



We Bring Fuel, Fluids, and Premium Lubricants To You

B-5-21-11 Formal Protest

Watkins Oil formally protests the awarding of Bid B-5-21-11 to Seaboard Distribution for the following reasons:

1. Seaboard submitted house brands "AllFleet" and "DuraMAX" on their price list but did not follow the directions per Addendum 3 Response #6 which stated to clearly label the price sheet as "Second Line or House Brand." Seaboard failed to do this. Not following directions to exact bid specifications is a violation of competitive bidding standards, therefore Seaboard should be considered an UNRESPONSIVE CONTRACTOR per Section 1(f) for *"failing to submit a bid which conforms in all respects to the requirements of the of the bid package, including... submission of the bid with all required information."*
2. Seaboard combined house brands "All Fleet" and "DuraMAX" with topline brands "Shell" "Kendall" and "Coastal" on a single price sheet. This is a violation of Addendum 3 Response #6 which instructed to complete **two** separate price sheets and it gave Seaboard an unfair advantage over the other bidders by combining house brands with topline brands on a single price list to create a lower total annual dollar amount than other bidders who did not combine topline brands with house brands. Again, not following directions to exact bid specifications is a violation of competitive bidding standards, therefore Seaboard should be considered an UNRESPONSIVE CONTRACTOR per Section 1(f) for *"failing to submit a bid which conforms in all respects to the requirements of the of the bid package, including... submission of the bid with all required information."*
3. Procurement Analyst Heather Beaudry stated via email to Joey Watkins on Tuesday December 20, 2020 that Brevard County was looking for "premium brands of oil" which is consistent with Brevard County's very long history of accepting only premium brands of oil. Heather said this was partially why Watkins' house brand was not approved. Watkins Oil submitted all the **identical** house brand items "All Fleet" and "DuraMAX" as Seaboard. Therefore, since Watkins house brand bid items were not approved, Seaboard's bid must also not be approved to avoid bid discrimination and a bias against Watkins by awarding to Seaboard the exact same items which were not approved for Watkins. (The product codes used by Seaboard and Watkins are internal product codes. They are not different items or brands. The exact same items were submitted by Watkins and Seaboard for all items labeled "AllFleet" and "DuraMAX".)
4. Seaboard submitted two brands of 15W40 for items 7, 8, 9, 10. "AllFleet" quarts and gallons and "Shell" 5 gallons and bulk. If Brevard County mixes these two brands in any vehicle or piece of equipment that uses 15W40, the **warranty provided by both oil manufacturers will be void**. This is not in the best interest of Brevard County to void the warranty of their highest volume oil which is used in their most expensive engines and equipment. Therefore, items 7, 8, 9, and 10 should be awarded to Watkins premium brand of 15W40 for all four container sizes since it will not void the oil manufacturer's warranty.
5. Watkins bid \$326.70 less than Seaboard on item#45 for the exact same item. Based on the County's 2020 purchase history, Brevard County will save approximately \$65,000 over five years by purchasing item#45 from Watkins instead of Seaboard. This is in the best interest of Brevard County.



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CONCLUSION

In conclusion, reasons 1 and 2 are valid to render Seaboard as an UNRESPONSIVE CONTRACTOR for failure to follow directions in bid specifications. Reason 3 is valid to render Seaboard's bid as NOT APPROVED for failing to submit "premium brands of oil that Brevard County was looking for" because Watkins house brand bid for identical items was NOT APPROVED. Reasons 4 and 5 are in regard to specific items that should have been awarded to Watkins for the reasons stated.

RELIEF SOUGHT

Watkins Oil submitted the lowest priced responsive bid for topline premium brand of oil that Brevard County was looking for which conformed in ALL respects to the requirements of the bid package, including submission of the bid with all required information, per Section 1(f). Therefore, for the reasons stated above, in all fairness, and in the best interest of Brevard County, **Watkins Oil Co Inc. should be awarded as the sole supplier for Bid 5-21-11.**

Watkins Oil is an established Brevard County business doing business in Brevard County for over 43 years. Watkins Oil has also established itself as an approved vendor to Brevard County by servicing the County's lubricant needs since 2016.

The oil manufacturer's warranty for Watkins Oil premium brand of oil, which is important to the interests of Brevard County, can be found at---
<https://www.citgolubes.com/warranty>