

From: [David Holmes](#)
 Sent: Thursday, December 5, 2019 4:11 PM
 To: bocilla@comcast.net
 Cc: [Julia Rudden](#)
 Subject: Road grading bid discrepancy
 Importance: High

Gary,

It was good to meet with you and your group yesterday.

Below is the text of an email I have prepared that your group can submit to Commissioner Truex and/or all commissioners and use as a basis for public comment at the upcoming meeting.

Let me know if you have questions or would like to discuss.

Thanks very much.

DAH

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For Bid No. 2020000028 (Annual Road Grading – Don Pedro/Knights Island) the County's bid tabulation erroneously reflects Gator Grading as the low bidder rather than Kelley Enterprises. The error results from the inaccurate assumption that there will be only one Emergency Mobilization during a calendar year.

Bidders were required to bid a separate unit price for **Mobilization** and **Emergency Mobilization**. The bid documents define **Mobilization** to cover 12 monthly road maintenance cycles in each calendar year, each taking one day. **Emergency Mobilization** is intended to cover "conditions that need immediate attention due to rain events, storm events, flooding or **any other** adverse conditions that arise" and require maintenance outside of the regular one day per month cycle. (See excerpts from bid package below).

The roads on the island are permeable and subject to rapid degradation during ordinary rain events that occur throughout the year-- especially in the rainy season. Kelley Enterprises, Inc. has utilized a tractor operator who resides on the island and therefore is able to bid \$475 for emergency mobilization rather than the \$7,500 included in the Gator Grading bid.

During the rainy season, roads will rapidly deteriorate if they are only maintained on a one time per month basis. Many more than one emergency mobilization will be required during the course of a calendar year. Appropriately, the bid documents do not state that there will only be one emergency mobilization per calendar year. Unfortunately, for some unknown reason, the County's bid tabulation only identifies one emergency mobilization in calculating "ESTIMATED TOTAL AMOUNT" of each bid. (See bid tabulation below). This is inaccurate and fails to reflect the true cost of each bidder's maintenance services under existing conditions on the island.

The meteorologically defined rainy season for Southwest Florida is May 15 through October 15. It is reasonable to anticipate a minimum of 15 emergency mobilizations during the five-month rainy season and 5 emergency mobilizations during the seven-month dry season.

When the bids are tabulated using these numbers, the following results:

- The ESTIMATED TOTAL AMOUNT of the Gator Grading bid will increase by \$142,500 (\$7,500 x 19 additional emergency mobilizations) to a total of **\$1,027,500**
- the ESTIMATED TOTAL AMOUNT of the Kelley Enterprises bid will increase by \$9,025 (\$475 x 19 additional emergency mobilizations) to a total of **\$973,930.12**

Using this proper tabulation, the low bidder for the contract is Kelley Enterprises.

If the County refuses to recognize the reasonable number of emergency mobilizations that will be required, one of two things will happen: either the County's actual expense of properly maintaining the roadways on the island will greatly exceed the ESTIMATED TOTAL AMOUNT reflected in the bid tabulation, or the contractor will fail to properly maintain the roads on the island resulting in a significant deterioration of their condition, a serious public safety hazard, and failure to accomplish the purpose of the contract under bid.

Under the procurement code, the Board of County Commissioners reserves the right to reject any or all bids for any reason including, but not limited to, a change in requirements or where the board determines the public interest requires such rejection. (Charlotte County Code, Section 1-2-186).

In order to avoid these serious consequences, the County should either:

- re-tabulate the bids to account for reasonable number of emergency mobilizations and thereupon award the contract to Kelly Enterprises, or
- reject all bids and reinitiate the bid process as permitted under the Procurement Code.
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TS-05 MOBILIZATION: Mobilization to include all man power, equipment and ferry cost necessary to grading and placement of material on 3.67 miles of shell/sand roads on Don Pedro / Knights Island pe cycles per year (one (1) cycle per month).

TS-06 EMERGENCY MOBILIZATION: Road conditions deemed necessary for immediate attention due to events, flooding or any other adverse conditions that arise may need to be performed at the request of t committee. Due to the nature of the Island and road conditions, an emergency mobilization cost is bei separate line item. Contractor shall be required to respond to emergency requests within a 24-hour ti exclusive of the standard mobilization charges requested.

Company Names ▶			Gator Grading and Paving		Kelley Enterprises Inc	
Location ▶			Palmetto, FL		Englewood, FL	
Description ▼	Unit	Qty	Price	Extension	Price	Extension
MOBILIZATION	CYC	12	\$ 3,500.00	\$ 42,000.00	\$225.00	\$ 2,700.00
EMERGENCY MOBILIZATION	CYC	1	\$ 7,500.00	\$ 7,500.00	\$475.00	\$ 475.00
GRADING AND SHAPING	CYC	12	\$ 7,500.00	\$ 90,000.00	\$9,232.51	\$ 110,790.12
SPOT REPAIRS	SY	1,000	\$ 5.50	\$ 5,500.00	\$4.00	\$ 4,000.00
WASHED SHELL	TON	5,000	\$ 75.00	\$ 375,000.00	\$90.14	\$ 450,700.00
250 SAND	TON	3,000	\$ 60.00	\$ 180,000.00	\$66.04	\$ 198,120.00
89 SCREENINGS FROM SHELL	TON	3,000	\$ 60.00	\$ 180,000.00	\$66.04	\$ 198,120.00
MSBU MEETINGS	EA	9	\$ 625.00	\$ 5,625.00	\$0.00	\$ -
ESTIMATED TOTAL AMOUNT				\$ 885,625.00		\$ 964,905.12
NO BIDS:						
Compass Construction Inc.						