

Mr. Joey Watkins
Watkins Oil Co.
175 Fisher Avenue
Titusville, FL 32796

January 5, 2021

Dear Mr. Watkins:

Purchasing Services has received your protest of B-5-21-11 / Petroleum Products & Lube Oil to the intended award to Seaboard Distribution as the Primary Vendor on all items and Watkins Oil as Secondary Vendor on all items. In reviewing your items of concern, Brevard County offers the following responses:

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."

Response: Brevard County allows for "clarification of questionable entries and correction of obvious mistakes", per the Invitation to Bid, page 2, General Conditions, Terms and Provisions, Item 6. The price sheet format submitted clearly differentiated types and was understood by the County.

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."

Response: Brevard County allows for "clarification of questionable entries and correction of obvious mistakes", per the Invitation to Bid, page 2, General Conditions, Terms and Provisions, Item 6. The price sheet format submitted clearly differentiated types and was

understood by the County.

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".)"

Response: The method of determination in recommended award of all items to Seaboard Distribution as Primary Vendor and all items to Watkins Oil as Secondary Vendor was made based on overall pricing, topline availability, house brand equivalency and line item pricing versus lot pricing factor evaluation. Watkins house brands for All Fleet and DuraMAX will be approved in the Notice of Award, however, Seaboard's cost for these brands is still lower than Watkins, and as such, Watkins will be the secondary vendor for these items in accordance with the Invitation to Bid.

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."

Response: Vehicle maintenance is the responsibility of various departments within the County as well as Central Fleet Services. Having two options of brands available allows each department to determine which is appropriate for their vehicles. Award of these two options are determined to be in the best interest of Brevard County. The method of determination in recommended award of all items to Seaboard Distribution as Primary Vendor and all items to Watkins Oil as Secondary Vendor was made based on overall pricing, topline availability, house brand equivalency and line item pricing versus lot pricing factor evaluation.

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."

Response: The department estimated annual product use of Item #45 per the price sheet is eight (8), 330-gallon totes. A \$326.70 difference annually is \$2,613.60, or \$13,068.00 over a five-year term. Brevard County considered the award to Seaboard as Primary and Watkins as

Secondary based on overall pricing, streamlining of delivery scheduling and lot pricing factor evaluation.

After reviewing the responses above, if Watkins would like to continue with a formal protest or withdraw their initial protest, please respond to this letter via email at steven.darling@brevardfl.gov no later than 5:00 pm EST on Tuesday January 12, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven A. Darling, Jr.", with a stylized flourish at the end.

Steven A. Darling, Jr.
Central Services Director

cc: file