City of Fort Lauderdale • Procurement Services Division
100 N. Andrews Avenue, 619 • Fort Lauderdale, Florida 33301
954-828-5933 Fax 954-828-5576
www.fortlauderdale.gov/purchasing

October 9th, 2012

Insituform Technologies, LLC
Tod O'Donoghue – General Counsel
17988 Edison Ave.
Chesterfield, MO 63005

RE: Protest Response – Bid #223-11052 – Project 11577 Sewer Basin A-21 Progresso and Annual Sewer Repair Contract.

Dear Mr. O'Donoghue,

The Procurement Services Division is in receipt of your firm's protest for the above referenced bid. The protest was received on Wednesday October 3rd, 2012 which makes it a timely protest, and the appropriate protest fee was included. In accordance with the City's Code of Ordinances, you are entitled to a response within seven (7) days from receipt of your protest either upholding or denying the protest or staying the award process for further investigation.

Your protest states that "it is the position of Insituform that the City should reject Lanzo's bid submission as nonresponsive, as well as the second bidder Ric-Man Construction, Inc. (Ric-Man) and rebid the Project." Each explanation for your position as stated in your protest letter will be addressed below.

The protest cites Schedule A: Mobilization/Demobilization. Stating that 'the description for item #1 on Schedule A clearly states that the mobilization/demobilization unit price is not to exceed 5% of Schedule A value. The official bid tabulation posted on the City's website shows that Lanzo submitted a quote for mobilization/demobilization of $65,000, and had a total bid price for Schedule A of $730,635.00. Thus, Lanzos' mobilization/demobilization amount of $65,000 is 8.90% of the total Schedule A cost of $730,635.00. Insituform believes that Lanzo's failure to comply with this unambiguous bid requirement leaves the City no choice but to deem Lanzo's bid as nonresponsive." Your letter further states that "It is Insituform's belief that the City cannot "waive" Lanzo's blatant disregard for the bid requirements. Similarly, the City cannot allow Lanzo to "amend" its bid to bring its mobilization/demobilization costs within the 5% threshold, for that would give Lanzo a competitive advantage over the rest of the bidders."

RESPONSE: City staff did not waive the bid requirement in this matter. Lanzo was contacted regarding this discrepancy and was told that their bid error must be corrected to adhere to the specifications indicated. Lanzo agreed to correct their error by reducing their price for mobilization/demobilization to 5% of the schedule A value in accordance with the requirements of the bid. This correction resulted in their already low bid price being further reduced. City staff's' position is that this correction did not unfairly benefit the low bidder nor unfairly disadvantage any other bidders. Therefore, staff is recommending acceptance of the revisions and award to Lanzo Lining Services.

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Your protest further states: "Insituform is also concerned that Ric-Man, the second bidder, may not be able to establish that it can meet the CIPP experience requirements in the bid documents. As such, Insituform would urge the City to review Ric-Man's CIPP experience to insure that Ric-Man meets the full intent of the experience specification".

RESPONSE:

Ric-man would have to show proof that they met these requirements before they could be considered for award.

Conclusion
The Procurement Services Division finds that the Lanzo Lining Services original bid could be corrected to meet the specifications and does not constitute grounds for finding their bid non-responsive. The current award recommendation will be submitted for consideration.

We hope we have addressed your issues and expressed our rationale for our decision clearly.

Sincerely,

Kirk W. Buffington, CPPO, C.P.M., MBA – Deputy Director of Finance

C: Mr. Albert J. Carbon, P.E. Public Works Director
Mr. Hardeep Anand – Deputy Director of Public Works
Ms. Andrea Shramko, P.E. – Assistant City Engineer
Ms. Carrie Server- Assistant City Attorney