

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Jason E. Brown, County Administrator

THROUGH: Richard B. Szyrka, P.E., Public Works Director

FROM: James W. Ennis, P.E., Asst. Public Works Director

SUBJECT: **Award of Bid No. 2019073**
Construction of Intersection Improvements at SR-60 and 43rd Avenue,
IRC-0853, FDOT FM 431759-2-54-01

DATE: December 6, 2019

DESCRIPTION AND CONDITIONS

On March 7, 2017, the Board of County Commissioners approved Resolution No. 2017-020 and a County Incentive Grant Program (CIGP) Agreement FM No. 431759-2-54-01 with the Florida Department of Transportation (FDOT) for the construction and construction engineering inspection (CEI) Services for intersection improvements at SR-60 and 43rd Avenue. The FDOT CIGP grant amount approved \$7,291,146.00 to be shared equally by FDOT and Indian River County for a total of \$3,645,573.00 each and was executed by the FDOT on March 20, 2017. On June 4, 2019, the Board of County Commissioners approved FDOT Amendment Number One to County Incentive Grant Program (CIGP) Agreement FM No. 431759-2-54-01 to increase the funding for construction and CEI services for a total amount of \$13,171,782.00 and to extend completion date to December 30, 2020.

On June 11, 2019, the Board of County Commissioners entered into Agreement with Consor Engineers, LLC to provide CEI construction administration, inspection and testing services for Intersection Improvements of SR-60 and 43rd Avenue.

A bid opening for the Intersection Improvement at SR-60 and 43rd Avenue was held on October 30, 2019 and three (3) bids were received and opened. A detailed bid tabulation is on file and available for viewing in the County Engineering Division. Bid totals are as follows:

Bidder	Bid
Timothy Rose Contracting, Inc. Vero Beach, FL	\$13,641,589.27
Dickerson Florida, Inc. Fort Pierce, FL	\$16,723,350.22
Community Asphalt Corp. Fort Pierce, FL	\$17,060,727.91

On November 1, 2019, Timothy Rose Contracting, Inc. submitted a request to the Purchasing Manager to withdraw its bid, citing a \$1,000,000 error in its \$285,000 bid on the line item for Maintenance of Traffic. Article 16 of the Instructions to Bidders require that a duly signed written request to withdraw, demonstrating a material and substantial mistake was made in the preparation of the bid, be submitted within 24 hours of the bid opening. TRC's request was received by email, nearly 48 hours after the public bid opening. The Purchasing Manager met with the department and County Attorney, and determined the request to withdraw was not timely and should not be approved. The request to withdraw was denied and the Timothy Rose Contracting, Inc. bid was considered as submitted and read in the public bid opening.

Staff completed a detailed comparison of the bids received and the estimated costs for the project, and found the lowest bid submitted to be feasible. The FDOT has concurred that Timothy Rose Contracting, Inc. is considered to be the lowest, responsive, responsible bidder for the project with bid totaling \$13,641,589.27; \$800,902.40 below the Engineer's Cost Estimate. Timothy Rose Contracting, Inc. has completed various projects within the County in a satisfactory manner.

FUNDING

Per the CIGP grant agreement, the County must fund the project and then request the reimbursement of the grant share from FDOT to a maximum amount of \$6,585,891.00 of the total cost for the project. Funding for the project in the amount of \$13,171,782 is programmed in the first two years of the recently approved CIE. The shortfall of \$469,808 will be adjusted in next year's CIE. Funding for the County's cost share in the amount of \$7,055,698.27 of the total cost will be budgeted in Account No. 31521441-066510-06041 Optional Sales Tax/43rd Ave – 18th St to 26th St.

RECOMMENDATION

Staff recommends the Board approve award to the lowest responsive and responsible bidder, Timothy Rose Contracting, Inc. for \$13,641,589.27. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

ATTACHMENTS

Sample Agreement
Memo from TRC
Response to TRC Request to Withdraw

AGENDA ITEM FOR DECEMBER 17, 2019