




November 11, 2021

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

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

Contact: Jerald Marks, Project Manager, Traffic Engineering Division
407-836-7730

Subject: Award of Invitation for Bids Y21-1087-FH Traffic Calming and Minor
Roadway Improvements

ACTION REQUESTED:

Approval to award Invitation for Bids Y21-1087-FH, Traffic Calming and Minor Roadway Improvements to the low responsive and responsible bidder, Mercon Construction Company in the estimated contract award amount of \$1,303,775 for the base year. Request authorization for the Procurement Division to renew the contract for options years one and two.

PROCUREMENT:

Work under this contract consists of the construction of traffic calming devices, pedestrian safety improvements, and minor roadway improvements. Work shall include, but not be limited to, the construction of concrete curbs, traffic calming islands, speed humps, speed tables, raised crosswalks, pedestrian ramps, turn lane extensions, miscellaneous landscaping, and various associated minor roadway safety improvements. The project is located throughout all Orange County.

FUNDING:

Funding is available in account numbers 1004-072-2729-3816 and 1004-072-5151-3816.

APPROVALS:

The Traffic Engineering and Business Development Divisions concur with this recommendation.

REMARKS:

Four bids were received in response to this Invitation for Bids (IFB) and were evaluated for responsiveness, responsibility, and price reasonableness. Initially, Mercon Construction Company was deemed non-responsive by the Procurement Division based on the analysis provided by the Business Development Division, which

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identified that the M/WBE participation goal was not achieved, and sufficient good faith effort documentation was not provided. A timely protest was filed by Mercon Construction Company. In accordance with the Ordinance, a protest review was held by the Procurement Manager on October 20, 2021, who rendered a decision to uphold the protest, thereby deeming Mercon Construction Company responsive and advancing them for technical evaluation. No timely appeal was received.

Because the bid submitted by Mercon Construction Company is 10% lower than the project estimate, a meeting was held on November 11, 2021 to confirm Mercon Construction Company's understanding of the scope and that bid prices were inclusive of the entire scope. References provided were satisfactory for this type of work, and Mercon Construction Company has been determined to be responsible. Therefore, award is recommended to Mercon Construction Company.

Bid tabulation is as follows:

BIDS RECEIVED:	TOTAL ESTIMATED BID (ALL 3 YEARS)	BASE YEAR	OPTION YEAR ONE (1)	OPTION YEAR TWO (2)
Mercon Construction Company	\$3,911,325.00	\$1,303,775.00	\$1,303,775.00	\$1,303,775.00
Parthenon Construction Company	\$4,492,950.00	\$1,497,650.00	\$1,497,650.00	\$1,497,650.00
Triple Crown Construction, LLC	\$4,574,809.50	\$1,524,936.50	\$1,524,936.50	\$1,524,936.50
W.T. Comp Inc.	\$4,679,350.00	\$1,556,210.00	\$1,559,950.00	\$1,563,190.00



BUSINESS DEVELOPMENT DIVISION

September 10, 2021

TO: Rolando Melo, Contracting Agent
Procurement Division

FROM: Kesi Warren, Senior Contract Administrator
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: Y21-1087-FH, Traffic Calming and Minor Roadway

The Business Development Division evaluated the four 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 is 24%. At the time of bid opening; at least four firms were certified to provide the scope of services at the subcontract level.

The apparent low bidder, submitted by Mercon Construction Company 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 achieve good faith effort documentation. Please note the following certified M/WBE participation that was not confirmed:

*HM	German Delaware Inc	\$1,095,087
Total MWBE Participation *(not confirmed)		\$1,095,087 (28%)

Aheena Ferguson

The apparent second low bidder, submitted by Parthenon Construction Company reported 26% in M/WBE participation and met the Orange County M/WBE participation goal of 24%. Please note the following certified M/WBE participation:

HM	EM Paving	\$988,449
WF	Angco, Inc.	\$160,000
Total MWBE Participation		\$1,148,449 (26%)

The apparent third low bidder, submitted by Orange County M/WBE firm Triple Crown Construction is bidding as a prime. Therefore, Triple Crown Construction 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 24% M/WBE goal. Triple Crown Construction reported self-performing 74.14% in their bid and reported 3% in M/WBE subcontracting participation. Please note the following certified M/WBE participation:

AF(Pac)	W.T. Comp, Inc.	\$3,391,644
WF	Angco, Inc.	\$144,991.50
Total MWBE Participation		\$3,536,635.50 (77.31%)

The apparent fourth 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 24% M/WBE goal. W.T. Comp, Inc. reported self-performing 62.72% in their bid and reported 3% in M/WBE subcontracting participation. Please note the following certified M/WBE participation:

AF(Pac)	W.T. Comp, Inc.	\$2,934,935.50
WF	Flash-Rite, Inc.	\$157,500
Total MWBE Participation		\$3,092,435.50 (65.72%)

Interoffice Memorandum

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-Y21-1087-FH, Traffic Calming and Minor Roadway Improvements													
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 24%)	Total MWBE %	GFE	\$ Over Low Bid	% Difference From Low Bid (4%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO M / W
Low Bid	Mercon Construction Company	\$3,911,025	\$1,095,087.00	\$0	28.00%	0%	28.00%	N/A					33%/13%
2nd Low	Parthenon Construction Company	\$4,492,950	\$0	\$1,148,449	0.00%	26%	25.56%	No	\$581,925	14.88%			0%/0%
3rd Low	Triple Crown Construction, LLC (AM(Pac)	\$4,574,810	\$3,391,644	\$144,992	74.14%	3%	77.31%	N/A	\$663,785	16.97%	\$81,860	1.82%	100%/14%
4th Low	W. T. Comp Inc. (AF(Pac)	\$4,679,350.00	\$2,934,935.50	\$157,500	62.72%	3%	66.09%	N/A	\$768,325	19.65%	\$186,400	4.15%	100%/25%