



# THE CITY OF DAYTONA BEACH

## INTEROFFICE MEMORANDUM

**TO:** James V. Chisholm, City Manager  
**FROM:** Kirk Zimmerman, Buyer *KZ*  
**DATE:** March 9, 2020  
**SUBJECT:** **Non-Responsive Bid Submitted for Bethune Point Process Upgrades  
Invitation to Bid No. 20253**

### REQUEST

Staff is requesting that Intercounty Engineering, LLC, McMahan Construction Co, Inc, SGS Contraction Services, Inc., & TLC Diversified, Inc. be declared *non-responsive* due to the submittal of a bid that does not conform to the Bid Documents.

1. WRF Process Improvements – This required the bidder to show that they have completed 3 projects similar in scope in the last 5 years. “Similar in scope” was defined in the Bid and the provided reference forms included check boxes to indicate whether the referenced project met the “similar scope”. For all 3 references, McMahan indicated that they did not meet the similar scope.
2. Clarifier Mechanism Installation – This required the bidders to show that they have completed 3 clarifier installations in the past 10 years. It was noted that at least 1 of the references needed to be on a clarifier 80-feet in diameter or greater. McMahan provided 3 references at the following diameters: 40-ft, 40-ft, 60-ft. Therefore McMahan does not meet the 80-feet or greater in diameter requirement.
3. Contract Base Bid – 3.01 A. 2. - Payment to the CONTRACTOR of the total price of bid for Item No. 1 in the Bid Form will be made and shall fully compensate the CONTRACTOR for the mobilization of all equipment, materials, and manpower at the beginning of the project and demobilization upon project completion. The price shall be calculated as a maximum of 5-percent of the total of Items 2 – 10.

Intercounty Engineering, Inc. - One project reference provided did not meet the similar scope requirements. Therefore Intercounty Engineering, Inc. did not meet the minimum qualifications.

McMahan Construction Co, Inc. – 1. None of the supplied project references met the similar scope requirements. 2. None of the supplied project references showed installation on a clarifier 80-feet in diameter or greater.

SGS Contracting Services, Inc. - provided a price for mobilization/demobilization that exceeded the maximum allowable of 5% of Bid Items 2 – 10 as defined in the Bid Documents.

TLC Diversified, Inc. - provided a price for mobilization/demobilization that exceeded the maximum allowable of 5% of Bid Items 2 – 10 as defined in the Bid Documents.

### 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:

*884*  
*9*

**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: 3/17/2020

C: Shannon Ponitz, Utilities Director  
Curtis Burkett, Utilities Engineering Manager  
Eric Smith, Engineer II  
File ITB 20253