

**INDIAN RIVER COUNTY
OFFICE OF MANAGEMENT AND BUDGET
PURCHASING DIVISION**

DATE: October 30, 2020

TO: BOARD OF COUNTY COMMISSIONERS

THROUGH: Jason E. Brown, County Administrator
Kristin Daniels, Budget Director

FROM: Jennifer Hyde, Purchasing Manager

SUBJECT: Recommendation of Award of Bid 2021005 for Alternate Care Site Cots

BACKGROUND:

On September 22, 2020, the Board authorized a modification in scope of services for the Florida Department of Health's allocation in the CARES Act Spending Plan to purchase supplies for alternate care facilities that are necessary and required in adequately planning for the community's response to COVID-19. Through coordination with the Emergency Services Department, sealed bids were requested for transitional cots.

BID RESULTS:

Advertising Date: September 13, 2020
Bid Opening Date: October 6, 3030
Broadcast to: 75 Vendors
Bid Documents Downloaded by: 3 Vendors
Replies: 6 Vendors

Firm	Location	Total Bid Price (350 cots/racks)
ProPac, Inc.	North Charleston, SC	\$86,625.00
Biscayne Hospitality	Escondido, CA	\$87,493.00
Integrity Medical Solutions, Inc.	Shelby, NC	\$147,323.00
SDVOSB Materials Technology and Supply, LLC	Brooklyn, NY	\$169,414.08
Prism Health Services, LLC	Jacksonville, FL	\$195,125.00
Pineland Group, LLC	Beeleair Bluffs, FL	\$420,000.00

ANALYSIS:

Specifications in the bid were based on the cots currently utilized for emergency evacuation shelters, and not intended to restrict competition or be brand specific. Bids were solicited for 350 cots and enough carts to store them. The Emergency Services Department has reviewed the bids

submitted and determined ProPac, Inc. ("ProPac") to be the lowest, responsive and responsible bidder.

After the posting of notice of the recommendation of award, Integrity Medical Solutions, Inc. ("IMS"), the manufacturer of the cots currently utilized in emergency evacuation shelters, submitted a timely protest, arguing the ProPac bid did not meet the bid specifications. After review of the complaint and coordination with the Department and County Attorney, the protest was denied. Three of the six complaints against the ProPac bid were not supported and found to be inaccurate, two items argued had been determined to be acceptable substitutions or to meet or exceed standards, and one criteria was not considered as part of the responsiveness to the specifications.

IMS has submitted an appeal of the denial of their protest, submitting additional documentation to support the claims in their original protest, as well as two additional complaints against the ProPac bid. The appeal is attached for your review and a representative of IMS plans to speak on the matter.

After review of the bids submitted and the variances to the specifications, it appears only one bidder, IMS, can comply with the exact specifications as detailed in the bid. Staff believes IMS was inadvertently afforded an unfair advantage because the specifications were too closely based on the product currently on hand.

The invitation to bid states, "item(s) varying from the published specifications shall be considered substitutes, and the County reserves the right to consider or not to consider substitute bids. Substitutes shall be subject to disqualification if the County does not approve the substitution."

Both the Purchasing Manual and Invitation to Bid state "the County reserves the right to cancel the bid, reject any and all bids or waive any irregularity or technicality in bids received. The County reserves the right to not make any award(s) under this bid." The Purchasing Manual defines a technicality or irregularity as "an item which is not in compliance with the bid invitation or solicitation request, but which is determined by the County to be immaterial to the substantive terms and conditions of the bid, proposal or submittal. The waiver of a technicality or irregularity shall not result in an unfair advantage or disadvantage to any person responding to the bid invitation or solicitation request."

Staff is satisfied with the cots and carts proposed by the low bidder, ProPac, and recommends the Board waive the irregularities regarding their bid's variance from the specifications (cots one inch narrower but one inch higher, carts eleven inches taller and decking nylon rather than vinyl). ProPac has confirmed delivery can still be made in full prior to December 30, 2020, as required under the CARES Act.

Should the Board decide not to award to ProPac, staff recommends the Board reject all bids and rebid at a later time when funding again becomes available. Staff does not recommend award to

Biscayne Hospitality, because their time to deliver falls outside the deadline for receipt of CARES Act purchases and because they are a furniture manufacturer with no identified experience in building cots. Staff does not recommend award to IMS due to the large variance in their bid price from the low bid and because the specifications were too closely aligned with their product, and therefore too restrictive of open competition, which is required to receive funding under the CARES Act. Finally, their submitted bid offered a 60 day timeline to deliver, placing delivery after the December 30, 2020 deadline required for funding.

The bid documents indicated up to 400 cots and related carts would be purchased, if within available budgeted amount.

Item	Unit Price	Quantity	Total Price
Cots	\$175	400	\$70,000
Carts (each holds 10 cots)	\$725	40	\$29,000
			\$99,000

SOURCE OF FUNDS:

Expenses incurred for this purchase will be funded through the \$400,000 allocation awarded to the Health Department under the CARES Act funding, account 13911069-088190.

RECOMMENDATION:

Staff recommends that the Board award bid 2021005 to ProPac, Inc. and authorize the Purchasing Division to issue a purchase order for 400 cots and 40 carts.

Attachments

- IMS Letter of Protest
- IMS Amended Protest
- Response to IMS Protest
- IMS Appeal