

BOARD OF COUNTY COMMISSIONERS



September 25, 2019

Mr. Joseph B. McMillin, CEO
Atlas Organics, Inc.
156 Magnolia Street
Spartanburg, SC 29306
joseph.mcmillin@atlasorganics.net

Reference: Decision Regarding Protest of Indian River County Request for Proposals 2019045

Dear Mr. McMillin:

We are in receipt of your memo of September 19, 2019 protesting the disqualification of Atlas Organic's submittal in response to the subject request for proposals (RFP) for failure to submit the appropriate pricing form. After review, the protest made by Atlas is upheld.

Background

Addendum 1 to the RFP was released to answer questions that had been received. One request for clarification led to the modification to the proposal pricing form to reflect per ton pricing in addition to lump sum annual cost, in order to match the scope of work as described throughout the RFP.

In response to other questions for clarification, the scopes of work as listed on the proposal pricing form were also modified. These descriptions were modified from "processing" to "Process (receive, grind, screen and load)" and from "recycling" to "transport and dispose/recycle."

The response to question 6 on addendum 1 regarding the proposal pricing form states "All previous versions are hereby deleted and replaced with the attached updated Proposal Pricing Form to be used for response to RFP#2019045." Atlas Organics and Bankers Maintenance and Inspections, LLC (BMI) did not provide the updated form as provided in addendum 1, but rather submitted the original form provided in the RFP.

Your memo notes the total annual cost is provided on the proposal pricing form submitted, and per ton pricing required can be derived from the information on that form. Your memo also requests the County consider Atlas Organic's proposal, regardless of the failure to provide the required pricing form.

Basis for Upholding Protest

After review of the two pricing forms (original and Addendum 1) and discussing the basis of your protest with the department, I have determined pricing for all proposers can be compared and scored by the committee members using the total annual cost that is present on both versions of the form, rather than the lump sum price, as the estimated annual quantities did not change between the forms.

The lack of lump sum pricing for the two previously disqualified firms does not prevent equitable comparison of annual pricing, or require the committee to make any calculations for pricing, and no other substantive changes were made to the updated pricing form.

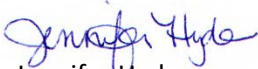
Conclusion

The proposals submitted by Atlas Organics and BMI will be provided to the selection committee for evaluation and scoring, in accordance with the RFP. Notice of any public meetings of the committee will be posted to Demandstar and Vendor Registry via the County's web site.

As a reminder, the cone of silence remains in effect, and will remain in effect until the Board of County Commissioners meets to consider an award or rejection of the subject bid. Per the 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 (772) 226-1575 or by email at jhyde@ircgov.com if you have any questions.

Sincerely,



Jennifer Hyde
Purchasing Manager

cc:

Mr. Sean Casey, President, Treecycle Land Clearing, Inc. (scasey@treecycleinc.com)

Mr. Justin D'Adamo, President, Justin Industries, Inc. (JustinIndustries@bellsouth.net)

Ms. Barbara Hooker, Owner, Bankers Maintenance and Inspections, LLC (barbarahooker@bmireo.com)

Mr. Russell Payne, President, Mr. Mulch, Inc. (russell@russellpayne.com)

Mr. Chris Snow, Vice President of Corporate Affairs, Consolidated Resource Recovery, Inc.

(csnow@resourcerecovery.com)

Mr. Patrick Wilson, President, P.J.'s Land Clearing and Excavating, Inc. (PAW@pjslandclearing.com)