



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1976, **Version:** 1

Subject:

Sykes Creek Zone N Force Main Extension - Rescission of Notice of Award and Rejection of All Proposals

Fiscal Impact:

\$10,824.00

Dept/Office:

Central Services/Purchasing Services/Utility Services/Natural Resource Management

Requested Action:

It is requested that the Board (1) rescind the Notice of Award to Youngs Communications, LLC for the Sykes Creek Zone N Force Main Extension, Bid Number B-7-20-27; (2) reject all proposals received in response to this solicitation and authorize Utility Services Department to re-advertise a revised solicitation in accordance with BCC-25 Procurement and (3) reimburse Youngs Communications, LLC for costs incurred for obtaining a performance bond.

Summary Explanation and Background:

On February 13, 2020, the Purchasing Services Department on behalf of the Utility Services Department formally advertised the Sykes Creek Zone N Force Main Extension project. The invitation to bid, B-7-20-27, solicited bids from pre-qualified contractors to install approximately 1,000 LF of 4" HDPE Force Main along South Harbor Drive and approximately 700 LF of 4" HDPE Force Main along Bayside Street, Wavecrest Street, Shore Drive and North Banana River.

Funding for this project is provided by Save Our Indian River Lagoon (SOIRL) funds managed by Natural Resources Management for septic to sewer conversions.

After a delay in the Bid Opening due to the ongoing COVID-19 pandemic, on May 20, 2020 two bids were received in response to the Invitation to Bid. The two companies that submitted bids were Young's Communications, LLC located in Melbourne, FL and T.B. Landmark Construction, Inc. from Jacksonville, FL.

Both companies are included on the Underground Utility Contractor Pre-Qualification List for FY 2020 as incorporated from the solicitation for RFQ 5-20-01. The apparent low bidder was Young's Communications, LLC and no protests were filed in advance of the Notice of Award for this project. On June 8th, 2020, the Purchasing Services Department issued the Notice of Award for this project for Total Bid Price of \$721, 607.00. On June 8th, 2020, the Utility Services Department sent an official letter requesting signed copies of the Contract, recorded copies of the Public Construction Bond (Payment and Performance), and evidence of insurance that meets the County's insurance requirements. All requested documents were received within the requested timeline identified in the transmittal letter. The signed Contracts were reviewed and approved by

the County Attorney's Office. The partially executed Contracts were not sent to the Board Chair for review or execution.

Subsequent to the contract execution by Youngs Communications, LLC, staff determined that Florida Administrative Code 62-604.300 (2)(j), titled Design and Specification Guidelines for Low Pressure Sewer Systems, requires "that the operation and maintenance of the pressure sewer system be the responsibility of a central management entity, be it public or private, having indicated prior acceptance." Thus, the responsibility for the maintenance of the grinder pumps to be installed on the private property of each homeowner, originally thought to be that of the individual homeowner, would actually be the responsibility of the Utility Services Department. Consequently, due to the responsibility of the Department to maintain the grinder pumps, the need to enter onto private property to gain access in order to maintain the grinder pumps, and the total cost to obtain easements for the grinder pumps, the maintenance of the grinder pumps is expected to greatly exceed the similar costs to maintain the low-pressure vacuum system. Thus, the Utility Services Department chose to re-engineer this project.

The re-engineered system will utilize a low-pressure vacuum service for those residents participating in the septic to sewer conversion program. This re-design will better delineate responsibility for maintenance of the installed improvements. Thus, request is made that the Board rescind the Notice of Award to Young's Communications, LLC and authorize the Utility Service Department to re-advertise the revised solicitation for the redesigned system.

In accordance with BCC-25, Procurement, the County Purchasing Manual states that:

"If the County elects to reject all bids submitted in response to a competitive solicitation and concurrently provides notice of the intent to reissue the competitive solicitation, the rejected bids remain exempt from Florida Statute 119.07(1) and 24(a), Article I of the State Constitution until such time as the County provides notice of an intended decision, concerning the reissued competitive solicitation. A response is not exempt for longer than twelve (12) months after the initial notice rejecting all bids".

Because Young's Communication LLC was the awardee, County Staff requested, in accordance with policy, the Contractor purchase and submit Payment and Performance Bonds. This was an actual expense realized by the Contractor. Due to no fault of the Contractor, the award is being rescinded and the County needs to reimburse the Contractor \$10,824.00 for the cost of those Bonds. The savings the County will realize in less than a year by utilizing a vacuum system will significantly exceed the bond cost reimbursement amount to Young's Communications LLC. Those are the only costs eligible for reimbursement due to the rescinding of the contract award. A copy of the invoice for the Bonds is attached to this Agenda item.

The Department spoke with Young's Communication to explain the decision and circumstances of why we were rejecting the bid. Young's Communication understand the Department's decision and had no objection. They are acceptable to the reimbursement as being fair and acceptable.

Clerk to the Board Instructions:

E-mail clerk memo to rose.lyons@brevardfl.gov <mailto:rose.lyons@brevardfl.gov> and mail originals to all departments.