



MEMORANDUM

TO: Peter Lee, City Manager

FROM: Daphne M. Robinson, Director – Procurement & Contracting

DATE: April 27, 2023

SUBJECT: ITB No: CIP/230266 - Transportation Rehabilitation and Improvement Project

On April 18, 2023, by a vote of 4-1, City Council ("Council") for the City of Ocala ("City") voted against approval of a two-year contract with C.W. Roberts Contracting, Inc. ("CWR") for the Transportation Rehabilitation Improvement Program ("TRIP") contract, City of Ocala Contract No.: CIP/230266. After a lengthy discussion, a majority of the members appeared unwilling to vote for award of the contract to CWR due to there being only a single responsive bidder to the underlying solicitation.

A. The Solicitation Process

On February 23, 2023, the City published Invitation to Bid ("ITB") No.: CIP/230266 via its e-procurement system, ProRFX, for the provision of services related to projects that are assigned to TRIP, consisting primarily of the services listed in Figure 1 – Scope of Work.

ProRFX would have directly e-mailed the opportunity to vendors nationwide who were registered to receive notifications for solicitations related to Heavy Construction Services, Highway and Road Construction, and Infrastructure Building and Surfacing and Paving Services. However, in accordance with §337.14, Florida Statute, and 12-22, Florida Administrative Code, only those bidders who were pre-qualified with the Florida Department of Transportation (FDOT) in the areas of Grading, Flexible Paving, and Hot Plant – Mix Bitum. Courses would be eligible to submit a bid¹.

- Repaving eroded pavement
- Highway/pavement markers
- Restriping
- Replacing asphalt surface with overlays
- Reconstructing roadways/parking lots into lime rock base (Reclaim)
- Asphalt paving
- Thermoplastic painting
- Asphalt milling
- New asphalt parking lot/trail construction
- Concrete sidewalks
- Curb
- Conduit
- Guardrail
- Concrete curb and gutter removal/replacement
- Repair existing stormwater conveyance system
- Installation of new stormwater pipes and structures
- Removal/installation of concrete wheel stops
- Asphalt utility cut repairs

Figure 1. Scope of Work

¹ Fla. Stat. 337.14 states, in pertinent part:

Any contractor desiring to bid for the performance of any construction contract in excess of \$250,000... must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department must address the qualification of contractors to bid on construction contracts in excess of \$250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the contractor seeks certification...Certification shall be necessary in order to bid on a road, bridge, or public transportation construction contract of more than \$250,000.

INVITATION TO BID: Electronic bids will be received by the City of Ocala, via online submittal only before 2:00 P.M. (EST) on MARCH 30, 2023. NO EXCEPTIONS TO OPENING TIME WILL BE ALLOWED. Paper submissions will not be accepted; all bids must be submitted electronically online at www.bidocala.com hosted by ProRFx. Please be aware, bidders must be pre-registered in ProRFx before submitting a bid. Bids shall be for the following project:

**ITB# CIP/230266:
TRANSPORTATION
REHABILITATION
IMPROVEMENT PROGRAM**

A Pre-Bid Meeting and Site Visit are not scheduled for this project. Specifications and details of the bid are available for review and electronic submittal at: <http://www.bidocala.com/solicitations/>

Figure 2 - Star Banner Ad

On February 28, 2023, in compliance with §255.0525, Florida Statutes², Procurement staff published notice of ITB No. CIP/230266 in the Ocala Star Banner 30 days prior to the bid opening date of March 30, 2023. The advertisement shown in Figure 2 would have been available to anyone in the Star Banner's daily circulation of 42,869.

On March 30, 2023, ITB No. CIP/230266 closed with a bid being received from only one vendor, CWR. Bid tabulations were completed for the sample projects that appeared in the solicitation using CWR's line-item pricing. The tabulations were provided to CIP staff for review and consideration. Sean Lanier attested on the record during the April 18, 2023 Council meeting that his staff benchmarked CWR's pricing and found it to be competitive when viewed against area vendors offering similar services. For this reason, staff recommended and Procurement issued the City's Notice of Intent to Award the contract on April 6, 2023.

It is important to note that under § 119.071(1)(b)(2), Florida Statutes, bidder pricing is confidential and protected under Florida's Sunshine Law and Public Records Act only until such time as the City issues its Notice of Intent to Award. It was the intent of the Florida legislature in enacting this rule to "ensure that the process of responding to a competitive solicitation remains fair and economical for vendors³." CWR's pricing became public record on April 6, 2023.

B. Vendor Sourcing and Pool of Pre-Qualified Contractors

FDOT Pre-Qualified Vendors. According to the FDOT Contractor Pre-Qualification (CPQ) database⁴, there are 331 contractors pre-qualified in the area of Grading, 250 in the area of Flexible Paving, and 144 in the area of Hot Plant – Mix Bitum. Courses. Only five (5) entities in this pool have home offices in Ocala, namely: (1) Brady Construction of Ocala; (2) Commercial Industrial Corp; (3) Craggs Construction Company; (4) Hartman Civil Construction Company, Inc.; and (5) Salser Construction, LLC. C.W. Roberts's home office is located in Tallahassee and there is also an office located in nearby Wildwood.

² Fla. Stat. 255.0525 states, in pertinent part:

The solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than \$500,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference.

³ See *Open Government Sunset Review Act*, Ch. 2011-140 at 4 (2011), available: <http://laws.flrules.org/2011/140>

⁴ Available at: <https://fdotwp1.dot.state.fl.us/contractorprequalification/public/PrequalifiedVendorSearch.aspx>

April 27, 2023

Page 3 of 3

As directed by Council on April 18, 2023, Procurement staff reached out to each of the five (5) pre-qualified local vendors to inquire: (a) whether or not they received notification of ITN No. CIP/230266; and (b) if so, why they declined to bid. We have been able to verify with all but one vendor. The results are summarized below:

Entity	Received? If so, Reason for No Bid
Brady Construction of Ocala	Yes. Already have a big workload.
Commercial Industrial Corp.	Yes. Big workload at the moment.
Craggs Construction Company	Yes. They don't provide the overlay services required by the Scope of Work.
Hartman Civil Construction Company, Inc.	Yes. Lots of projects, to include large sidewalk project with the county.
Salser Construction, LLC	Phone out of service.

ProRFX Registered Vendors. ProRFX provides registered vendors with free real-time e-mail notifications of bid opportunities as soon as bids are released by Procurement staff. Vendors can register for ProRFX directly on the City of Ocala Procurement page at www.bidocala.com.

ProRFX's sourcing list contains vendors from locations nationwide, not just Florida. There are 4,299 active vendors self-registered in the ProRFX system. Only 885 of those vendors are located in the state of Florida and only 448 are within 50 miles of Zip Code 34471. There were 704 vendors registered for e-mail notification for opportunities related to Heavy Construction Services, Highway and Road Construction, and Infrastructure Building and Surfacing and Paving Services and each would have received an e-mail notification of ITN No.: CIP/230266 directly from ProRFX on February 23, 2023.

Procurement Department's Internal Vendor Sourcing List. Procurement maintains its own independent sourcing list outside of the ProRFX system from which it vets, selects, and manages suppliers who may be eligible to bid on City procurement opportunities. The vendors on the independent list were sourced through staff research on previous solicitations hosted by the City and other municipal/governmental entities, market research, attendance at trade shows and other vendor conferences and events, and vendor inquiries to the department. In response to the concerns expressed by Council on April 18, 2023, Procurement staff is actively contacting every Ocala-based vendor on its independent sourcing list to verify and confirm contact information and encourage each of them to register on ProRFX via the www.bidocala.com website.

Good afternoon,

The City of Ocala has posted a new solicitation: ITB# CIP/230266 Transportation Rehabilitation Improvement Program. Please see <https://www.proafx.com/bids/ITB02212300000030> for bid documentation.

The opportunity closes on Thursday, March 30, 2023 at 2:00 PM EST.

If you are not registered as a vendor on our fully electronic bid system (ProRFX), please sign up at www.bidocala.com to participate and obtain solicitation documents. It's free to register and receive unlimited notices of bid/solicitation opportunities based on your selected commodity codes. For this solicitation, please register under at least one of the following UNSPSC codes: [72140000] Heavy construction services, [72141000] Highway and road construction, [72141100] Infrastructure building and surfacing and paving services.

For assistance with registration, contact Eileen Marquez, Senior Buyer at (352) 629-8362 email: emarquez@ocalafla.org.

Thank you,

Eileen Marquez

Eileen Marquez | Senior Buyer

City of Ocala

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Visit us on the web at www.bidocala.com

There were eight (8) vendors on the independent sourcing list that would be qualified to perform the work required under ITN No.: CIP/230266 and each of those vendors received the following e-mail from Procurement staff at the onset of the solicitation encouraging them to register at www.bidocala.com and submit their bid.

This e-mail was then re-issued one week before ITN No.: CIP/230266 closed.