

BOARD OF COUNTY COMMISSIONERS



October 1, 2019

Ms. Barbara Hooker
Owner/CEO
Bankers Maintenance and Inspections LLC
925 12th Street
Vero Beach, FL 32960
barbarahooker@bmiro.com

Reference: *Decision Regarding Protest of Indian River County Bid 2020004*

Dear Ms. Hooker:

We are in receipt of your letter of September 30, 2019 protesting the disqualification of the bid submitted by Bankers Maintenance and Inspections LLC (BMI) for failure to provide bid security. After review, the protest is denied.

Background

Bid security is defined as "a bond or deposit which guarantees that the bidder, if awarded the contract, will honor their bid as submitted." Your protest asks you to be "forgiven" for failure to turn in bid security for the subject bid, citing confusion with the "bond which is not required until...after" award.

Basis for Denial of Protest

The advertisement for bid, included on page 2 of the invitation to bid states "BID SECURITY in the sum of not less than five percent (5%) of the total bid must accompany each bid."

The Bid Security and Public Construction Bond paragraph on page 4 of the invitation to bid in the Instructions to Bidders also notes that "Bid security must accompany each bid."

The omission of items identified as mandatory to a bid is considered a failure to be responsive to the requirements of the bid. The Purchasing Manual defines a responsive bidder as: "a bidder whose bid, proposal or submittal complies in all material respects with the bid invitation or solicitation request, as determined by the County." The bid security was identified in the bid documents (as provided above) as a material requirement, and therefore BMI's failure to provide it renders your bid non-responsive.

Conclusion

Should BMI disagree with the denial of the protest and the bases described in this response, you may appeal this decision to the Board of County Commissioners. To do so, you must provide written notice of your appeal to me within seven (7) calendar days of receipt of this decision, per the protest procedure detailed in the Purchasing Manual.

As a reminder, the cone of silence remains in effect, and will remain in effect until the Board of County Commissioners, acting as the SWDD Board, meets to consider an award or rejection of the subject bid. Per the

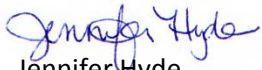
Office of Management and Budget • Purchasing Division
1800 27th Street, Vero Beach, Florida 32960 • (772) 226-1416 • Fax: (772) 770-5140
E-mail: purchasing@ircgov.com

Response to BMI Protest

cone of silence policy, you and your agents shall not communicate in any way with the Board of County Commissioners, County Administrator or any County staff other than Purchasing personnel until that time.

Please feel free to contact me at 226-1575 or by email at jhyde@ircgov.com if you have any questions regarding the protest procedure.

Sincerely,



Jennifer Hyde
Purchasing Manager

cc:

Mr. James T. Kempton, Owner, Sitecrafters of Florida, Inc. (ted@sitecraftersfl.com)

Attachments:

BMI Protest Memo, dated September 30, 2019