



October 23, 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 Y23-7013-CR, Lake Lawn Regional Stormwater
Facility Weir Gate Retrofit at Barnett Park

ACTION REQUESTED:

Approval to award Invitation for Bids Y23-7013-CR, Lake Lawn Regional Stormwater Facility Weir Gate Retrofit at Barnett Park to the low responsive and responsible bidder, APEC LLC., in the total contract award amount of \$598,960.

PROCUREMENT:

Work under this contract consists of the installation of a mechanical weir slide gate, the modification of an existing concrete weir structure, the installation of an access platform structure, the removal and relocation of an existing weir skimmer, general stormwater pond grading, landscaping improvements, erosion control practices, and other ancillary improvements. The project is located in District 6.

FUNDING:

Funding is available in account number 1023-068-2658-6330.

APPROVALS:

The Roads and Drainage 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 Close Construction Services LLC. was deemed non-responsive by the Procurement Division based on 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 Razorback LLC. was deemed non-responsible for failure to meet the minimum cost threshold and necessary similar project elements. Price reasonableness was determined by comparison to the County's estimate and current market

Award of Invitation for Bid Y23-7013-CR, Lake Lawn Regional Stormwater Facility Weir Gate Retrofit at Barnett Park
Page 2

factors. APEC LLC. has a satisfactory record of performance for this type of work and has been determined to be responsible. Therefore, award is recommended to APEC LLC.

The bid tabulation is as follows:

<u>Bidder:</u>	<u>Total Bid:</u>
APEC LLC.	\$598,960
Close Construction Services	Non-Responsive
Razorback LLC.	Non-Responsive



BUSINESS DEVELOPMENT DIVISION

October 2, 2023

TO: Cassandra Reyes, Contracting Agent
Procurement Division

FROM: Kambria Anderson, Senior Contract Administrator
Business Development Division

SUBJECT: Business Development Division M/WBE Bid Evaluation

PROJECT: **Y23-7013-CR, Lake Lawn RSF Weir Gate Retrofit at Barnett Park**

The Business Development Division evaluated all three bids submitted for this project and completed a Minority/Women Business Enterprise (M/WBE) Availability Analysis. The scope of services for this project has M/WBE availability. As a result, the M/WBE goal remained at 25%. 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 apparent low bid was submitted by Apec LLC, Inc. It appeared that the bidder failed to state their Total Bid/Proposal Amount on the Contract and Sub-contract Participation Schedule form.

Consequently, 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.

Sheena Ferguson

📌 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 to the Request with a revised Contract and Subcontract Participation Schedule form – which stated the Total Bid/Proposal Amount. In the revised Contract and Subcontract Participation Schedule form, the bidder reported 28% MWBE participation. Therefore, the bidder met the Orange County M/WBE participation goal of 25%, **per the M/WBE Ordinance requirement.**

Please note the following certified M/WBE participation:

MBE-HM	German Delaware, Inc.	\$167,708.80
Total MWBE Participation		\$167,708.80 (28%)

The second low bid was submitted by Close Construction Services, Inc. The bidder failed to submit the required Contractor and Sub-Contractor Participation Schedule form. Additionally, the bidder did not demonstrate that they fully completed Action 2 and Action 4 on the Good Faith Effort 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 to the request and submitted a Contract and Sub-contract Participation Schedule form and re-submitted the initial Good Faith Effort Form (which did not demonstrate that they fully completed Action 2 and Action 4). In the Contract and Sub-contract Participation Schedule form the bidder reported 0% M/WBE participation. Therefore, the Bidder did not meet the 25% M/WBE Goal, **per the M/WBE Ordinance requirement.**

If a Bidder does not meet the M/WBE Goal they are required to submit proof of their effort to meet the M/WBE Goal via the Good Faith Effort form, **per the M/WBE Ordinance requirement.** The Bidder did not demonstrate Actions 1 through 5 of the Good Faith Effort form were performed.

The third low bid was submitted was submitted by Razorback LLC. The Bidder reported .16% M/WBE participation. Therefore, the bidder did not meet the Orange County M/WBE participation goal of 25%, **per the M/WBE Ordinance requirement.**

If the Bidder does not meet the M/WBE Goal they are required to submit proof of their effort to meet the M/WBE Goal via the Good Faith Effort form, **per the M/WBE Ordinance requirement.** The Bidder demonstrated Actions 1 through 5 of the Good Faith Effort Form were performed.

Please note the following certified M/WBE participation:

WBE-WF	Walker Miller Equipment Co., Inc.	\$1,257
Total MWBE Participation		\$1,257 (.16%)

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										
Y23-7013-CR, Lake Lawne RSF Retrofit										
Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 25%)	GFE	\$ Over Low Bid	% Difference From Low Bid (%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO % M / W
Low Bid	APEC LLC	\$598,960.00	\$ 167,708.80	28.00%	N/A					76 / 8 %
2nd Low Bid	Close Construction Services, LLC	\$636,600.00	\$ -	0.00%	NO	\$37,640.00	6.28%			18 / 18 %
3rd Low Bid	Razorback LLC	\$780,650.00	\$ 1,257.00	0.16%	YES	\$181,690	30.33%	\$144,050	22.63%	48 /27 %