

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

DEPARTMENTAL

TO: Jason E. Brown, County Administrator

THROUGH: Richard B. Szpyrka P.E., Public Works Director

FROM: James W. Ennis P.E., County Engineer

SUBJECT: **Award of Bid No. 2017034**
CR512 Westbound Resurfacing (Roseland Road to US 1) and CR512 Eastbound Resurfacing (Easy Street to US 1)

DATE: April 10th, 2017

DESCRIPTION AND CONDITIONS

On March 22nd, 2016 the Board of County Commissioners approved a Small County Outreach Program (SCOP) Grant from the Florida Department of Transportation (FDOT) in the maximum amount of \$2,404,264.00 for the resurfacing of CR512 which includes the dual westbound lanes from Roseland Road to US-1 of CR512 and the eastbound lanes from Easy Street to US-1. The grant also includes reimbursement for construction engineering inspection (CEI) services.

The bids for this project specified use of the Full Depth Reclamation (FDR) process. This process shortens the duration of the construction process but requires special expertise and equipment. A bid opening for the CR-512 Resurfacing was held on February, 17th 2017. Three (3) bids were received and opened. A detailed bid tabulation is on file and available for viewing in the County Engineering Division. Bid totals are as follow:

Ranger Construction Industries, Inc.	Fort Pierce, Florida	\$3,402,846.50
Timothy Rose Contracting, Inc.	Vero Beach, Florida	\$3,491,545.38
Community Asphalt, Corp.	Vero Beach, Florida	\$4,008,129.70

The bid specified that the bidder was to “have successfully constructed, as Prime Contractor, at least three projects similar in scope to this project”. After the bids were opened, staff met to review the bids, especially the responses concerning whether the bidders had successfully completed, as Prime Contractor, three similar projects using the FDR process. Following the review, on February 27th, 2017 the Indian River County Purchasing Department issued a request for clarification to the three bidders which asked for reference projects specific to their firm’s history of using the Full Depth Reclamation (FDR) process and accurate references for the projects listed.

The Indian River County Public Works Department and Attorney’s office reviewed the supplementary project references and made the following determinations:

- Ranger Construction listed 6 reference projects: 1 FDR project was noted by FDOT as having significant failures of the roadway and was not deemed “successfully completed”, 1 project was listed incorrectly along with incorrect contact information, 1 project was listed which was not FDR, 1 project was not able to be determined, and 2 projects were listed with correct contact information and positive quality references. County Purchasing staff was specific in its request for clarification, including whether the bidder subcontracted the FDR process or did the FDR as the Prime Contractor without a subcontractor. Ranger’s response to the request for clarification was incomplete, erroneous and vague. Despite the poor information provided in the response, staff

diligently attempted to verify the request for clarification. After review of Ranger's request for clarification, staff determined that Ranger Construction has not successfully completed three similar projects in scope to the project at hand.

- Timothy Rose Contracting, Inc. listed 7 reference projects: 6 projects were listed with correct contact information and positive quality references, and 1 project where the reference was not able to be contacted. All 6 projects listed by Rose were FDR projects and all 6 projects were completed successfully and were similar to size and scope to the project at hand.
- Community Asphalt, Corporation listed 10 reference projects: 10 projects were listed with correct contact information and positive quality references.

Ranger Construction Industries of Ft. Pierce, FL provided the lowest bid, of \$3,402,846.50, for the project; however, Ranger Construction failed to meet the requirements of the supplementary questionnaire to the bid and Article 3.01(B) 'Qualifications of Bidders' which required the Bidder to "have successfully constructed, as Prime Contractor, at least three projects similar in scope to this project" and has been declared a non-responsive and non-responsible bidder. Timothy Rose Contracting, Inc. is considered to be the lowest, responsive, responsible bidder for the project with a bid totaling \$3,491,545.38. Timothy Rose Contracting, Inc. has completed various construction projects within the County, including FDR-style projects, and has consistently performed work in a satisfactory manner.

On April 3, 2017 Ranger Construction Industries, Inc., (Ranger) submitted a protest to the award of the contract for this project. On April 5, 2017 Ranger submitted a supplement to the protest letter dated April 3, 2017. After a comprehensive review of the information provided in the protest letter and supplement letter, Staff determined that the information provided did not change the facts of Staff's original determination that Ranger did not meet the minimum qualifications established in the bid documents for award of the project, and therefore Staff denied the protest in a letter to Ranger date April 10, 2017.

FUNDING

Per the SCOP grant agreement, the County must fund the project and then request the reimbursement of the grant share from FDOT to a maximum amount of \$2,404,264.00. Funding from the County's cost share in the amount of \$1,087,281.38 is budgeted in the Account No. 10921441-053360-15016 Secondary Roads/Resurfacing/CR 512.

RECOMMENDATION

Staff recommends the Board approve award to the lowest responsive and responsible bidder, Timothy Rose Contracting, Inc. for \$3,491,545.38. Staff further recommends the Board authorize the Chairman to execute the attached agreement upon review and approval of both the agreement and required public construction bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

ATTACHMENTS

Sample Agreement
IRC Protest Decision Letter to Ranger

DISTRIBUTION

Ranger Construction Industries, Inc.
Timothy Rose Contracting, Inc.
Community Asphalt, Corp.
FDOT

APPROVED AGENDA ITEM FOR April 18th, 2017