

BOARD OF COUNTY COMMISSIONERS



August 20, 2020

Mr. Bill Brown, President
Expert Construction Managers, Inc.
Bill@Brown.org

Reference: Response to Bid Protest Regarding Bid 2020049 – Data Flow Systems Antenna and Tower Replacement

Dear Mr. Brown:

We are in receipt of your August 11, 2020 protest of the recommendation of award of the subject bid to Boromei Construction, Inc. After review, your protest is denied.

Background

Bids for the subject project were opened on July 14, 2020. Two bids were received and determined to be initially responsive. The apparent low bid of \$108,000 and 150 days to complete was submitted by Expert Construction Managers, Inc., (“Expert”) and the second low bid of \$109,663 and 60 days to complete was submitted by Boromei Construction, Inc. (“Boromei”).

The sample agreement listed a timeline of 45 days to complete the project, after notice to proceed. During the review of bids, as part of a request for supplemental information, both firms were asked to provide a schedule illustrating how they would meet the timeline stated in their bid.

Because of the shorter timeline, the department determined Boromei to be more responsible to the requirements of the bid documents and provided their recommendation of award to the Purchasing Division, who posted notice of the recommendation on August 6, 2020.

Your email asserts that Boromei’s submitted schedule “does not comply with the specifications and is inaccurate.” Your email points out the differences between the two contractor schedules, and suggests the Boromei schedule “indicates a lack of basic tower construction knowledge and protocol.”

Your memo also asks that the County reconsider its decision to recommend award to Boromei.

Basis for Decision

No evidence was found to support your statement the Boromei schedule does not comply with specifications. The invitation to bid did not require a schedule, just a number of days to complete, and no requirements regarding specific details was issued in the request for additional information sent by my office.

While the Boromei schedule may not have been as detailed as the Expert schedule, I am unable to find an indication that there is violation of the specifications within the Boromei schedule.

I am also unable to find evidence that Boromei’s schedule is inaccurate.

Response to Response to Expert Protest

In regards to the assertion that Boromei lacks “basic tower construction knowledge and protocol,” both bidders were determined to be responsible by the department, which is defined in our Purchasing Manual as “a bidder who has the capability in all respects to fully perform the contract requirements, and the integrity and reliability that will assure good faith performance, as determined by the County.” Other than the schedule, no documentation was provided or found to support the claim that Boromei does not possess the knowledge to complete the work as bid.

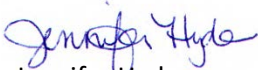
Conclusion

Should Expert 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 meets to consider an award or rejection of the subject procurement or an appeal regarding this decision. 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

Encl: Protest Email from Expert

Cc:

Mr. Danny Boromei, President, Boromei Construction, Inc.

From: [Bill Brown](#)
To: [Parris LaMana](#)
Cc: [Diane Lystlund](#); [Jennifer Hyde](#)
Subject: RE: Indian River County Bid 2020049 - Request for Supplemental Information
Date: Tuesday, August 11, 2020 1:51:54 PM
Attachments: [image.png](#)

CAUTION: This message is from an external source. Please use caution when opening attachments or clicking links.

Hi Parris,

We have reviewed the Boromei Construction schedule. This schedule does not comply with the specifications and is inaccurate for the following reasons:

1. Page 12 of 37 of the documents call for a geotechnical report. It must be done prior to the design of the tower and foundation. This activity and the time it takes is not included in their schedule. That's 3 weeks.
2. Their schedule indicates the tower steel will be released 4 work days after contract award. This is an unrealistic amount of time to get engineering and approvals done. We show a realistic time of 18 work days from receipt of the soil boring to approvals and release of steel. That's 3 more weeks.
3. We show 3 days for you or DFS to inspect and accept the new tower prior to loading it. Their schedule shows none.
4. Their schedule shows 2 days for DFS to install and test their equipment. We show 2 weeks.
5. Their schedule shows the tower demo to be one day with no clean-up.

In the notice of award it is stated the shorter schedule was the basis of award. The schedule presented indicates a lack of basic tower construction knowledge and protocol. Please reconsider your decision.

We would be glad to work with the user to trim our schedule as required to bring the project in sooner. We usually present a realistic schedule and then beat it. By a lot. Ask our customers.

Additionally, how many towers has this company built?

Thanks,



Bill Brown
815 S Kings Ave.
Brandon, FL 33511
813.335.4765 cell