




Interoffice Memorandum

July 31, 2023

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

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

Contact: Eduardo Avellaneda, M.S., P.E., Manager II, Roads and Drainage Division
407-836-7871

Subject: Award of Invitation for Bids Y23-1021-SH, Underdrain Installation and
Repair

ACTION REQUESTED:

Approval to award Invitation for Bids Y23-1021-SH, Underdrain Installation and Repair, to the low responsive and responsible bidders, Mercon Construction Company, in the estimated contract award amount of \$2,791,100 for the base year, and Stage Door II, Inc., in the estimated contract award amount of \$3,268,100 for the base year. Further request authorization for the Procurement Division to exercise contract option years one and two for both contracts.

PROCUREMENT:

Work under these contracts consists of installation of new and replacement of non-functional underdrains systems, including removal and replacement of existing damaged curbs, sidewalks and driveway approaches, sprinkler system repairs, roadway base and asphalt restoration, and construction of cleanouts. Work shall be issued on an as-needed basis throughout Orange County.

FUNDING:

Funding is available in account number 1002-072-2906-3816.

APPROVALS:

The Roads and Drainage Division and Business Development Division concur with this recommendation.

REMARKS:

Three bids were received in response to this Invitation for Bids (IFB) and were evaluated for responsiveness, responsibility, and price reasonableness. The bid submitted by Apec LLC was deemed non-responsible for failure to provide similar projects that conform to the requirements of the IFB. A timely protest was filed by Apec LLC. In accordance with Procurement Ordinance, a protest review was held by the Procurement Manager on July 25, 2023, and the decision was rendered to deny the protest. 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 contractor will be utilized in the event the low-cost contractor is unable to perform within the required timeframe. Mercon Construction Company, and Stage Door II, Inc. have satisfactory records of performance for this type of work and have been determined to be responsible.

The bid tabulation is as follows:

<u>Bidder:</u>	<u>Bid Totals:</u>
Mercon Construction Company	Base Year: \$2,791,100 Option Year 1:\$3,070,100 Option Year 2: <u>\$3,349,200</u> Total Bid: \$9,210,400
Stage Door II, Inc.	Base Year: \$3,268,100 Option Year 1:\$3,268,000 Option Year 2: <u>\$3,268,000</u> Total Bid: \$9,804,100
Apec LLC	Non-Responsible



BUSINESS DEVELOPMENT DIVISION

August 9, 2023

TO: Sean Hynes, Contracting Agent
Procurement Division

FROM: Kesi Warren, Senior Contract Administrator
Business Development Division

SUBJECT: Business Development Division Bid Evaluation Revised

PROJECT: **Y23-1021-SH, Underdrain Installation and Repair**

The Business Development Division evaluated the three bids submitted for this project. The Business Development Division completed an 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 19 firms were certified to provide the scope of services at the subcontract level.

The apparent low bid, submitted by Apec LLC reported 25% in M/WBE participation and met the Orange County M/WBE participation goal of 24% **per Ordinance**. Please note the following certified M/WBE participation:

MBE-HM	German Delaware, Inc. dba GDI	\$2,132,275
Total MWBE Participation		\$2,132,275

The apparent second low bid, submitted by Mercon Construction Company reported 24.54% in M/WBE participation and met the Orange County M/WBE participation goal of 24% **per Ordinance**. While they listed Fortline in their bid and indicated that they are a certified M/WBE supplier. At the time of bid opening, they were not an Orange County certified M/WBE firm. Please note the following certified M/WBE participation:

Sheena Ferguson

WBE-WMNO	Flash-Rite, Inc.	\$560,000
MBE-HM	German Delaware, Inc. dba GDI	\$1,700,000
Total MWBE Participation		\$ 2,260,000

The apparent third low bid, submitted by Stage Door II, Inc., reported 6.87% in M/WBE participation and did not meet the Orange County M/WBE participation goal of 24% **per Ordinance**. They indicated in their bid that they have historically performed all the scopes of services listed in the bid form on the GFE Form. Per Ordinance, Sec. 17-321, the prime contractor is not required to subcontract out work that it has historically and consistently performed with its own workforce. Please note the following certified M/WBE participation:

WBE-WF	The Pipe Nipple & Supply Co., Inc.	\$673,761
Total MWBE Participation		\$ 673,761

Our evaluation of these bids was based on the participation listed on the Contract and Sub-Contract Goal Participation Schedule. Attached is a spreadsheet reconciling the bidders' compliance with the Invitation for Bid's M/WBE requirements, including the percentage breakdown for the bidders and a comparison of the relative bids versus participation percentages.

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

c: contract file

BID COMPARISON										
IFB-Y23-1021-SH, Underdrain Installation and Repair										
Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 24%)	GFE	\$ Over Low Bid	% Difference From Low Bid (3%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO M / W
Low Bid	APEC LLC	\$8,529,100	\$2,132,275	25%	N/A					76%/8%
2nd Low	Mercon Construction Company	\$9,210,400	\$2,260,000	25%	N/A	\$681,300	7.99%			90%/20%
3rd Low	Stage Door II, Inc	\$9,804,100	\$673,761	6.87%	Yes	\$1,275,000	14.95%	\$593,700	6.45%	70%/6%