


CITY OF MIAMI, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Pedro G. Hernandez, P.E.
City Manager

FROM: Ola O. Aluko 
Director
Capital Improvements Program

DATE: April 17, 2009 FILE:

SUBJECT: Recommendation of Award,
General Roadway and
Drainage Construction

REFERENCES: ITB 08-09-004

ENCLOSURES: Bid Security List,
Bid Tabulation,
Expedite Resolution

Background

The Department of Capital Improvements Program (CIP) received nine (9) bids on November 17, 2008, in response to the solicitation for the General Roadway and Drainage Project, which are reflected on the attached Bid Submittal List.

The scope of work for the project is as follows:

The Work consists of furnishing all materials, labor, and equipment necessary to construct the Project(s) as described below for a complete and functional Project. Close coordination with other contractor(s) who are responsible for the installation of storm sewer collection systems associated with this Project may be required. Work specified in this bid consists of furnishing all labor, machinery, tools, means of transportation, supplies, equipment, materials, and services necessary for the repair, maintenance, and installation of roadway systems on an as-needed basis, including but not limited to; paving, milling, resurfacing, drainage, sidewalks, curbs and gutters.

Findings

This Invitation to Bid (ITB) consists of five categories ("Category") consisting of General (Category 1); Paving (Category 2); Drainage (Category 3); and Sidewalks, Curbs, and Gutters, (Category 4) and (Category 5) consisting of all four Categories combined.

All Bidders were required to bid on Category 1 and the failure to bid on Category 1 would result in a bid being rejected as non-responsive. Bidders could then provide pricing on any or all of Categories 2-4. Bidders were not required to bid on Category 5 as the pricing for this Category was determined by adding the totals of Categories 1-4.

The method of award stated that bidder who was the lowest responsive and responsible bidder on Category 5 could also be awarded only one other Category based on an order of precedence of Category 2, Category 3, then Category 4. The Bid also required that successful bidders for Categories 2-4 had to be capable of performing 100% of the work within the Category and 30% of the Work within Category 5.

Based on the criteria as set forth in the ITB, CIP has completed its review of the bid packages of the Bidders. Tran Construction, Inc., General Asphalt Co., Inc., Metro Express, Inc. One Bidder,

Tran Construction was determined to be non-responsive as they failed to comply with the requirements of the ITB.

General Asphalt and Metro Express were the two lowest bids and their bids resulted in a tie for all of the Categories. However, the third lowest bidder, Enviro Waste, was determined to be the lowest responsive and responsible bidder, except for Category 2, Paving as their company is located in the City of Miami.

Section 18-85(a) of the City Code, as amended, states that the City Commission may offer to a responsive and responsible bidder, whose primary office is located in the City of Miami, the opportunity of accepting a bid at the low bid amount, if the original bid amount submitted by the local vendor does not exceed ten (10%) percent of the lowest other responsive and responsible bidder. Enviro Waste qualifies as they have their primary office location located with the City of Miami, and they were within 10% of the lowest bid amount. A letter was sent to Enviro Waste offering the opportunity to meet the lowest bid amount and to accept the low bidder's unit bid prices. Enviro Waste provided CIP with written confirmation that they would meet the lowest bidder's total price as well as the unit prices.

CIP determined that Enviro Waste could not be awarded Category 2 as a standalone Category based on the statement in their bid that they would subcontract 30% of the asphalt. The ITB stipulated to awarded standalone Categories 2-4 the bidder must perform 100% of the work.

Based on this fact Enviro Waste was determined to be the lowest responsive and responsible bidder for Category 5, All, and Category 3, Drainage. General Asphalt and Metro Express whose bids resulted in a tie would then be considered tied for award of Category 2, Paving and Category 4, Sidewalk, Curbs & Gutters.

To resolve the issue of tie bids we first look to Florida Statute **287.087** - Preference to businesses with drug-free workplace programs which states: "Whenever two or more bids, proposals, or replies that are equal with respect to price, quality, and service are received by the state or by any political subdivision for the procurement of commodities or contractual services, a bid, proposal, or reply received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process". Letters were issued to both firms, requesting documentation certifying they have implemented this Program. Both firms provided the required information demonstrating they are in compliance and were deemed responsive and responsible.

Both companies were contacted and CIP verified that both companies have a drug-free workplace program. Neither Florida Statute nor the City's Procurement Code addresses the issue of breaking a tie if both companies have a drug free workplace program.

In an effort to ensure that the City had a sound basis for determining which Category each of the two companies should be awarded we met with both companies, in accordance with the provisions of the Cone of Silence.

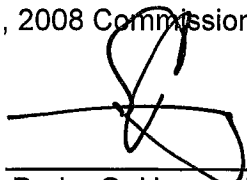
While both firm stated they would accept whatever the City felt was in its best interest it was proposed by Metro Express that General Asphalt receive the Paving Category (Category 2) and they receive the Sidewalk, Curb, & Gutter Category (Category 4). This recommendation was based on the fact that General Asphalt specializes in paving work and Metro Express has more crews dedicated to concrete work than paving work. In addition Metro Express obtains a significant portion of their asphalt product from General Asphalt.

CIP concurs with both firm and as such recommends that the tie be broken by awarding Category 2, Paving to General Asphalt, and Category 4, Sidewalk, Curb, and Gutter to Metro Express.

Contract Execution

This Project is included on the Economic Stimulus Program List that was approved at the December 11, 2008 Commission Meeting and therefore, does not require Commission approval for award.

Approved by: _____



Pedro G. Hernandez, P.E.
City Manager

Date: _____

4/17/09

Attachments

- C Gary Fabrikant, Assistant Director, Contracts Section, CIP
- David J. Mendez, P.E., Assistant Director Design and Construction, CIP