

BOARD OF COUNTY COMMISSIONERS



October 16, 2020

Mr. J. Shaun Taylor
Integrity Medical Solutions
Shaun.Taylor@IntegrityMedicalSolutions.com

Reference: Response to Bid Protest Regarding Bid 2021005 – Alternate Care Site Cots

Dear Mr. Taylor:

We are in receipt of your October 13, 2020 protest, and October 14, 2020 amended protest of the recommendation of award of the subject bid to ProPac Inc. ("ProPac"). After review, your protest is denied.

Background

Bids for the subject project were opened on October 6, 2020. Six bids were received and determined initially responsive, with ProPac submitting the lowest bid and Tube Enterprises, Inc. dba Integrity Medical Solutions, Inc. ("IMS") submitting the third lowest bid. On October 13, 2020, the department made recommendation of award to ProPac.

Your protest memo asserts the ProPac bid "does not meet the specifications of the request" and asks that the County "reconsider the recommendation to award ProPac this project."

Basis for Decision

The bid form states "In accordance with all terms, conditions, specifications and requirements, the Bidder offers the following:" above the line item pricing. By receiving a signed bid form with this statement, and no exceptions to the specifications of the bid noted on the signed and submitted Affidavit of Compliance form, the County expects the submitted bids to be in full compliance. Therefore, we do not find it necessary to demand proof of compliance with each specification with the bid, as it is implied with the signed and submitted bid.

Your protest states ProPac's bid fails to comply with the specifications in the bid, but does not provide any documentation to support the statements.

Three of your assertions are determined to be inaccurate:

1. You state "ProPac cots do not offer antimicrobial waterproof mattress covers." Only Prism and Pineland Group submitted evidence of compliance with the antimicrobial mattress covering with their bid, and ProPac has confirmed their mattress covering is antimicrobial. No evidence to the contrary was submitted with your protest.
2. Your protest complains "ProPac does not offer a 5 Position Adjustable Head Rest," however, the completed Cot Information table on the bid form submitted by ProPac states "5" as the number of head rest positions.
3. Your amended protest adds the complaint that the "ProPac Carts hold 5 cots... does not offer heavy duty casters...does not have a Vinyl Dust Cover." ProPac has confirmed their proposed cart has heavy duty casters and comes with vinyl dust cover. Their submitted bid indicates a capacity of 10 cots.

Two complaints have been determined by the department to be considered approved substitutes or to “meet or exceed” the specifications:

1. Your protest argues the ProPac cots do not offer a vinyl coated decking for easy contamination. ProPac confirmed their decking is nylon, and the department has determined this to be an acceptable substitute material to vinyl. Substitution is authorized under the “Variations to Specifications” paragraph in the Instructions to Bidders.

2. Your protest states “ProPac does not offer the minimum required dimensions of 80x32x18”. The dimensions of their cot is stated at 80x31x19 in their bid, however, the department in their review determined the ProPac cot to “meet or exceed” the dimensions as necessary to fulfill the requirements at alternate care sites.

Your protest argues that ProPac’s cots are made in China, rather than in America, as was the preference noted in addendum 1. This criteria was not requested or required and was not considered in responsiveness review.

Finally, your protest requests credit for IMS for Addendum 1, which was released prior to the deadline for questions, but after your bid had already been submitted. The addendum was released to answer questions, but did not modify the scope, and therefore was not required. The IMS bid was not impacted by failure to acknowledge the addendum.


Conclusion

Should IMS 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: IMS Protest Dated October 13, 2020
Updated IMS Protest Dated October 14, 2020

Cc:

Amanda Hart, ProPac, Inc. (amandah@propacusa.com)
Javed Bhaghani, Biscayne Hospitality (javed@biscaynehospitality.com)
Prachi B. Rathi, Prism Health Services, LLC (prachi@prismhealthservices.net)
Harrison James Kendall, SDVOSB Materials Technology & Supply, LLC (Harrison.kendall@SDVOSBmaterials.com)
Phillip B. Wyllie, Pineland Group, LLC (phillipwyllie@pinelandgroup.org)



Florida DOH Indian River
Requester: Miranda C Hawker
1900 27th Street
Vero Beach, FL 32960

RE: 2021005 Bid for Alternate Care Site Cots –Protest

Date: 10.13.2020

Dear Sir or Ma'am,

I hope this reaches you well. I am writing this protest with great concern in regards to the county's recommendation to award ProPac the 2021005 Bid for Alternate Care Site Cots project. IMS has been aggrieved by the county's disregard for qualified products, the acceptance of products that are not going to assist with decontamination, and the acceptance of products that pose an extremely high-risk of cross contamination across shelter clients who are displaced by natural disasters. Please reconsider the recommendation to award ProPac this project.

Bidder does not meet the specifications of the request based on the following requirements:

1. Foam mattress with antimicrobial waterproof covering
 - a. A foam mattress reduces bed sores and improves client comfort dramatically. ProPac offers a poly fill mattress that works as a sponge to soak up bodily fluids and many environmental contaminants. ProPac cots do not offer antimicrobial waterproof mattress covers which is critical in defending against Covid – 19 and other harmful bacteria.
2. Vinyl coated deck for easy decontamination
 - a. ProPac uses a canvas decking material that is nearly impossible to decontaminate. A Vinyl coated deck is critical when dealing with Covid-19 Patients or the threat of cross contaminations.
3. Adjustable Head Rest
 - a. ProPac does not offer a 5 Position Adjustable Head Rest
4. Dimensions:
 - a. ProPac does not offer the minimum required dimensions of 80 x 32 x 18"
5. Addendum No. 1 posted September 25, 2020
 - a. Preference was given to American made products, ProPac is not a manufacturer of Cots, they import from China.
6. Addendum No. 1 posted September 25, 2020
 - a. IMS would like to request credit for Addendum No 1 which was posted after we submitted our proposal, as such we were not able to acknowledge the via our proposal.
7. An investment in Westcot products will yield the longest available life cycle of any similar product due to the qualified design and unmatched dependability. Westcot provides the best solution for decontamination, comfort, and functionality. Please reconsider the recommendation to award ProPac this project. And, please feel free to contact me at your convenience in regards.

Sincerest Regards,

J. Shaun Taylor
Vice President Business Development
704.692.5417
Shaun.Taylor@IntegrityMedicalSolutions.com

1028 Railroad Ave, Shelby, NC 28152

855.505.9267

ims4beds.com



**Florida DOH Indian River
Requester: Miranda C Hawker
1900 27th Street
Vero Beach, FL 32960**

RE: 2021005 Bid for Alternate Care Site Cots –Protest

Date: 10.14.2020


Dear Sir or Ma'am,

I hope this reaches you well. I am writing this protest with great concern in regards to the county's recommendation to award ProPac the 2021005 Bid for Alternate Care Site Cots project. IMS has been aggrieved by the county's disregard for qualified products, the acceptance of products that are not going to assist with decontamination, and the acceptance of products that pose an extremely high-risk of cross contamination across shelter clients who are displaced by natural disasters. Please reconsider the recommendation to award ProPac this project.

Bidder does not meet the specifications of the request based on the following requirements:

1. Foam mattress with antimicrobial waterproof covering
 - a. A foam mattress reduces bed sores and improves client comfort dramatically. ProPac offers a poly fill mattress that works as a sponge to soak up bodily fluids and many environmental contaminants. ProPac cots do not offer antimicrobial waterproof mattress covers which is critical in defending against Covid – 19 and other harmful bacteria.
2. Vinyl coated deck for easy decontamination
 - a. ProPac uses a canvas decking material that is nearly impossible to decontaminate. A Vinyl coated deck is critical when dealing with Covid-19 Patients or the threat of cross contaminations.
3. Adjustable Head Rest
 - a. ProPac does not offer a 5 Position Adjustable Head Rest
4. Dimensions:
 - a. ProPac does not offer the minimum required dimensions of 80 x 32 x 18"
5. Addendum No. 1 posted September 25, 2020
 - a. Preference was given to American made products, ProPac is not a manufacturer of Cots, they import from China.
6. Addendum No. 1 posted September 25, 2020
 - a. IMS would like to request credit for Addendum No 1 which was posted after we submitted our proposal, as such we were not able to acknowledge the via our proposal.
7. The Rolling Carts
 - a. ProPac Carts hold 5 Cots, the county will require 70 carts to store the 350 cots.
 - b. ProPac does not offer heavy duty casters
 - c. ProPac does not have a Vinyl Dust Cover. IMS offers a Vinyl Dust Cover that is antimicrobial, soil resistant, and puncture resistant.
8. An investment in Westcot products will yield the longest available life cycle of any similar product due to the qualified design and unmatched dependability. Westcot provides the best solution for decontamination, comfort, and functionality. Please reconsider the recommendation to award ProPac this project. And, please feel free to contact me at your convenience in regards.

Sincerest Regards,


J. Shaun Taylor
Vice President Business Development
704.692.5417
Shaun.Taylor@IntegrityMedicalSolutions.com

1028 Railroad Ave, Shelby, NC 28152

855.505.9267

ims4beds.com