \$911,000 for the base year. Further request authorization for the Procurement Division to exercise option years one and two for each contract.

**PROCUREMENT:**

Work under these contracts shall consist of the construction of concrete sidewalks and Americans with Disabilities Act compliant pedestrian safety features as part of the Public Works sidewalk safety program. Work will be issued on an as-needed basis throughout Orange County.

**FUNDING:**

Funding is available in account number 1003-072-2841-3816.

**APPROVALS:**

The Highway Construction and Business Development Divisions concur with this recommendation.

**REMARKS:**

Nine bids were received in response to this Invitation for Bids and were evaluated for responsiveness, responsibility, and price reasonableness. The bid from Triple Crown Construction, LLC 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.

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The bid from W.T. Comp, Inc. was deemed non-responsible for project elements that were unable to be verified. Timely protests were filed by American Persian Engineering & Construction, LLC and Triple Crown Construction, LLC. In accordance with the Procurement Ordinance, protests reviews were held by the Procurement Manager on January 21, 2022. The protest of American Persian Engineering & Construction, LLC was upheld, but the protest of Triple Crown Construction, LLC was denied. No appeals were received.

Multiple awards are necessary because the projected workload will exceed the capacity of a single contractor and are necessary to meet the requirements for multiple orders to be performed on an ongoing basis throughout the County. After achieving the minimum order requirements for each contract, the low cost contractor will be given the first opportunity to perform all work. The other contractors will be utilized in the event the low cost contractor is unable to perform within the required timeframe. Huffman, Inc. DBA NuWave Concrete, Parthenon Construction Company, American Persian Engineering and Construction, LLC, and RMS Constructors Group, Inc. have satisfactory records of performance for this type of work and have been determined to be responsible.

Bid tabulation is as follows:

Huffman Inc. DBA NuWave Concrete	Base Year:	\$723,505
	Option Year 1:	\$723,405
	Option Year 2:	<u>\$723,405</u>
	Total Bid:	\$2,170,315
Parthenon Construction Company	Base Year:	\$699,525
	Option Year 1:	\$747,425
	Option Year 2:	<u>\$788,925</u>
	Total Bid:	\$2,235,875
American Persian Engineering and Construction, LLC	Base Year:	\$831,770
	Option Year 1:	\$835,670
	Option Year 2:	<u>\$839,670</u>
	Total Bid:	\$2,507,110
RMS Constructors Group, Inc.	Base Year:	\$911,000
	Option Year 1:	\$910,900
	Option Year 2:	<u>\$910,900</u>
	Total Bid:	\$2,732,800
Condor Construction, Corp.	Base Year:	\$888,800
	Option Year 1:	\$977,770
	Option Year 2:	<u>\$1,025,431</u>
	Total Bid:	\$2,892,001

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Mercon Construction Company	Base Year:	\$996,880
	Option Year 1:	\$1,023,597
	Option Year 2:	<u>\$1,125,808.20</u>
	Total Bid:	\$3,146,285.20
Schuller Contractors Incorporated	Base Year:	\$1,079,135
	Option Year 1:	\$1,101,903
	Option Year 2:	<u>\$1,138,401</u>
	Total Bid:	\$3,319,439
Triple Crown Construction, LLC.		Non-Responsive
W.T. Comp, Inc.		Non-Responsive



**BUSINESS DEVELOPMENT DIVISION**

October 19, 2021

**TO:** Carol Hewitt, Contracting Agent  
Procurement Division

**FROM:** Kesi Warren, Senior Contract Administrator  
Business Development Division

**SUBJECT:** Business Development Division Bid Evaluation

**PROJECT:** **Y22-107-CH, Construction Services for the Sidewalk Improvement Program**

The Business Development Division evaluated the nine bids submitted for this project. The scope of services for this project had M/WBE availability and as a result, the M/WBE goal remained at 25%. At the time of bid opening; at least 49 firms were certified to provide the scope of services at the subcontract level.

The apparent low bidder, submitted by Huffman Inc. DBA Nuwave Concrete reported 31.63% in M/WBE participation and met the Orange County M/WBE participation goal of 25%. Please note the following certified M/WBE participation:

HM	Ortiz Concrete Inc	\$686,550
<b>Total MWBE Participation</b>		<b>\$686,550 (31.63%)</b>

The apparent second low bidder, submitted by Parthenon Construction Company reported 25% in M/WBE participation and met the Orange County M/WBE participation goal of 25%. Please note the following certified M/WBE participation:

HM	Ortiz Concrete Inc	\$558,969
<b>Total MWBE Participation</b>		<b>\$558,969 (25%)</b>

*Aheena Ferguson*

Interoffice Memorandum

The apparent third low bidder, submitted by Orange County M/WBE firm W. T. Comp, Inc., is bidding as a prime. Therefore, W. T. Comp, Inc. is required to self-perform no less than 51% of the contract per Sec. 17-321 in the M/WBE Ordinance. In the event this requirement is not achieved, then other M/WBE's will have to be included to achieve the 25% M/WBE goal. W. T. Comp, Inc. reported self-performing 63.31% in their bid and reported 2.6% in M/WBE subcontracting participation. Please note the following certified M/WBE participation:

AF(Pac)	W. T. Comp, Inc.	\$1,449,405
WF	Flash-Rite, Inc.	\$60,000
<b>Total MWBE Participation</b>		<b>\$1,509,405 (65.93%)</b>

The apparent fourth low bidder, submitted by American Persian Engineering and Construction LLC reported 28% M/WBE participation. While they listed M/WBE German Delaware Inc in their bid; they did not specify their scopes of services on attachment C-2. The M/WBE participation could not be confirmed. The bidder did not provide good faith effort documentation. Please note the following certified M/WBE participation that was not confirmed:

*HM	German Delaware Inc	\$702,046.80
<b>Total MWBE Participation *(not confirmed)</b>		<b>\$702,046.80 (28%)</b>

The apparent fifth low bidder, submitted by RMS Constructors Group, LLC reported 29% M/WBE participation and met the Orange County M/WBE participation goal of 25%. Please note the following certified M/WBE participation:

AF(Pac)	W. T. Comp, Inc.	\$785,000
<b>Total MWBE Participation</b>		<b>\$785,000 (29%)</b>

The apparent sixth low bidder, submitted by Orange County M/WBE firm Triple Crown Construction, LLC is bidding as a prime. Therefore, Triple Crown Construction, LLC is required to self-perform no less than 51% of the contract per Sec. 17-321 in the M/WBE Ordinance. In the event this requirement is not achieved, then other M/WBE's will have to be included to achieve the 25% M/WBE goal. Triple Crown Construction, LLC reported self-performing 21.37% in their bid. The M/WBE firm is not self-performing 51% of the contract and did not meet the M/WBE goal of 25%. They did not provide good faith effort documentation.

Please note the following certified M/WBE participation:

AM(Pac)	Triple Crown Construction LLC	\$588,375
<b>Total MWBE Participation</b>		<b>\$588,375 (21.37%)</b>

The apparent seventh low bidder, submitted by Condor Construction Corp reported 25% M/WBE participation and met the Orange County M/WBE participation goal of 25%. Please note the following certified M/WBE participation:

HM	Siles and Sons, Inc.	\$130,000
HM	La Costa Sod LLC	\$75,000
HM	German Delaware Inc	\$450,000
WF	Flash-Rite, Inc.	\$75,000
<b>Total MWBE Participation</b>		<b>\$730,000 (25%)</b>

The apparent eighth low bidder, submitted by Mercon Construction Company reported 28% M/WBE participation and met the Orange County M/WBE participation goal of 25%. Please note the following certified M/WBE participation:

HM	German Delaware Inc	\$859,526
<b>Total MWBE Participation</b>		<b>\$859,526 (28%)</b>

The apparent ninth low bidder, submitted by Schuller Contractors Incorporated reported 30% M/WBE participation and met the Orange County M/WBE participation goal of 25%. Please note the following certified M/WBE participation:

HM	La Costa Sod LLC	\$30,000
AFAM	J L Wilson Concrete, Inc.	\$950,000
<b>Total MWBE Participation</b>		<b>\$980,000 (30%)</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.

c: contract file

**BID COMPARISON**

**IFB-Y22-107-CH, Construction Services for the Sidewalk Safety Improvement Program**

Rank	Bidder	Bid Amount	Prime MWBE \$'s in the bid	Sub-contractor M/WBE \$'s in Bid	% Prime MWBE self-performing (Goal 51%)	% Sub-contractor M/WBE (Goal 25%)	Total MWBE %	GFE	\$ Over Low Bid	% Difference From Low Bid	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO M / W
Low Bid	Huffman Inc. DBA Nuwave Concrete	\$2,170,315	\$0	\$686,550	0.00%	31.63%	31.63%	N/A					80%/20%
2nd Low	Parthenon Construction Company	\$2,235,875	\$0	\$558,969	0.00%	25%	25.00%	N/A	\$65,560	3.02%			0%/0%
3rd Low	W. T. Comp, Inc. (AF(Pac))	\$2,289,250	\$1,449,405	\$60,000	63.31%	2.6%	65.93%	N/A	\$118,935	5.48%	\$53,375	2.39%	75%/25%
4th Low	American Persian Engineering and Construction LLC	\$2,507,310	\$0	\$0	0.00%	0%	0.00%	No	\$336,995	15.53%	\$271,435	12.14%	50%/20%
5th Low	RMS Constructors Group, LLC	\$2,732,800	\$0	\$785,000	0.00%	29%	28.73%	N/A	\$562,485	25.92%	\$496,925	22.23%	0%/20%
6th Low	Triple Crown Construction, LLC. (AM(Pac))	\$2,753,200	\$588,375	\$0	21.37%	0%	21.37%	No	\$582,885	26.86%	\$517,325	23.14%	46%/7%
7th Low	Condor Construction Corp	\$2,892,001	\$0	\$730,000	0.00%	25%	25.24%	N/A	\$656,126	29.35%	\$602,751	26.33%	60%/20%
8th Low	Mercon Construction Company	\$3,069,735	\$0	\$859,526	0.00%	28%	28.00%	N/A	\$780,485	34.09%	\$562,425	22.43%	33%/13%
9th Low	Schuller Contractors Incorporated	\$3,319,439	\$0	\$980,000	0.00%	30%	29.52%	N/A	\$812,129	32.39%	\$586,639	21.47%	44%/11%