

Bids Review and Award Committee Meeting May 9, 2013 Minutes

Bids Review and Award Committee for **Project No. 429-200E, Contract 000951**, held a duly noticed meeting on Wednesday, August 22, 2012, commencing at 2:00 pm in the Sandpiper Conference Room at the Authority's Administrative Building. Meeting was audio recorded in accordance with Florida Statute.

Committee Members Present:

Corey Quinn, Director of Expressway Operations
Don Budnovich, Resident Engineer
Glenn Pressimone, Director of Engineering (via phone)

Other Attendees:

Robert Johnson, Manager of Procurement
Ben Baker, Atkins North America Engineering, the Engineer of Record)
Don Vollrath, Carol King Landscape Maintenance Inc.
Bruce Bachand, Carol King Landscape Maintenance Inc.

Discussion and Motions:

Mr. Johnson introduced himself and stated that this was the Bids Review and Awards Committee Meeting for Authority Project. No. 429-200E, S.R. 451 / S.R. 441 Landscape Improvements. He introduced the Committee members and other attendees including Mr. Bruce Bachand and Don Vollrath representing the contractor, Carol King Landscape Maintenance Inc.

Mr. Johnson announced that this was a public meeting and a notice was posted in the lobby of the Authority's Administration Building where the meeting was being held. He explained that the meeting had been called to discuss an unbalanced bid item in Carol King Landscape Maintenance Inc.'s bid that was identified by the Engineer of Record. In accordance with the Authority's Procurement Procedures Manual, an "unbalanced" item is one that is at least 50% above or below the unit price shown in the Engineer's Estimate for a major item of work. The unbalanced items being discussed is Item No. 580-3-1, HAMELIA PATENS 'COMPACTA' (DWF. FIREBUSH, 3 GAL., 18", FULL), with a quantity of 1357 plants and a high bid of \$16.19 each from Carol King versus the Engineer's Estimate of \$7.00 each, Item No. 580-3-2, PINUS ELLIOTTII (SLASH PINE, 3 GAL., 4'-6' HT.) with a quantity of 1612 plants and a high bid of \$16.51 each from Carol King versus the Engineer's Estimate of \$8.00 each, and Item No. 580-3-7, SPARTINA BAKERI (CORDGRASS, 3 GAL., 24" FULL), with a quantity of 2211 plants and a high bid of \$15.19 each from Carol King versus the Engineer's Estimate of \$7.50 each,.

Each Committee member had been provided with a review package that included information from Carol King Landscape Maintenance Inc. as to how its unit price was determined. Mr. Bachand and Mr. Vollrath were given the opportunity to add to the information that has already been provided and he stated he had nothing else to offer.

Mr. Johnson then asked each of the Committee members to present their questions or concerns followed by Mr. Baker's reasoning for the engineer's estimate. Each of the committee members took the opportunity to express their concerns and perspective all of which concluded in accepting Carol King's explanation.

Mr. Baker explained that the engineer's estimate was based upon historical data and that he too was satisfied with Carol King's explanation. Mr. Baker also confirmed the quantities of the unbalanced bid items were correct and accurate.

Mr. Bachand of Carol King Landscape Maintenance Inc. explained that Carol King uses a estimating program that they developed to determine unit prices and that this program bases those unit prices on various factors, some constant and some not, such as the maintenance after installation. Mr. Bachand went on to state that mobilization does not include watering whereas other contractors may add it to theirs.

Mr. Baker injected that the specifications within the bid stated that watering was to be included within the unit prices of the plant materials just as Carol King had done.

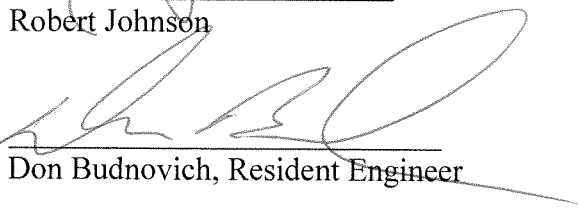
Mr. Johnson stated that at the conclusion of the meeting, the Committee would vote to: i) recommend award of the contract to Carol King Landscape Maintenance Inc.; ii) recommend that the Carol King Landscape Maintenance Inc.'s bid be rejected and the project re-bid. iii) Recommend that the Carol King's bid be rejected and recommend opening discussions with the second lowest bidder, Commercial Companies.

The Committee members unanimously agreed that based on the information provided and Carol King Landscape Maintenance Inc.'s explanation, the price difference was acceptable and explainable and that a recommendation of award should be made.

There being no other business to come before the Committee, the meeting was adjourned at 2:16 pm.

Submitted by: 

Robert Johnson

Approved by: 

Don Budnovich, Resident Engineer

Disclosure Form for Bids Review Committee Members

For this purpose, the term “relative” includes the following: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister or any person having the same legal residence as the employee.

The term “principal” means anyone who shares in the profits of the entity or whose compensation might vary based on the award or performance of the project.

The term “employed by” includes any receipt of compensation for services.

Persons serving on the Bids Review Committee should be able to answer all the following questions in the negative. If the answer is affirmative, please explain below:

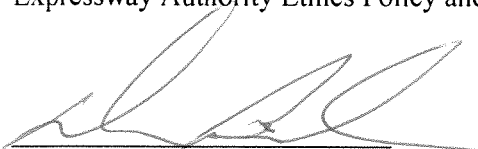
- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Are you, your spouse, child or anyone living in your household currently employed by the company whose bid is being reviewed today? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Are you, or any relative, an officer, director, or principal in the company whose bid is being reviewed today? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Do you, or does any relative, own more than 5% of the company whose bid is being reviewed today? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Within the preceding 12 months have you, your spouse, child or anyone living in your household been offered employment or future employment or had any discussion involving future employment with the company whose bid is being reviewed today? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Within the preceding 12 months, have you, your spouse, child or anyone living in your household accepted a gift valued at over \$100 from the company whose bid is being reviewed today? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Could the award of this contract result in any pecuniary gain to you, any relative, any business associate, or any entity that has employed or retained you within the past 12 months? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Do you know of any reason that would impact your impartiality with respect to this bid review? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you answer yes to any of these questions, please explain below:

If the answer to any of the foregoing questions is “yes,” then your participation on the Bids Review Committee must be approved by the Executive Director after a review of all relevant facts.

I, Don Budnowicz, hereby certify that I have read and understand the Orlando-Orange County
(Name)

Expressway Authority Ethics Policy and I agree to be bound by the applicable laws and policies.



(Signature)

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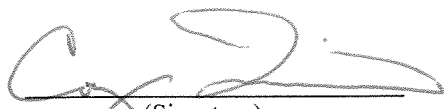
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If you answer yes to any of these questions, please explain below:

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I, COREY QUINN, hereby certify that I have read and understand the Orlando-Orange County Expressway Authority Ethics Policy and I agree to be bound by the applicable laws and policies.


(Signature)

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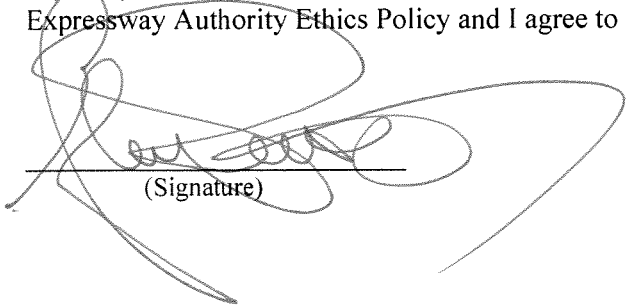
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| 7. Do you know of any reason that would impact your impartiality with respect to this bid review? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you answer yes to any of these questions, please explain below:

NA

If the answer to any of the foregoing questions is “yes,” then your participation on the Bids Review Committee must be approved by the Executive Director after a review of all relevant facts.

I, Glen Pressmore, hereby certify that I have read and understand the Orlando-Orange County Expressway Authority Ethics Policy and I agree to be bound by the applicable laws and policies.


(Signature)