



# ALACHUA COUNTY

## Budget and Fiscal Services

### Procurement

Larry M. Sapp, CPPB  
Procurement Manager

Darryl R. Kight, CPPB  
Procurement Supervisor

March 1, 2021

#### **MEMORANDUM**

**TO:** Larry M. Sapp, CPPB, Procurement Manager

**VIA:** Darryl R. Kight, CPPB, Procurement Supervisor

**FROM:** Theodore White, CPPB, Procurement Agent II *TJ White*

**SUBJECT: PROPOSED AWARD DECISION (Intent to Award)**  
**BID 21-965 Camp Cuscowilla Pool Renovations - Project # 8204102**

Solicitation Opening Date: 2:00 PM, Wednesday, February 17, 2021  
Solicitation Notifications Sent To: 1470 Vendors  
Solicitations Requested By: 22 Vendors  
Solicitation Received From: 2 Vendors

<b><u>FIRMS:</u></b>	<b><u>Alternate 1 (90 Days):</u></b>	<b><u>Alternate 1 (60 Days):</u></b>
Aumiller Pools, Inc. Winter Park, FL	\$195,500.00	\$215,500.00
Electro Mechanic Industries, Inc. d/b/a Vermana, Inc. Orlando, FL	\$184,260.00	\$184,260.00

#### **RECOMMENDATION:**

The above solicitation be awarded to **Electro Mechanic Industries, Inc. d/b/a Vermana, Inc.**, as the lowest responsible and responsive bidder meeting specifications. The award is for Alternate 1 (60 Day) (**\$184,260.00**) and may include a contingency. The actual bid award is subject to the appropriate signature authority identified in the Procurement Code.

*Larry M. Sapp*  
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Approved  
Larry M. Sapp, CPM, CPPB  
Procurement Manager

3/1/2021  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Disapproved  
Larry M. Sapp, CPM, CPPB  
Procurement Manager

TJ/bf

## 1.0 **Vendor Complaints Or Grievances; Right To Protest**

Unless otherwise governed by state or Federal law, this Part shall govern the protest and appeal of Procurement decisions by the County. The term “Bidder” includes any Person that responds to any type of Solicitation issued by the County (e.g., ITB, RFP, ITN), and is not limited solely to a Person that submits a bid in response to an Invitation to Bid (ITB).

### 1.1.1 **Notice of Solicitations and Awards**

The County Shall provide notice of all Solicitations and Awards by Electronic posting in accordance with the Procedures, unless a different method is required by the Florida Statutes, in which case the County Shall provide notice in accordance with the requirement of the Florida Statutes.

### 1.1.2 **Solicitation Protest**

Any prospective Bidder may file a Solicitation Protest concerning a Solicitation.

1.1.2.1 Basis of the Solicitation Protest: The alleged basis for a Solicitation Protest shall be limited to the following:

1.1.2.1.1 The Solicitation is inconsistent with this Code or the requirements of applicable Florida Statutes;

1.1.2.1.2 The terms, conditions or Specifications of the Solicitation are in violation of, or are inconsistent with, applicable laws, Regulations, Procedures, policies or other legal authorities governing the Solicitation, including but not limited to the method of evaluating, ranking or awarding of the Solicitation, reserving rights of further negotiations, or modifying or amending any resulting Contract; and

1.1.2.1.3 The Solicitation instructions are unclear or contradictory.

### 1.1.3 **Timing and Content of the Solicitation Protest**

The Solicitation protest must be in writing and provide all content in accordance with the Alachua County Code, Chapter 22 “Procurement”, Article 9 “Legal and Contractual Remedies” and must be received by the Procurement Manager by no later than 3:00 PM on the fourth business day after the solicitation was posted by the County. Failure to timely file a solicitation protest shall constitute a total and complete waiver of the bidder’s right to protest or appeal any solicitation defects, and shall bar the bidder from subsequently raising such solicitation defects in any subsequent Award protest, if any, or any other administrative or legal proceeding.

### 1.1.4 **Award Protest**

Any Bidder who is not the intended awardee and who claims to be the rightful awardee may file an Award Protest. However, an Award Protest is not valid and shall be rejected for lack of standing if it does not demonstrate that the protesting party would be awarded the Solicitation if its protest is upheld.

1.1.5 **Basis of the Award Protest**

The alleged basis for an Award Protest shall be limited to the following:

- 1.1.5.1 The protesting party was incorrectly deemed non-responsive due to an incorrect assessment of fact or law;
- 1.1.5.2 The County failed to substantively follow the Procedures or requirements specified in the Solicitation documents, except for minor irregularities that were waived by the County in accordance with this Code, which resulted in a competitive disadvantage to the protesting party; and
- 1.1.5.3 The County made an identifiable mathematical or other errors in evaluating the responses to the Solicitation, resulting in an incorrect score and not protesting party not being selected for award.

1.1.6 **Timing and Content of the Award Protest**

The Award Protest must be in writing and provide all content in accordance with the Alachua County Code, Chapter 22 “Procurement”, Article 9 “Legal and Contractual Remedies” and must be received by the Procurement Manager at [lsapp@alachuacounty.us](mailto:lsapp@alachuacounty.us) no later than 3:00 PM on the fourth Business day after this Proposed Award Decision was posted by the County. Failure to timely file an Award Protest shall constitute a total and complete waiver of the Bidder’s right to protest or appeal the County’s proposed Award decision in any administrative or legal proceeding.

1.1.7 **Burden of Proof**

Unless otherwise provided by Florida law, the burden of proof shall rest with the protesting party.

1.1.8 **Stay of Procurement during Protests**

In the event of a timely protest, the County shall not proceed further with the Solicitation or with the award of the Contract until the County Manager, after consultation with the head of the Using Agency, makes a written determination that the award of the Solicitation without delay is:

- 1.1.8.1 necessary to avoid an immediate and serious danger to the public health, safety, or welfare;
- 1.1.8.2 necessary to avoid or substantially reduce significant damage to County property;
- 1.1.8.3 necessary to avoid or substantially reduce interruption of essential County Services; or;
- 1.1.8.4 otherwise in the best interest of the public.