



December 29, 2025

VIA REGULAR U.S. MAIL AND
EMAIL: justin@cobraenvironmental.com

Justin Lusk, President - CEO
Cobra Environmental
15896 Mellen Lane
Jupiter, FL 33478

Re: ITB 26-PW-01 – Rehabilitation of Sanitary Sewer Lines and Manholes
(CDBG 23DB-N33)

Dear Mr. Lusk:

The City is in receipt of your Formal Bid Protest/Objection and Grant Compliance Clarification and Objection. Pursuant to Section 4.08(3) of the City's CDBG Procurement Policy - Bid Protest Procedures, "The Purchasing Officer shall: within 14 days of the formal written protest attempt to resolve the protest prior to any proceeding arising from the protest." This correspondence will serve as my good faith attempt to resolve the protest by mutual agreement.

As previously stated, after review by City staff, the City Grant Administrator and City Attorney, it has been determined that the bid instructions provided in Section 8.1 that "All costs associated with delivering the requested services shall be detailed in the format requested on the Total Pricing Form in OpenGov." Therefore, the City is not able to consider the deductive pricing that was included in your submittal in the Alternate Manufacturers/Supplies form and the City has deemed that portion of the submittal as non-responsive. All other bidders complied with Section 8.1. If you had any questions all vendors had the right to ask questions pursuant to the bidding instructions.

Importantly, the ITB bid instructions under "Major Manufacturers or Suppliers" at paragraph 6 provides that: "

Each proposed alternate will be evaluated in accordance with the General Conditions. *The deductive amount specified for alternate manufacturers/suppliers will not be used in determining the successful Bidder. Alternates will be considered only after award of the contract.*

(emphasis added). Thus, deductive amounts for alternative suppliers are not used in determining the successful bidder. Therefore, the deductive amount you specified for Vortex (\$197,700.00) was not used in determining the successful bidder. The form for alternative suppliers is only used after a bid is awarded. Consequently, since Cobra Environmental did not have the lowest base bid and was not awarded the contract the deductive amount specified for Vortex (\$197,700.00) was not considered.

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In addition, the bid by Cobra Environmental was considered non-responsive due to Line Item 4 (Record Drawings), Line Item 7 (Utility Locates), Line Item 9 (Bypass Pumping), Line Item 12 (Record Drawings), Line Item 13 (Construction Restoration) and Line Item 16 (Bypass Pumping) all have a unit cost of \$1.00 and a total cost of \$1.00. There are costs associated with completing these items which are not accounted for in the bid. Accordingly, the City deems the Cobra Environmental bid unresponsive for this reason. Pursuant to Section 3.14 of the ITB, Acceptance or Rejection of Bids, "Any bid which is incomplete, obscure or which contains irregularities of any kind, may be cause for rejection." Section 3.14 also provides that:

The right is reserved by the City to waive any irregularities in any bid, to reject any or all bids, to re-solicit for bids, if desired, and upon recommendation and justification by the City to accept the bid which in the judgment of the City is deemed the most advantageous for the public and the City.

This provision allows the City to accept the bid which in the judgment of the City is deemed the most advantageous for the City, which it did in this case.

I hope that this correspondence has addressed your concerns with respect to ITB 26-PW-01 and that you will agree to voluntarily withdraw your Formal Bid Protest/Objection and your Grant Compliance Clarification and Objection.

Please respond by January 9, 2026.

Very truly yours,



Bridgette Vaissiere, Finance Director
City of Edgewater, Florida