

SUMMARY/TIME LINE OF FORMAL SOLICITATIONS ASSOCIATED WITH THE YMCA RETROFIT PROJECT.

ITB 20-PR-008

The City of Edgewater issued an Invitation to Bid (ITB 20-ES-001 - YMCA - Wind Retrofit Project) on August 5, 2020.

On October 6, 2020 one single bid was received and deemed responsible/responsive from A.G. Pifer in the amount of \$399,900.

Based on discussions with our representative from the Florida Department of Emergency Service staff believes that in an effort to minimize the risk of potential deobligation, it is not in the best interest of the City to move forward with the sole bid. Staff further reached out to the Contractors that were in attendance at the pre-bid meeting, but did not submit a bid and determined that there is a better likelihood of additional submissions, if the Invitation to Bid was reissued with options to bid on the roof and the windows/doors as separate items including the possibility of award to multiple contractors.

On November 4, 2020, City Council rejected the sole bid and instructed staff to rebid the project.

ITB 021-PR-001

On November 5, 2020, the modified ITB which allowed for multiple vendors to be awarded, was rebroadcast with the recommended changes. The Rebid ITB was broadcast on the City's bidder notification service, the State of Florida Office of Supplier Diversity website, the City's website and advertised in Daytona Beach News Journal.

On January 5, 2021, 6 bids were submitted, however 3 were deemed as non-responsive for failure to submit required documents per Bid Specifications.

The following bids were received and determined to be responsible and responsive: Total Pricing for Total Pricing for

Bidder Name	Doors and Windows	Roof Replacement
A.G Pifer Construction	\$162,328.03	\$609,156.97
APM Construction Corp	\$75,000.00	\$390,000.00
EB Morris Gen. Contractors	\$213,240.36	\$364,759.64

APM Construction Corp. ("APM") made the lowest responsible and responsive bid for doors and windows and City staff informed APM that staff would recommend that the City Council approve the award of contract for doors and windows to APM. In response, APM stated that it would not accept an award for the doors and windows as it would not accept any award in piecemeal as it intended its bid to be a lump sum for the entire contract and its bid for the doors and windows did not include associated costs such as a bid bond. However, section 4.1 of the ITB provides that:

The City reserves the right to award one or more contracts on the bids submitted, either by award of all items to one bidder or by award of separate items or groups of items to various bidders as the interests of the City may require, unless the bidder clearly specifies otherwise in his bid.

Therefore, the ITB clearly stated that the City may award multiple contracts to various bidders.

Also, section 9 of ITB clearly stated that bid prices must include all costs, as follows:

ALL AMOUNTS INCLUDE SALARY COST, FRINGE BENEFITS, OVERHEAD, OPERATING MARGIN AND PROFIT, AND ALL DIRECT AND INDIRECT EXPENSES.

Therefore, the ITB provided that bids must include all associated costs. For these reasons, APM's refusal to enter into a contract with the City for the doors and windows is unjustified.

Both the ITB and the City's Purchasing Policy have the following provision:

In the event of default of the successful bidder, or their refusal to enter into the City contract, the City reserves the right to accept the bid of any other bidder or to re-advertise using the same or revised documentation, at its sole discretion.

Therefore, since APM has indicated it refuses to enter into a contract with the City for doors and windows the City may accept the bid of the next lowest bidder, which was A.G. Pifer Construction.

Due to the lowest responsible, responsive bids coming in well over the grant and budget amounts, City Staff is working with FDEM representatives to request additional grant funds for the project. HMGP has currently approved \$190,223 towards this project. The City currently has \$63,408 in City Match funds identified with the current year's budget. If the grantor is not willing to provide additional grant funds, the City would need to fund an additional \$273,456.67 for total project funds of \$527,088.67.

On February 1, 2021, City Council again rejected the bids and instructed staff to rebid the project with additional specifications.

ITB 22-PR-11

On August 24, 2022 this project was rebid for the 2nd time with additional plans and details.

The solicitation was downloaded by 22 vendors and three Vendors attended the pre-bid meeting on September 7, 2022. However, on the submittal deadline date of October 26, 2022, no bids were submitted.

Staff reached out to the FDEM representative and requested additional funding as well as a time extension to complete this project. On August 23, 2023, staff was notified that FEMA had completed the Budget Review to increase our YMCA Retrofit (doors, windows, roof) funding award and extend the contract to 2/28/2024 with the following 75/25 funding changes:

<u>Last Federal Budget</u>	+	<u>City Match</u>
\$248,052.75		\$82,684.25

<u>New Federal Budget</u>	+	<u>New City Match</u>
\$453,360.00		\$151,120.00

The above totals do not reflect the true Project Totals, due to “Contingency funds” both Federal and Local Match listed on the last two pages of the attached Agreement (Modification #3), bringing the Total Project Cost to \$634,704.00

ITB 23-PR-11

Due to extreme time restraints, ITB 23-PR-11 – Rebid No. 3 was broadcast on September 1, 2023, contingent on City Councils approval of the Agreement Modification No. 3 on September 11, 2023, with the following timeline.

Issue ITB:	September 1, 2023	
Pre-Bid Conference (Non-Mandatory):	September 14,	11:00am
Deadline for Questions:	September 21, 2023	2:00pm
Addendum Due:	October 5, 2023	4:30pm
Bid Due/Opening Date:	October 12, 2023	11:00am
Evaluations/Notice of Recommendation:	October 19, 2023	
City Council Hearing Date:	November 6, 2023	