

**1. Requested Motion:**

**Meeting Date: November 5, 2012**

A motion to reject all bids received for ITB 12-12 PR, Mound House Restoration Phase II project due to the base bids of all respondents exceeding the Town consultant's estimated cost by more than 30% and other irregularities in the bid submittals, and direct staff to explore other project delivery methods that may be better suited to this type of project.

**Why the action is necessary:**

Pursuant to Ordinance 07-01, Town Council is required to approve or deny all purchases/contracts exceeding \$25,000.00 and decides whether to reject all bids.

**What the action accomplishes:**

Provides direction to staff to explore alternative project delivery methods to move this project to construction.

**2. Agenda:**

- Consent
- Administrative

**3. Requirement/Purpose:**

- Resolution
- Ordinance
- Other

**4. Submitter of Information:**

- Council
- Town Staff - PW
- Town Attorney

**5. Background:**

Bid submittals for the Mound House Restoration Phase II were opened on October 10, 2012, with three bidders responding to the bid request. The bid process included a mandatory pre-bid meeting and site walk-through with questions and answers. An addendum was issued as a result of that meeting to document the questions and answers. A total of five addenda were issued through the bidding process. The lowest base bid price received was more than 36% above the Town consultant's cost estimate. As part of this bid there were additional alternatives which would provide a fire suppression system, site lighting and storm protection to windows and doors. (Part B, Legal Notice to Bidders and a bid tabulation is attached as reference.) Based on this alone, staff did not have confidence in the bids and believes it is in the best interest of the Town to reevaluate the bid process prior to moving forward with this project. Also attached is a memorandum providing additional background information. The bid documents and submittals are not attached due to volume but are available for review.

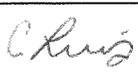
**6. Alternative Action:**

Post pone action on the bid and direct staff to reevaluate the bids received.

**7. Management Recommendations:**

Reject the bids as submitted.

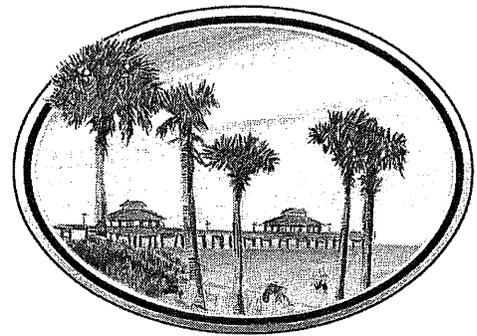
**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

**9. Council Action:**

- Approved     Denied     Deferred     Other

# TOWN OF FORT MYERS BEACH



## MEMORANDUM

DATE: October 24, 2012

TO: Terry Stewart, Town Manager  
Marilyn Miller, Town Attorney

FROM: Cathie Lewis, Public Works Director *C Lewis*

SUBJECT: ITB 12-12-PR – Mound House Restoration Phase II

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The Mound House project bids were advertised on September 9, 2012, with the bids being opened on October 10, 2012. The bid process included a mandatory pre-bid meeting to afford all prospective bidders with an opportunity to receive additional information associated with the project and the bid package. As part of the pre-bid meeting, a project site walk-through was included to provide prospective bidders an additional opportunity to view the project site and have questions answered. This meeting and all other questions and clarifications received were addressed in five bid addenda.

The bid consisted of a base bid, which encompassed all of the restoration work associated with the project. In addition to the base bid, three additional alternatives were included to provide a fire suppression system to the attic and second story; provide site lighting including the parking area and pathways; and provide storm protection for all windows and doors. The Town's consultant did provide estimated project costs for each project element.

Due to the nature of the historic restoration, the bid documents were not based solely on price but also on contractor/sub-contractor qualifications. A comprehensive qualification questionnaire was utilized which required project examples as well as references.

The lowest base bid received exceeded the estimated project costs by more than 36%. Based on this alone, staff did not have confidence in the bids, but did review the bids to determine contractor qualifications. Based on this review it was determined that there were also irregularities with the bidders' qualification information and irregularities in the way the alternates were bid as well as a wide disparity between the amount of the base bids.

Staff and the Town Attorney have been reevaluating the bid process and the project delivery methodology in an effort to determine the best approach for this project that will allow bidders or proposers to provide bids that hopefully are more in line with the consultant's estimate, should Town Council determine to reject all of the bids.

Please let me know if you have any questions or require additional information.



**PART B**  
**LEGAL NOTICE TO BIDDERS**

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NOTICE IS HEREBY given that sealed bids will be received by TOWN OF FORT MYERS BEACH, 2523 Estero Boulevard, Fort Myers Beach, Florida, 33931 until October 10, 2012 at 2:00 P.M., and will be opened immediately thereafter for:

**PROJECT:        Mound House Restoration Phase II**

Any bid received by the Town after the above date and time will be returned unopened.

Bidders are advised that the Town Council has adopted Ordinance No. 08-14 providing Local Bidder Preference and allowances for Disadvantage Business Enterprise/Minority Business Enterprise (DBE/MBE). Bidders will take all reasonable and necessary affirmative steps to meet Town policy. Local Bidder Preference will not apply for this solicitation.

**SCOPE OF WORK:**

The Mound House is a two-story, 2,945 s.f. masonry and wood frame structure. This project will include but not be limited to structural remediation, ADA accessibility upgrades including a new shaft way lift, means of egress upgrades, electrical lighting and power upgrades, limited fire-sprinkling protection with fire alarm, demountable tensile fabric exterior opening protective system, reconstruction and restoration of historical architectural components, coordination with planned exhibit displays and interpretive signage, and various general renovations to the existing structure, doors, windows, hardware and finishes. The scope of site improvements includes site lighting and fire-sprinkling piping and FD connection.

Only firms with extensive experience in the restoration of historic buildings should submit bids. To be considered to be a responsible, the bidder must demonstrate that it has the requisite experience in the restoration of historic buildings. To be considered responsible, the bidder must fully complete the Contractor's Qualification Questionnaire. The Town of Fort Myers Beach reserves the right to seek clarification and supplementary information from any Bidder where it deems such additional information is necessary to judge the qualifications of the Bidder. Failure to provide information sufficient to demonstrate relevant experience in restoration of historic buildings will result in the Bidder and its bid being rejected as not responsible.

This project requires the Contractor to have the following license(s) to perform the specified scope of work: FL Certified General Contractor, Certified Electrical Contractor/Subcontractor, Certified Fire Alarm Contractor/Subcontractor, Certified Plumbing Contractor/Subcontractor

The TOWN will require the Public Payment and Performance Bond on this project.  
**THE BID BOND WILL BE REQUIRED.**

**1. PRE-BID CONFERENCE**

- 1.1 A Pre-Bid Conference will be held at Town of Fort Myers Beach, Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida 33931 on Tuesday, September 25, 2012, at 1:00 P.M. and prospective bidders are required to attend. The project will be built in strict compliance with the plans and specifications in the Contract Documents.



## 2. OBTAINING BIDDING DOCUMENTS

- 2.1. **Ordering Instructions:** The official bidding Documents (project manual and drawings) shall be obtained from: TOWN OF FORT MYERS BEACH, 2523 Estero Blvd, Fort Myers Beach, Florida 33931, (239) 765-0202, extension 116, or may be downloaded from [www.demandstar.com](http://www.demandstar.com).
- 2.2. BIDDER must furnish the TOWN with a mailing address, e-mail address, phone number and facsimile number for contact purposes. It shall be the BIDDER'S sole responsibility to keep all such information current with the TOWN until the execution of a construction contract by the TOWN for this project. If the official documents are not obtained directly from the Town of Fort Myers Beach, or are modified in any manner, the bid **will not** be accepted for consideration by the TOWN.
- 2.3. Complete sets of Bidding Documents must be used in preparing the Bid. The TOWN will not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Bidding Documents.
- 2.4. Bidding Documents may be examined at no cost at the following locations during normal business hours:

Town of Fort Myers Beach, 2523 Estero Boulevard, Fort Myers Beach, FL 33931

## 3. SUBMITTAL OF BIDS

- 3.1 BID SUBMITTALS MUST COMPLY WITH THE FOLLOWING TO BE VALID:
  - 3.1.1. Bid must be sealed in an envelope clearly marked on the outside –  
**“Mound House Restoration Phase II”**  
For proper identification, the Bidder's complete name and address shall also appear on the exterior of the Bid package.
  - 3.1.2. Bid must be received by the TOWN at the address shown on page A-1, Request for Bids, prior to bid closing time.
  - 3.1.3. Bid Bond #FMB:001.
  - 3.1.4. Completed Official Bid Form (#FMB:003), bid must be properly signed and, where applicable, corporate and/or notary seals attached. **The complete printed computerized bid schedule must be submitted with the bid at bid submission as applicable.**

**FAILURE TO COMPLY AND SUBMIT WILL AUTOMATICALLY RESULT IN BIDDER DISQUALIFICATION.**

- 3.2 THE FOLLOWING DOCUMENTS IN TRIPLICATE (ONE ORIGINAL AND TWO COPIES) **MUST** BE PROPERLY COMPLETED AND IN THE BID ENVELOPE FOR BID TO BE VALID:
  - 3.2.1. Signed and notarized Affidavit of Certification Immigration Laws (#FMB:100).



- 3.2.2. Local Bidder Preference (where applicable).
- 3.2.3. Contractor's Qualification Questionnaire (Form #FMB:004)  
Note: A current copy of Form #FMB:004 can be placed on file with the TOWN and must be kept current every 12 months.
- 3.2.4. Non-Collusion (#FMB:021)
- 3.2.5. Materials List (#FMB:023)
- 3.2.6. Sub-Contractors List (#FMB:024)
- 3.2.7. Signed Acknowledgment of Receipt of Addenda (if any).

**FAILURE TO SUBMIT MAY RESULT IN THE BIDDER BEING FOUND NON-RESPONSIVE.**

- 3.3 THE FOLLOWING MUST BE SUBMITTED WITHIN SEVEN (7) DAYS AFTER RECEIPT OF NOTICE TO AWARD; FAILURE TO SUBMIT MAY BE GROUNDS TO RESCIND AWARD:
  - 3.3.1. Public Payment and Performance Bond, Letter of Credit, or Cash Bond (as provided in Part C).
  - 3.3.2. Certificate of Insurance (as provided in Part C)
- 3.4 The TOWN reserves the right to waive informalities in any bids; to reject any or all bids with or without cause; and/or to accept the bid that in its judgment will be in the best interest of the TOWN.
- 3.5 The TOWN shall not be responsible for any cost incurred by any bidder in the preparation of these Bidding Documents.

**4. TOWN PROJECT PERSONNEL**

The Project Manager for this project is Town of Fort Myers Beach, Public Works Department, 2523 Estero Blvd., Fort Myers, Florida 33931, Phone (239) 765-0202, Extension 112, Fax (239) 765-0909.

The TOWN contact person for Contract Procedure is Town of Fort Myers Beach, Administrative Department, Contracts Manager, 2523 Estero Blvd., Fort Myers Beach, FL, 33931, Phone (239) 765-0202, Extension 116, Fax (239) 765-0909.

The TOWN'S CONSULTANTS for this project are:

Renker Eich Parks Architects, 1609 Dr. M.L. King Jr. Street North, St. Petersburg, FL 33704, phone (727) 821-2986

**Mound House Restoration - Phase II**

**Bid Tabulation**

	Owner's Estimated Cost	Stultz, Inc.	Maddox Construction Company	Wright Construction Group
Base Bid Work	\$225,000.00	\$359,465.00	\$416,083.00	\$545,000.00
Add Alternate # 1 Fire-Sprinklering Protection and Fire Alarm - Interior Building	\$83,000.00	\$71,000.00	\$15,105.00	\$12,988.00
Add Alternate # 1A Fire Line Installation from Street to Building - Exterior Building	(included above)	(included above)	\$23,286.00	\$25,850.00
Add Alternate # 2 Site Lighting *	\$250,000.00	\$233,475.00	\$215,192.75	\$274,834.00
Add Alternate # 3 Demountable Tensile Fabric Opening Protective System	\$6,000.00	\$9,130.00	\$8,798.00	\$9,545.00
Total	\$564,000.00	\$673,070.00	\$678,464.75	\$868,217.00

\*Alt # 2 Owner's Estimate was not included prior to bid.