

ATTACHMENT B
BOARD OF COUNTY COMMISSIONERS



August 10, 2020

Mr. Mark. H. Muller, P.A.
On Behalf of Allen Concrete & Masonry, Inc.
mark@mullerlawnaples.com

Reference: Response to Bid Protest by Allen Concrete & Masonry, Inc., Bid 2020030 Moorhen Marsh Low Energy Aquatic Plant System

Dear Mr. Muller:

We are in receipt of your July 21, 2020 "protest of the bid submitted by Prime Construction Group. Inc." for the subject bid, on behalf of Allen Concrete & Masonry, Inc. ("Allen Concrete").

Background

Bids for the subject project were opened on July 14, 2020. Four bids were received and determined to be initially responsive. The apparent low bid of \$11,965,000 was submitted by Prime Construction Group, Inc., ("Prime Construction") and the second low bid of \$12,456,498.11 was submitted by Allen Concrete.

Your memo asserts that "Prime Construction does not, and cannot, satisfy the Bidding Requirements" as detailed in Section 3.01 of the Instructions to Bidders, and goes on to detail the requirements and the reasons Allen Concrete believes Prime Construction does not meet them.

Your memo also asks that the County "reject Prime Construction's Bid."

Discussion

Your protest is directed at the bid submitted by another contractor, and not of any action or inaction by the county. Further, the protest was submitted before the county had begun to evaluate the full responsiveness and responsibility of the bids received.

Your memo was not shared with the department, as it would have provided influence over the evaluation process and prevented an equitable review of the bids received.

The department has now completed its internal review of the bids received, and has determined that Prime Construction does not meet the requirements of section 3.01 of the instructions to bidders. Their bid has been rejected.

Conclusion

The department reached the conclusion you stated in your memo, and Prime Construction's bid has been rejected. As such, I do not believe any further action is necessary in regards to your memo.

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

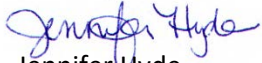
Office of Management and Budget • Purchasing Division
1800 27th Street, Vero Beach, Florida 32960 • (772) 226-1416 • Fax: (772) 770-5140
E-mail: purchasing@ircgov.com

Response to Allen Concrete Protest

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: Mark H. Muller, P.A. Memo dated July 21, 2020

Cc:

Charles Brackett, President/CEO, Prime Construction Group, Inc.

Christopher Allen, President, Allen Concrete & Masonry, Inc.

Martha Morgan, President, West Construction, Inc.

Jonathan Belloit, President, President, WPC Industrial Contractors, LLC

Stephen Polk, Vice President, Randall Environmental, Inc.