



Interoffice Memorandum

April 25, 2024

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

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

Contact: Sara Flynn-Kramer, Manager II, Capital Project Division
407-836-0048

Subject: Award of Invitation for Bids Y24-758-SH, Environmental Protection Department
Crosby Island Marsh Preserve Observation Pier

ACTION REQUESTED:

Approval to award Invitation for Bids Y24-758-SH, Environmental Protection Department Crosby Island Marsh Preserve Observation Pier, to the low responsive and responsible bidder, MKM Quality Construction Inc., in the total contract award amount of \$369,509.33.

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 contract consists of clearing a linear area along the west shore of Crosby Island Marsh for the construction of a public pier with an observation deck. The pier is to be constructed along the shore and over water. A path will be graded to provide access to the pier from an existing trail. The project is located in District 4.

FUNDING:

Funding is available in account number 1023-068-1978-6310.

APPROVALS:

The Capital Projects Division and Business Development Division concur with this recommendation.

REMARKS:

Five bids were received in response to the Invitation for Bids and were evaluated for responsiveness, responsibility, and price reasonableness. The bid submitted by Custom Built Marine Construction Inc 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 was not provided.

The bid submitted by MKM Quality Construction Inc. is considered reasonable based on comparison to the engineer's estimate. References provided were satisfactory for this type of work and MKM Quality Construction Inc. has been determined to be responsible. Therefore, award is recommended to MKM Quality Construction Inc.

The bid tabulation is as follows:

<u>BIDDER</u>	<u>TOTAL BID</u>
MKM Quality Construction Inc.	\$369,509.33
APEC LLC	\$480,000.00
S.A. Casey Construction	\$649,000.00
Fender Marine Construction	\$901,398.00
Custom Built Marine Construction Inc.	Non-Responsive



BUSINESS DEVELOPMENT DIVISION

April 5, 2024

TO: Sean Hynes, Contracting Agent
Procurement Division

FROM: Princess Clarke, Senior Contract Administrator
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: **Y24-758-SH, Environmental Protection Department Crosby Island Marsh Preserve Observation Pier**

The Business Development Division evaluated four of the five bids submitted for this project. The Business Development Division completed an M/WBE Availability Analysis. The scope of services for this project had limited M/WBE availability. As a result, the M/WBE goal was reduced from 25% to 9%. At the time of bid opening at least 43 firms were certified to provide the scope of services at the subcontract level.

The apparent low bid, submitted by MKM Quality Construction, Inc., reported 0% in M/WBE participation. The apparent low bid did not meet the Orange County M/WBE participation goal **per the Ordinance requirement.**

Business Development issued a Submittal of Clarification email request on April 1, 2024, for the apparent low bidder to submit:

- Good Faith Effort Form Action #1, #2, #3, #4, and #5

As of April 3, 2024, the apparent low bidder responded and submitted:

- Equal Employment Opportunity Schedule form
- Updated Good Faith Effort form
- Contract & Subcontract Participation Schedule Form

Business Development issued a second Submittal of Clarification email request on April 4, 2024, due to file being corrupted unable to view for the apparent low bidder to submit:

- Updated Good Faith Effort form (Due to file being corrupted unable to view)

Sheena Ferguson 4.8.2024

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As of April 4, 2024 the apparent low bidder responded and submitted:

- Equal Employment Opportunity Schedule form
- Updated Good Faith Effort form
- Contract & Subcontract Participation Schedule Form
- Good Faith Effort Action #1- No documentation provided.
- Good Faith Effort Action #2- No documentation provided.
- Good Faith Effort Action #3- No documentation provided..
- Good Faith Effort Action #4- No documentation provided.
- Good Faith Effort Action #5- No documentation provided.

The Good Faith Effort exception form listed 100% of the work to be historically performed in house. The bidder indicated that they have historically performed (100% In-house) the scope of services denoted on the Good Faith Effort exception form. **Per the Ordinance**, Sec. 17-321, A prime contractor is not required to subcontract out work that it has historically and consistently performed with its own work force.

The second low bid, submitted by Custom Built Marine Construction, Inc. reported 0.95% in M/WBE participation. The second low bid did not meet the Orange County M/WBE participation goal **per the Ordinance requirement**.

Business Development issued a Submittal of Clarification email request on April 1, 2024, for the second low bidder to submit:

- Good Faith Effort Form Action #1, #2, #3, #4, and #5

As of April 3, 2024, the second low bidder responded and submitted:

- Reference Form
- Equal Employment Opportunity Schedule form
- Updated Good Faith Effort form
- Contract & Subcontract Participation Schedule Form
- Bid Bond Form
- Good Faith Effort Action #1- Bidder provided documentation but was insufficient.
- Good Faith Effort Action #2- No documentation provided.
- Good Faith Effort Action #3- Bidder provided documentation but was insufficient.
- Good Faith Effort Action #4- Bidder provided documentation but was insufficient.
- Good Faith Effort Action #5- Bidder submitted an email.

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The M/WBE participation is 0.95% and did not meet the Orange County M/WBE participation goal **per the Ordinance requirement**. Good Faith Effort (GFE) was not achieved **per the Ordinance requirement** if the M/WBE goal is not met.

Please note the following certified M/WBE participation:

MBE-HM	Nieto Whittaker Surveying	\$3,700.00
WBE-WF	LP Video	\$800.00
Total MWBE Participation		\$4,500.00 (0.95%)

The third low bid, submitted by APEC, LLC reported 9.00% in M/WBE participation. The third low bid met the Orange County M/WBE participation goal **per the Ordinance requirement**. Please note the following certified M/WBE participation:

MBE-HM	German Delaware	\$43,200.00
Total MWBE Participation		\$43,200.00 (9.00%)

The fourth low bid, submitted by S.A. Casey Construction reported 9.00% in M/WBE participation. The fourth low bid met the Orange County M/WBE participation goal **per the Ordinance requirement**. Please note the following certified M/WBE participation:

MBE-HM	On Point Surveying	\$5,740.00
MBE-AM	Central Hauling & Excavating	\$37,700.00
MBE-HM	Rey's Concrete	\$15,000.00
Total MWBE Participation		\$58,440.00 (9.00%)

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**Y24-758-SH, Environmental Protection Department Crosby Island Marsh Preserve Observation Pier**

Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 9%)	GFE	EEO % M / W
Low Bid	MKM Quality Construction, Inc.	\$369,509.33	\$0.00	0.00%	N/A	0 / 20 %
2nd Low	Custom Built Marine Construction, Inc.	\$473,616.00	\$4,500.00	0.95%	No	32 / 5 %
3rd Low	APEC LLC	\$480,000.00	\$43,200.00	9.00%	N/A	87 / 9%
4th Low	S.A. Casey Construction	\$649,000.00	\$58,440.00	9.00%	N/A	39 / 22 %