

BOARD OF COUNTY COMMISSIONERS



October 8, 2019

Mr. Patrick Wilson, President
P.J.'s Land Clearing and Excavating, Inc.
PO Box 540517
Greenacres, FL 33454
PAW@pjslandclearing.com

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

Dear Mr. Wilson:

We are in receipt of your memo of October 2nd, 2019 protesting my decision to reinstate the previously disqualified submittals in response to the subject request for proposals (RFP) for failure to submit the pricing form included with Addendum 1. After review, the protest made by P.J.'s Land Clearing and Excavating, Inc. (P.J.'s) is denied.

Background

An updated proposal pricing form was provided in addendum 1 to the RFP. Atlas Organics and Bankers Maintenance and Inspections, LLC did not provide the updated form as provided in addendum 1, but rather submitted the original pricing form provided in the original RFP document and were disqualified. Both versions of the proposal pricing form did require an annual cost for each of the two services, but the form provided in Addendum 1 also provided a column for proposers to specifically list their per ton price.

In review and response to a protest from Atlas Organics regarding the disqualification of their proposal, I 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 per ton price, as the estimated annual quantities did not change between the forms. The lack of per ton pricing for the two previously disqualified firms does not prevent equitable comparison of annual pricing, or require the committee to make any calculations or make special accommodations. No substantive changes were made to the updated pricing form.

Your memo states the two proposers should not have been reinstated because they "did not fulfill the mandatory requirement contained within the original RFP which states that all addendums and their attachments must be included in the final RFP submission made by each firm."

Basis for Denying Protest

Your assertion that the two reinstated firms "did not fulfill the mandatory requirement contained within the original RFP which states that all addendums and their attachments must be included in the final RFP submission made by each firm" is incorrect. The "Interpretations" paragraph on page 13 of the RFP states "It shall be the responsibility of each submitter... to make such addenda a part of their submittal," but does not reference attachments to addenda or a requirement to physically include the addenda and/or its attachments in the submitted proposal. Both firms did acknowledge the addenda issued with their response, as indicated in the tabulation of responses read at the RFP opening, and attached to this memo.

Office of Management and Budget • Purchasing Division
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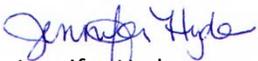
Conclusion

Should P.J.'s 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 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

Attachments:

Protest Memo from P.J.'s Land Clearing & Excavating, Inc.
Initial RFP Tabulation

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. Joseph B. McMillin, CEO, Atlas Organics, Inc., (joseph.mcmillin@atlasorganics.net)
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)



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October 2st, 2019

Letter of Protest

To whom it may concern,

It has come to our attention that after receiving the “Initial Rankings of Firms - Indian River County RFP 2019045”, the previously disqualified vendors bidding on RFP 2019045 are now re-qualified even after submitting documentation that did not fulfill the mandatory requirement contained within the original RFP which states that all addendums and their attachments must be included in the final RFP submission made by each firm. We believe the lack of providing proper documentation by these two firms is proper reasoning for disqualification. We hope you understand that for our firm and other firms to provide proper documentation with all updated addendums and their attached updates, we have complied with all requirements through additional effort. The two disqualified firms that failed to adhere to the specific rules and guidelines of the RFP should not be provided the same consideration as the firms that successfully provided the county with a proper RFP submission.

Kind Regards,

P.J.'s Land Clearing & Excavating, Inc.

