

Pat Drosten

From: Aaron Wolfe <awolfe@doranlaw.com>
Sent: Monday, December 15, 2025 11:12 AM
To: Pat Drosten
Cc: Karon LaVassaur; Bridgette Vaissiere; James Buresh
Subject: RE: ITB No. ITB 26-PW-01 Rehabilitation of Sanitary Sewer Lines and Manholes (CDBG 23DB-N33)

Good morning, Pat. I agree that all costs should have been detailed in the Total Pricing Form and that the failure of the bidder to do so negates pricing included in any other section of the bid submittal. I also agree that there should be a recommended award to the low bidder based upon the Total Pricing Form but that there should be an explanation to the City Council about the situation and let them know that they have the option to reject all bids without cause. Please let me know if you have any questions.

Aaron



Aaron R. Wolfe
Attorney at Law
Doran Foxman Sims Wolfe & Yoon
1020 W. International Speedway Blvd., Suite 100
Daytona Beach, FL 32114
Office: 386-253-1111
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Email: awolfe@doranlaw.com



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From: Pat Drosten <pdrosten@CITYOEDGEWATER.ORG>
Sent: Monday, December 15, 2025 9:42 AM
To: Aaron Wolfe <awolfe@doranlaw.com>

Cc: Karon LaVassaur <KLaVassaur@doranlaw.com>; Bridgette Vaissiere <bvaissiere@CITYOFEDGEWATER.ORG>; James Buresh <jburesh@CITYOFEDGEWATER.ORG>

Subject: FW: ITB No. ITB 26-PW-01 Rehabilitation of Sanitary Sewer Lines and Manholes (CDBG 23DB-N33)

Importance: High

Aaron,

I am just following up on this email. I have attached pages from the Submittal response section of the original bid document which state that all costs shall be detailed in the Total Pricing Form .

I believe this would negate pricing included in any other location in the bid submittal package, but would like your input on this and on the entire situation. The consensus of the Eval Committee is to recommend award to the low bidder as listed in the pricing form, with an explanation to Council that another bidder offered a deduct price however did not follow the instructions in the bid document. Further adding that the supplement conditions state that

" The Owner reserves the right to accept or reject any or all bids in whole or in part with or without cause, to waive technicalities, or to accept the bid(s) which, in its judgment, best serves the interest of the Owner."

As this is a project funded by Florida Commerce, we are bound by their requirements as well. With the current nature and climate in the City, any suggestions on language that will keep the city from possible litigation in this matter would be greatly appreciated.

Thanks,

Pat

8. Submittal Requirements

8.1. Response Format - Overview

The bid shall be deemed an offer to provide services to the City. In submitting a bid, the Bidder declare that he/she understands and agrees to abide by all specifications, provisions, terms and conditions of same, and all ordinances and policies of the City. The Bidder agrees that if the contract is awarded to him/her, he/she will perform the work in accordance with the provisions, terms and conditions of the contract.

To facilitate the fair evaluation and comparison of bids, all bids must conform to the guidelines set forth in this ITB. Any portions of the bid that do not comply with these guidelines must be so noted and explained the Acceptance of Conditions section of the bid. However, any bid that contains such variances may be considered non-responsive.

Bids should be prepared simply and economically, providing a straightforward concise description of the Bidder's approach and ability to meet the City's needs, as stated in the ITB.

The items listed as required forms shall be submitted with each bid and should be submitted as required in this solicitation. Failure by a bidder to include all listed items may result in the rejection of its bid.

All costs associated with delivering the requested services shall be detailed in the format requested on the Total Pricing Form in [OpenGov](#).

From: Pat Dosten

Sent: Friday, December 12, 2025 8:10 AM

To: 'Aaron Wolfe' <awolfe@doranlaw.com>; 'Jeffrey C. Winter' <jeffreycwinter@gmail.com>; 'Brickler, Colten'

<Colten.Brickler@kimley-horn.com>; Sandy Camp <scamp@CITYOFEDGEWATER.ORG>

Cc: Bridgette Vaissiere <bvaissiere@CITYOFEDGEWATER.ORG>; Jeff Lariscy <jlariscy@CITYOFEDGEWATER.ORG>; Ryan

Solstice <rsolstice@CITYOFEDGEWATER.ORG>; Tanner Redd <tredd@CITYOFEDGEWATER.ORG>; Tyna Hilton

<thilton@CITYOFEDGEWATER.ORG>; James Buresh <jburesh@CITYOFEDGEWATER.ORG>; Jim Daly

<jdaly@CITYOFEDGEWATER.ORG>; Bobby Copeland <bcopeland@CITYOFEDGEWATER.ORG>; purchasing

<purchasing@CITYOFEDGEWATER.ORG>; McConnell, Nicole <Nicole.McConnell@kimley-horn.com>; pamela spargur

<spargur@bellsouth.net>

Subject: FW: ITB No. ITB 26-PW-01 Rehabilitation of Sanitary Sewer Lines and Manholes (CDBG 23DB-N33)

Good morning team,

I was out of the office yesterday, and saw this email when I got in this morning. I pulled the document Mr. Lusk referenced in his email (highlighted) and have attached it for your review.

I have no reference for how to handle such a situation so I am including our City Attorney in this email. Although the alt price was not listed in the bid price form it was included in the bid submittal documents.

I have also attached the original broadcast bid document for reference.

I am looking for guidance as this is a unique situation, I have not encountered before.

Sincerely,

Pat

Pat Dosten
Purchasing Specialist
PO Box 100
City of Edgewater, FL 32132
386.424.2400 ext 1306
fax 386.424.2409

From: Justin Lusk <justin@cobraenvironmental.com>
Sent: Wednesday, December 10, 2025 4:22 PM
To: Pat Dosten <pdrosten@CITYOFEDGEWATER.ORG>
Cc: Colten.brickler@kimley-horn.com
Subject: Re: ITB No. ITB 26-PW-01 Rehabilitation of Sanitary Sewer Lines and Manholes (CDBG 23DB-N33)

Good afternoon Mr. Dosten,

Thank you for your response. I want to respectfully clarify that I am not requesting any modification to the bid price after opening, nor am I attempting to alter any material term of my submitted bid.

My intent is only to reference a provision already included in the City's bid documents. Specifically, Section 1.14(C) – Basis of Award, which states:

“The lowest Bid will be determined by comparison of the ‘Lump Sum Price’ stipulated on the Bid Form, plus any combination of Additive or Deductive Alternate Bid Items of the Owner’s choosing.”

The deductive amount I referenced is not a new number, nor is it a post-opening adjustment. It reflects a deductive alternate that was established at the time of bid preparation and disclosed through the required Major Manufacturers or Suppliers form, where Vortex Structure Guard was listed as an alternate manufacturer for the manhole rehabilitation scope.

My pricing on the Bid Form reflects the specified product (Sprayroq).

The deductive amount exists only if the City elects to accept Vortex as an approved equal, consistent with the specification language allowing deductive alternates.

To summarize:

- No bid prices are being revised.
- The deductive alternate was part of the bid at submission.

- Section 1.14(C) expressly allows the Owner to apply deductive alternates of its choosing when evaluating bids.

I hope this clarification is helpful. If the City would like any supporting product data sheets or alternate approval documentation for Vortex structure coating, I am happy to provide them.

Thank you again for your time and consideration.

Respectfully,

Justin Lusk
President - CEO
Cobra Environmental
15896 Mellen Ln
Jupiter, FL 33478
Cell: 561-398-1122
www.CEFL.co

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On Dec 10, 2025, at 2:56 PM, Pat Drosten <pdrosten@CITYOFEDGEWATER.ORG> wrote:

Mr. Lusk,

I regret to inform you that we are unable to consider any changes to the bid price after the sealed bids have been publicly opened. This rule is a cornerstone of the competitive bidding process and serves to protect the integrity of the procurement process. The prohibition on post-bid-opening price changes prevents unfair advantage and prevents manipulation/collusion of the bidding process. The rule also ensures all vendors have an equal opportunity to compete based solely on the price they submitted in the sealed bid prior to the deadline. Furthermore, allowing any bidder to change price or material terms at or beyond this phase violates fundamental competitive-bid principles (Equal Treatment, Prohibition of Material Changes After Bid Opening, etc.) and federal procurement regulations (2 CFR 200.319, and 2 CFR 200.320, etc.).

Sincerely,

Pat Drosten
Purchasing Specialist
PO Box 100

City of Edgewater, FL 32132
386.424.2400 ext 1306
fax 386.424.2409

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The views expressed in this message may not necessarily reflect those of the City of Edgewater. Thank you.

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Please consider the environment before printing this e-mail

From: Justin Lusk <justin@cobraenvironmental.com>
Sent: Tuesday, December 9, 2025 4:05 PM
To: Pat Drosten <pdrosten@CITYOFEDGEWATER.ORG>
Cc: Colten.brickler@kimley-horn.com
Subject: ITB No. ITB 26-PW-01 Rehabilitation of Sanitary Sewer Lines and Manholes (CDBG 23DB-N33)

Good afternoon Mr. Drosten,

Upon reviewing the bid results and associated bid documents, I would like to provide a brief clarification. In the "Major Manufacturers or Suppliers" form, I identified Vortex Structure Guard as an alternate manufacturer for the manhole rehabilitation scope included in the alternate bid.

However, the pricing reflected in my submitted alternate bid is based on a subcontractor utilizing Sprayroq, the product specified in the bid documents. Should the City determine that Vortex is an acceptable approved equal, please apply the corresponding deduct of \$197,700 to our alternate bid amount.

Cobra Environmental Bid Summary:

- Base Bid: \$439,528.20
- Alternate Bid: +\$474,653.00
- Deduct (if Vortex approved equal): -\$197,700.00
- Adjusted Total Bid: \$716,481.20

Please let me know if any further documentation or clarification is required.

Respectfully,

Justin Lusk
President - CEO
Cobra Environmental
15896 Mellen Ln
Jupiter, FL 33478
Cell: 561-398-1122
www.CEFL.co

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*City of Edgewater
Sanitary Sewer Rehabilitation*

Bid Opening time and date.

- B. Withdrawal requests shall be made in writing and must be received by the Owner before and date stated or as addended for the Bid Opening. Properly withdrawn Bids will be unopened to the person or firm submitting the Bid.
- C. A Bidder who withdraws his Bid may submit a new Bid in the same manner as specified "Submission of Bids".
- D. If a Contract is not awarded within 90 calendar days after opening of Bids, a Bidder may file a written request with the Owner for the return of his Bid.

1.14 BASIS OF AWARD

- A. The Owner reserves the right to accept or reject any or all bids in whole or in part with or without cause, to waive technicalities, or to accept the bid(s) which, in its judgment, best serves the interest of the Owner.
- B. Except in cases where the Owner exercises the right to reject all Bids, the Contract will be awarded by the Owner, as soon as practicable after Opening of Bids, to the responsive, responsible Bidder who has submitted the lower individual or combination Bid.
- C. The lowest Bid will be determined by comparison of the "Lump Sum Price" stipulated on the Form, plus any combination of Additive or Deductive Alternate Bid Items of the Owner's choice. If the stated "Lump Sum Price" conflicts with the sum of the Total Prices on the Schedule of Values, then the sum of the Total Prices on the Schedule of Values prevails.

1.15 RESPONSIVENESS REQUIREMENTS – NOT USED

1.16 RESPONSIBILITY REQUIREMENTS

- A. All Bidders are required to be responsible. Failure to meet any of the responsibility requirements set forth herein may result in the Bidder being judged non-responsible. Bids from non-responsible bidders may be accepted or rejected at the discretion of the Owner.
- B. To be judged responsible, the Bidder shall meet the following standards:
 1. The Bidder shall be properly licensed and shall have a satisfactory record of judgment, and performance as a corporation (including its shareholders and partnership, or as a sole proprietorship, including in particular, any prior performance of contracts from the State and the Owner).
 2. The Bidder shall have at least three (3) years of experience as a prime contractor.
 3. The Bidder shall have performed as a prime contractor on at least three (3) projects of the type and size as the proposed contract work.
 4. The Bidder shall be able to comply with the required completion schedule for the proposed work.
 5. The Bidder shall have adequate financial resources to perform the work, and shall have an adequate financial management system and audit procedure which provides effective accountability and control of all property, funds, and assets. The Bidder



If box is checked, provisions for Major Manufacturers or Suppliers (or Alternates) DO NOT apply to this Contract.

ALTERNATE MANUFACTURERS/SUPPLIERS

EQUIPMENT ITEM <u>MATERIAL</u>	SPEC. SECTION	ALTERNATIVE MANUFACTURER/ SUPPLIER <u>(LIST ONE ONLY)</u>	DEDUCTI AMOUNT (in whether lump unit pric <u>ALTERNA</u>
1. Resin Wet Out	02740-2.02-2.04	Global Materials	Unknown as we do not
2. Liner Material	02740-2.02-2.04	MTC	Unknown as we do not
3. MH Coating	02750-4-2.02	Vortex Structure Guard	\$197,700
4.			
5.			
6.			
7.			
8.			
9.			