

DATE: April 2, 2015

TO: Honorable Mayor and City Commissioners

FROM: Kathy E. Viehe, Interim General Manager

TITLE: Bid Protest for the Contract for Transportation and Beneficial Reuse or Disposal of Dewatered Biosolids

Recommendation:

The City Commission hear the appeal from Watson C&D, LLC regarding a bid protest for the recommendation to award a contract for transportation and beneficial reuse or disposal of dewatered biosolids.

Explanation:

Based on City Commission Agenda Item 100576 for a contract for transportation and beneficial reuse or disposal of dewatered biosolids, Watson C&D, LLC (hereinafter "Watson") have requested, through their attorney, an appeal of the General Manager's decision on the bid protest.

On January 7, 2015, GRU's Utilities Purchasing Department issued Solicitation Number 2015-024, a request for proposal (RFP) for the transportation and beneficial reuse or disposal of dewatered biosolids. Watson, with offices located in Archer, Florida, submitted a timely response to the RFP. On March 9, 2015, GRU Utilities Purchasing provided all RFP respondents with notice of intent to award the contract to the best evaluated respondent for Solicitation No. 2015-024. On March 16, 2015, Watson provided GRU's Utilities Purchasing Department, with timely written notice of intent to protest the contract award for Solicitation No. 2015-024 based on seven (7) issues outlined in detail.

Upon review of Watson's notice of bid protest, the Utilities Purchasing Manager determined that a bid protest hearing was warranted. Pursuant to the Utilities Purchasing Procedures Manual, protests for solicitations which require City Commission approval prior to award shall be heard by a protest appeal board (hereinafter "the Board") consisting of three (3) board members. A public hearing took place on March 20, 2015.

During the public hearing, which was audio recorded and is currently available to all interested parties on GRU's website, the Board voted that David Richardson serve as the Chairperson and preside over the Board. During the public hearing, Watson was provided the opportunity to speak to the Board and present the basis for the bid protest in order to elaborate and clarify the written notice of protest. During the hearing,

Watson further addressed each of the issues identified in Watson's written bid protest. GRU purchasing staff and other GRU employees that were part of the bid evaluation process presented an overview of the bid process, including the bid evaluation, and addressed all of the issues identified by Watson. Watson was afforded an opportunity to make rebuttal comments. Comment was solicited from other interested parties, and no such interested parties opted to provide comment. After approximately two (2) hours of discussion and after Watson provided rebuttal comments to the Board, the Board closed the public hearing and started deliberations.

During the Board's deliberations, each of the Board members provided comment, feedback, and voted unanimously to deny Watson's bid protest and uphold Utilities Purchasing's decision to award the contract to the most responsible responsive bidder for Solicitation No. 2015-024. The Board recommended that the General Manager review and concur with the Board's findings and recommendation to deny the bid protest and uphold GRU Utilities Purchasing's decision to award the contract to the best evaluated respondent for Solicitation No. 2015-024.

Pursuant to GRU's purchasing procedures, the Board notified the General Manager of its decision on March 23, 2015. The General Manager reviewed the recommendation of the Board and concurred with the Board and denied the protest. A letter was sent by the General Manager to Watson on March 24, 2015 denying the protest and informing Watson that Watson could appeal the General Manager's decision to the City Commission.

In response, the General Manger received correspondence dated March 26, 2015 from Mr. Jefferson Braswell, of the law office of Scruggs & Carmichael, P.A. indicating that the firm was retained on behalf of Watson and requesting a hearing before the City Commission in order to appeal the General Manager's decision on the bid protest.

Submitted by:

Kathy E. Viehe, Interim General Manager