

JUNE 6, 2000

The Board of County Commissioners, Manatee County, Florida, convened as the MANATEE COUNTY PORT AUTHORITY in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, June 6, 2000, at 1:37 p.m.

Present were members:

Patricia M. Glass, Chairman
 Joe McClash, First Vice-Chairman
 Amy Stein, Third Vice-Chairman
 Jonathan Bruce
 Gwendolyn Y. Brown
 Stan Stephens

Absent was: George Harris, Second Vice-Chairman, due to illness.

Also present were:

David McDonald, Port Director
 E. N. Fay, Jr., Port Authority Attorney
 Susan G. Romine, Board Records Supervisor, representing
 R. B. Shore, Clerk of Circuit Court

BID PROTEST - PILOT CONSTRUCTION SERVICES, INC.

Public hearing (Notice in the *Bradenton Herald* 06/01/00) was held to consider a protest by Pilot Construction Services, Inc. or by Pilot Construction Technology, Inc. in connection with the Port Authority **Berth 11 Cold Storage Facility Project.**

David McDonald, Port Director, stated the bids for construction of the facility would be evaluated on a project cost and time completion basis. On May 18, 2000, the bid of Angle and Schmid, Inc. was accepted. Pilot Construction Services, Inc. has filed a protest.

Abdi R. Boozar-Jomehri, Pilot Construction Services, Inc., stated his company submitted the lowest bid. The second-lowest bidder listed the same subcontractors and used a similar time frame; his position is that his bid was most responsive and Pilot should have been awarded the bid.

Mr. McDonald referred to a memorandum sent to the Authority (5/30/00); pursuant to the provisions of Section 120.53(5)(c), *Florida Statutes*; facts and circumstances require the project to be commenced without delay, as failure to complete the project in a timely manner would result in a loss of FSTED Section 320.20(3) grant funds, which provide up to 50 percent of the project funding. Additionally, between \$15,000 and \$30,000 per week in revenue would be lost should the project not be completed prior to the end of the year. He stated the other bidders acknowledged that there was a time consideration in this project.

Richard Ellis, Kimley-Horn and Associates, stated the contractors at the pre-bid meeting were advised that time would be a critical factor in the selection of a contractor.

On rebuttal, Mr. Boozar-Jomehri stated if time is a critical factor in a bid, either the owner indicates the time in which the project is to be completed, or a vehicle is provided for the contractors to quantify a credit for finishing the project earlier. In this case, other than the issue of time being stressed at the pre-bid meeting, there was no guarantee that the project would be finished within 214 days. His company chose to give a completion date as a better alternative. He stated his company was never contacted after the bids were opened in order to get a second opinion about the completion time.

Discussion: No other bidders were called regarding the bids; the statutes do not require a bidder to be called; Pilot ran a CPM (Critical Path Method) and estimated 250 to 270 days, with 270 days to be a tight schedule given the requirements of the contract; no incentive clause in the contract; etc.

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(Continued)

Mr. McClash presented a bid tabulation, which indicated that, taking into account the penalty factor, the second-lowest bidder was lower.

E. N. Fay, Port Attorney, advised that at the pre-bid conference it was stated that time was a critical factor.

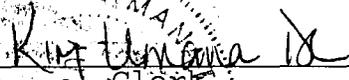
Motion was made by Mr. Bruce, and seconded by Mr. McClash, that based upon all comments, evidence and reports presented or made at this public hearing, the protest by Pilot Construction Services, Inc. or by Pilot Construction Technology, Inc. in connection with the Port Manatee Berth 11 Cold Storage Facility Project be **rejected** and that the Port Authority should proceed with awarding a construction contract for said project to Angle and Schmid, Inc. for commencement of the construction of said project. Motion carried 6 to 0.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



K. J. Glorke
Clerk
Adj: 2:07 p.m.
/klc
PORT MANATEE
COMMISSION



Chairman 9/21/00