

CITY OF CORAL GABLES
- MEMORANDUM -
PROCUREMENT DIVISION

TO: File

DATE: August 11, 2010

FROM: Michael P. Pounds, *APP*
Chief Procurement Officer **SUBJECT:** Correction of Bid
Determination

Recently, Metro-Express Paving Company submitted the apparent low bid on Construction of Street Improvements IFB No. 2010.07.15, but did not acknowledge four (4) addendums to the IFB. Failure to acknowledge addendums can be the basis for a determination of non-responsiveness to the IFB.

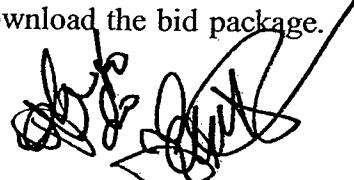
However, under Section 2-766 (g), a correction to or withdrawal of a bid may be permitted where appropriate if no changes are made to bid prices or other provisions of the bid prejudicial to the interest of the City and fair competition. This correction or withdrawal is permitted on the basis of a determination made by the Chief Procurement Officer in consultation with the City Attorney.

In the case of Metro Express Paving Company's failure to acknowledge addendums a correction of their bid could be allowed, as it would have no impact on the bid price or the interest of the City and fair competition as three (3) of the addendums related to the solicitation schedule, while the fourth (4) addendum is repeating information that was already contained in the bid (see attached copies of the addendums).

The content of the addendums in this case, in my judgment, are not sufficient grounds alone to allow the correction of the bid, so that it can be determined as responsive. The other factor to be considered in this particular situation is that Metro Express Paving Company did not receive copies of the addendums by mail or fax as provided in the IFB package under Section 1.4, which states:

"Interpretations or clarifications in response to such questions will be issued in the form of a **WRITTEN ADDENDUM**, mailed and/or faxed to all parties recorded by the City's Chief Procurement Officer as having received the Bid Documents prior to the response submission date."

Metro Express Paving did not receive an email or a fax with these addendums attached, instead it was inadvertently emailed to a vendor with a similar name and email address. In addition to emailing the addendums, bidders may also download the addendums from Procurement website in the same manner as they are able to download the bid package.



Metro Express Paving downloaded the IFB, but there is no record of them having downloaded the addendums. Although, under the same Section 1.4 noted above, the bidder or proposer is ultimately held responsible for obtaining addendums to solicitations as follows: "it is the Bidder's responsibility to assure receipt of all addenda," the IFB document indicates that, on the contrary, that they can rely on Procurement to provide these addendums by mail or fax.

The final factor that enters into this determination as to whether Metro Express Paving should be allowed to correct their bid by acknowledging the addendums is what is in the best interests of the City. The Metro Express Paving Bid is \$845,175 (corrected) per year, which is \$45,925 less than its nearest competitor's bid of \$891,100. Over the three (3) year contract the savings in selecting the Metro Express Paving bid increases to potentially \$137,775.

For the above mentioned reasons, it is my determination to allow Metro Express Paving to correct its bid by acknowledging the addendums. With the correction of their bid, Metro Express Paving bid of July 15, 2010 is hereby recommended as the lowest responsive responsible bidder for IFB 2010.07.15, Construction of Street Improvements.

PC: City Attorney

METRO EXPRESS, INC.

STATE WIDE GENERAL & ENGINEERING CONTRACTORS
CGC050965- E-201301

Miami, July 22nd 2010

City of Coral Gables
Procurement Department
2800 SW 72nd AVE
Miami, FL 33155

Attn: Mr. Michael P. Pounds
Chief Procurement Officer

RE: IFB 2010.07.15 Construction of Street Improvements

Dear Mr. Pounds,

In reference to the bid process mentioned above, we would like to clarify that our company did not receive any addenda, and as specified in the article 1.4 from bid documents the city would address any clarification to all companies participating in the form of an addendum, the article reads "...will be issued in the form of a **WRITTEN ADDENDUM**, mailed and/or faxed to all parties recorded by the City's Chief Procurement Officer as having received the Bid Documents prior to the response submission date..." Unfortunately we never received any addenda either by fax or mail.

We have been in the business of public bidding for more than 13 years and we have a great business relationship with several municipalities in South Florida in which The City of Coral Gables have been a close partner through out the last three years, contributing to a better socio-economic development in the region.

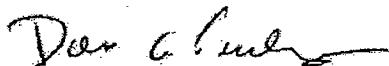
Metro Express Inc. is committed to offering the best service possible with competitive prices, and always having a flexible approach towards the needs of our clients; making us one of the leading Engineering and General Contractor Firms in the area.

We would like for the city to consider our bid, as it was submitted with the best intention of offering a benefit to the city with our very competitive value.

As a bottom line we would like to mention that ultimately the addenda that were generated did not have any impact in the scope of work, technical specifications or any other important part of the bidding process and most important it had no monetary value to the bid.

For all the above mentioned, we still expect the city to consider Metro Express Inc. to be awarded this contract since we offer the best value.

Sincerely,



Delio Trasobares
President.



CORAL GABLES, FL

City of Coral Gables, 2800 SW 72nd Avenue, Miami, FL 33155

FINANCE DEPARTMENT / PROCUREMENT DIVISION
Tel: 305-460-5121, Fax: 305-460-5116

SECTION 5

Invitation for Bid (IFB) No 2010.07.15

0: IFB ADDENDUM AND STATEMENT OF NO BID RESPONSE FORM

SUBMITTED TO: City of Coral Gables
Office of the Chief Procurement Officer
2800 SW 72 Avenue
Miami, Florida 33155

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter in a Contract with the CITY to perform and furnish all work as specified or indicated in the Bid and Contract Documents for the Contract price and within the Contract time indicated in the Bid and in accordance with the Other terms and conditions of the bid and Contract Documents.

1. Bidder accepts and hereby incorporates by reference in this Bid Response Form all of the terms and conditions of the Invitation for Bid.

2. Bidder proposes to furnish all labor, services and supervision for the work described in this Invitation for Bid.

3. Acknowledgement is hereby made of the following Addenda, if any (identified by number) received since issuance of the Invitation for Bid:

Addendum No. _____ Date _____ Initials _____

Addendum No. _____ Date _____ Initials _____

Addendum No. _____ Date _____ Initials _____

No addendum was received _____ Date _____ Initials _____

5. Bidder accepts the provisions of the Contract as to penalties in the event of failure to provide services as indicated.

6. Bidders correct legal name: Metro Express Inc.

Address: 9442 N.W 109 St

City/State/Zip: Medley, FL 33178

Telephone No./Fax No.: (305) 885-1330 (305) 885-1321

Social Security or Federal I.D. No.: 65-0711071

Officer signing Bids: Doris A. Gordon Title: President

Doris A. Gordon