



# THE CITY OF DAYTONA BEACH

## INTEROFFICE MEMORANDUM

**TO:** James V. Chisholm, City Manager  
**FROM:** Kirk Zimmerman, Buyer  
**DATE:** June 14, 2019  
**SUBJECT:** Non-Responsive Bid Submitted for Halifax Harbor Seawall Restoration  
Invitation to Bid # 19473

### REQUEST

Staff is requesting that BK Earnest, LLC be declared *non-responsive* due to the submittal of a bid that does not conform to the Bid Documents.

Bidder did not use proper bid form from Addendum #4, used Addendum #3 that didn't include 1 line.

### CONSIDERATIONS

The Purchasing Code provides that a bid award be made to the responsible bidder submitting the lowest responsive bid. The Daytona Beach Purchasing Code Section 30-28 defines a responsive bid as a bid that is conforming in all aspects to the invitation to bid or request for proposals except minor irregularities.

The Bid Documents contain the following clause regarding bids:

**2A.** The Bid Proposal Letter, the Bid Schedule, and all other required Forms must be completed.

**22. RIGHT TO ACCEPT OR REJECT BIDS.** The City will reject bids which contain modifications, or which are incomplete, unbalanced, conditional, obscure, or which contain additions not requested, or irregularities of any kind, or which do not comply in every respect with these Instructions to Bidders and the Contract Documents, unless the City in its sole discretion that the non-compliance is minor.

Please indicate approval by signing below.

\_\_\_\_\_ Date: 6-14-19

C: Frank Van Pelt, Technical Services Director  
James Nelson, City Engineer  
File 19473