PROCUREMENT DIVISION

ONE CITY. ONE JACKSONVILLE.

MEMORANDUM

TO: General Government Awards Committee

FROM: Gregory Pease, Chief of Procurement

DATE: **May 16, 2022**

SUBJECT: **PROTEST – Bid No.: CS-0104-22 - Herbicide Spraying of Outfall Ditches – Rebid**

The attached bid protest filed by **Florida Waterways, Inc.** is presented for action by the General Government Awards Committee, on **Thursday, May 19, 2022 at 1:00pm.**

The General Government Awards Committee action is as follows:

UPHELD:	**DENIED:**
Dir. Adm. & Finance or Designee	Dir. Adm. & Finance or Designee
General Counsel or Designee	General Counsel or Designee
Director of Public Works or Designee	Director of Public Works or Designee

ACTION OF AWARDING AUTHORITY

Date: _____

_____ **Approved**

_____ **Disapproved**

Signature of Authentication: _____

Gregory W. Pease
Chief of Procurement
Procurement Division
City of Jacksonville
214 N. Hogan St
Jacksonville, FL 32202

Notice of Specification Protest:
Bid Specifications for Herbicide spraying of Outfall Ditches - Rebid
Bid No: CS-0104-22

Mr. Pease:

Florida Waterways, Inc., as a potential bidder on the above referenced project has legal standing to protest the Bid Specifications and is submitting this Notice of Bid Protest within the 10-business day window since the posting of the solicitation.

Requirement that equipment must be no older than 10-years is arbitrary

I reviewed prior City bids, for similar scopes of work, from Mowing & Landscaping as well as other City Divisions, and found this 10-year old equipment requirement to be lacking.

- Bid ESC-0019-22 "Landscape Maintenance Services for City Parks, Preservations and Cemeteries"
  - Mowing & Landscaping Division

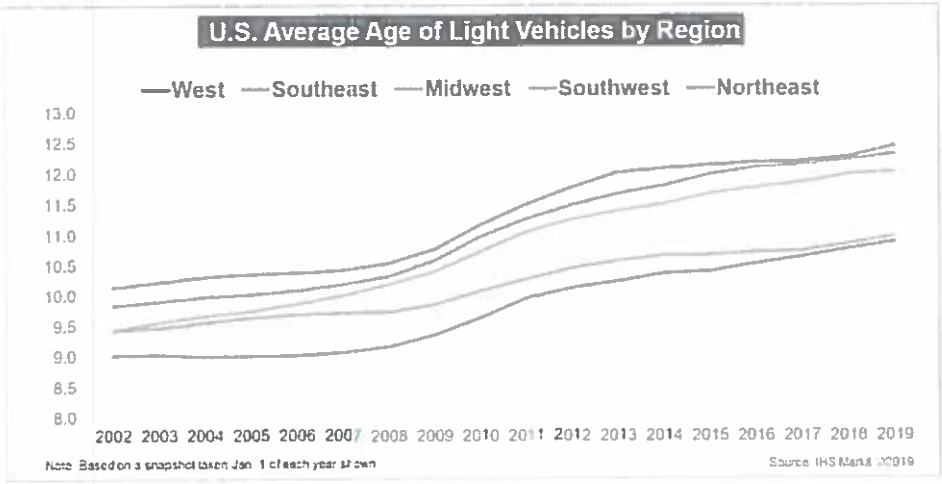
Contractual Services and Supplies	ESC-0019-22	LANDSCAPE MAINTENANCE SERVICES FOR CITY PARKS, PRESERVATION PARKS AND CEMETERIES- REBID - NO CHARGE	2022-02-25	2024-02-24	2	MATUS,BRYAN	J & D MAINTENANCE AND SERVICES	1,841,948.48

- SC-0333-21 "Agronomics Services for Various Park Locations".
  - Parks, Recreation and Community Services Division

Contractual Services and Supplies	SC-0333-21	AGRONOMICS SERVICES FOR VARIOUS PARK LOCATIONS	2021-04-01	2023-03-31	1	DLA,RUBEN	NORTH FLORIDA LAWN AND PEST, LLC	310,030.50

Equipment is long lived. With regular and preventative maintenance, the service life of vehicles is longer than 10-years. The below shows that as of 2019 the average age of Cars and Light Trucks (such as pickup truck) is 11.8 years, with an upward trend:

Average Age of Cars and Light Trucks in U.S. Rises Again in 2019 to 11.8 Years, IHS Markit Says



https://www.businesswire.com/news/home/20190627005234/en/

The City of Jacksonville's various departments utilize vehicles older than 10-years. In response to a public record's request, JAXPORT provided a fleet roster showing that 54 of it's 81 vehicles are over 10-years old. JEA has 258 assets over 10-years old. The Property Appraiser had 8 of 29 assets over 10-years old. These were the only agencies I did a public record request to, but you get the point.

JAXPORT FLEET ROSTER

	Make, Model, Year
1	FORD, EXPLORER, 2002
2	FORD, F250, 1995
3	FORD, F250, 1993
4	FORD, F150, 1994
5	FORD, EXPLORER, 2007
6	CHEVROLET, 2500, 1998
7	FORD, F250, 1996
8	FORD, F250, 1996
9	FORD, F250, 1997
10	DODGE, 2500, 1998
11	DODGE, 2500, 1999
12	JEEP, CHEROKEE, 1999
13	DODGE, 2500, 1999
14	DODGE, 2500, 2000
15	DODGE, 2500, 2001
16	DODGE, 2500, 2001
17	DODGE, 2500, 2001
18	FORD, EXPLORER, 2004
19	FORD, F250, 1997
20	FORD, F150, 1997

JAXPORT FLEET ROSTER

	Make, Model, Year
21	FORD, F250, 1997
22	FORD, CROWNVICTORIA, 1999
23	JEEP, CHEROKEE, 1999
24	CHEVROLET, IMPALA, 2010
25	DODGE, 3500, 2004
26	DODGE, 3500, 1999
27	FORD, F250, 1999
28	FORD, CROWNVICTORIA, 2002
29	GMC, YUKON, 2004
30	FORD, F350, 2004
31	FORD, F250, 2004
32	CHEVROLET, 2500, 1998
33	FORD, CROWNVICTORIA, 1999
34	FORD, F150, 2006
35	FORD, F150, 2006
36	CHEVROLET, SILVERADO, 2006
37	FORD, F150, 2006
38	FORD, CROWNVICTORIA, 2006
39	FORD, F250, 2006
40	FORD, F250, 2007

JAXPORT FLEET ROSTER

	Make, Model, Year
41	FORD, F350, 2007
42	FORD, EXPLORER, 2007
43	FORD, F250, 2007
44	FORD, 500SEDAN, 2007
45	FORD, CROWNVICTORIA, 2000
46	DODGE, 2500, 2002
47	FORD, EXPEDITION, 2003
48	DODGE, 2500, 2004
49	CHEVROLET, IMPALA, 2010
50	CHEVROLET, TAHOE, 2005
51	DODGE, 2500, 2006
52	GMC, SIERRA, 2006
53	FORD, EXPLORER, 2007
54	FORD, EXPLORER, 2007
55	CHEVROLET, TAHOE, 2014
56	CHEVROLET, TAHOE, 2015
57	FORD, F350, 2015
58	FORD, F250, 2015
59	CHEVROLET, SILVERADO, 2015
60	CHEVROLET, SILVERADO, 2015

JEA Public Records <jea@govqa.us>
to me

Fri, Jun 11, 2021, 3:27 PM

--- Please respond above this line ---

JEA
Building Community®

RE: PUBLIC RECORDS REQUEST of June 03, 2021, Reference # J001226-060321.

JEA received a public information request from you on June 03, 2021. Your request mentioned:

"I am requesting two items: 1) the total number of vehicles in the JEA fleet; and 2) the total number of vehicles in the JEA fleet that are 10-years old, or older. Many thanks!"

JEA has reviewed its files and has located responsive records to your request.

1) the total number of vehicles in the JEA fleet; 1,597 operating assets

2) the total number of vehicles in the JEA fleet that are10-years old, or older -258 of the 1,597 are over 10years.

Public Records Request - J001226-060321

If you have any questions, or wish to discuss this further, please contact me

Sincerely

Demetrah Wood
Records Compliance Coordinator
Records Compliance

To monitor the progress or update this request please log into the Public Records Center

Powered by GovQA

Property Appraiser:

Property_Appraiser (1).xls [Compatibility Mode]

	A	B	C	D
1	Asset	Year	Manufacturer	Model
2	3402-10	2005	CHEVROLET	MALIBU
3	3403-20	2005	CHEVROLET	MALIBU
4	3404-20	2005	CHEVROLET	MALIBU
5	3409-10	2005	CHEVROLET	MALIBU
6	3414-20	2005	CHEVROLET	MALIBU
7	3418-10	2005	CHEVROLET	MALIBU
8	8527-20	2020	CHEVROLET	EQUINOX
9	8528-20	2020	CHEVROLET	EQUINOX
10	8529-20	2020	CHEVROLET	EQUINOX
11	8531-20	2020	CHEVROLET	EQUINOX
12	8533-20	2020	CHEVROLET	EQUINOX
13	8535-20	2020	CHEVROLET	EQUINOX
14	8883-20	2019	CHEVROLET	K1500
15	3039-20	2004	CHEVROLET	MALIBU
16	3224-20	2005	CHEVROLET	MALIBU
17	3795-30	2015	CHEVROLET	IMPALA
18	3830-20	2006	CHEVROLET	MALIBU
19	3927-20	2006	CHEVROLET	C1500
20	8524-20	2020	CHEVROLET	EQUINOX
21	8525-20	2020	CHEVROLET	EQUINOX
22	8566-20	2018	CHEVROLET	TRAX
23	8567-20	2018	CHEVROLET	TRAX
24	8568-20	2018	CHEVROLET	TRAX
25	8570-20	2018	CHEVROLET	EQUINOX
26	8879-20	2019	CHEVROLET	EQUINOX
27	8901-20	2019	CHEVROLET	EQUINOX
28	8902-20	2019	CHEVROLET	EQUINOX
29	8904-20	2019	CHEVROLET	EQUINOX

Below, please see a letter from our fleet maintenance provider:

Bell's Automotive Service

Complete Auto Service and Repair
All Makes and Models

Since 1958 733-0407

Subject: Florida Waterways, Inc.

To Whom it May Concern:

Bell's Automotive Service provides fleet maintenance for Florida Waterways, Inc.

Our client, Jim Schwartz, has assembled a quality and capable fleet that we keep in good repair.

Mr. Schwartz has made proactive investments in his fleet, servicing and replacing several wear components ahead of schedule to ensure that his trucks are "work ready."

In the event that repairs are needed, we prioritize work for Florida Waterways, Inc. as a commercial fleet customer. Their fleet consists of vehicles that we know to be reliable. There are no anticipated constraints for parts availability for their fleet, as the make/models are easily serviceable – even if major repair items are needed.

The vehicles utilized by his business have no items of deferred maintenance and are mechanically sound including the following:

Year	Make	Model	Vin
2020	Toyota	Tacoma	3TMCZ5AN7LM304311
2006	GMC	Sierra	2GTEK13Z261298709
2000	Toyota	Tundra	5TBBT4413YS052153
1998	Toyota	T-100	JT4UN24D7W0056005

Bell's Automotive Service is a "Full-Service Diagnostic Repair" facility that has been providing excellent customer service and quality auto repair to Northeast Florida & Southeast Georgia residents since 1958. We are A+ rated with the BBB, employ ASE Master Certified Trained Technicians, and are members of the Automotive Service Association.

Thank you,

5/13/22

Darren Carr
The *"Car Doctor"*
Co-Owner of Bell's Automotive Service
3536 Morrow Street
Jacksonville, FL 32217
(904) 733-0407

As a Jacksonville Small and Emerging Business, I'll admit that I don't have the same access to big bank credit needed for fleet leasing agreements. A newer than 10-year equipment requirement favors larger companies that do have this. It also does not provide any additional guarantee that the contract will be completed as evidenced by the recent default of DBi – a large company with fleet financing from PNC Bank – who defaulted on the City's following projects:

Capital Improvements	CS-0007-20	AQUATIC VEGETATION MANAGEMENT FOR STORMWATER TREATMENT PONDS-$25.00	2019-09-13	2023-09-30	1	LAIDLER,MARILYN	DEANGELO BROTHERS, LLC DBA AQUAGENIX	240,081.24
Capital Improvements	CS-0008-20	HERBICIDE SPRAYING OF ROADSIDE DITCHES-$25.00	2019-09-13	2023-09-30	1	LAIDLER,MARILYN	DEANGELO BROTHERS, LLC DBA AQUAGENIX	207,515.18

There are other mechanisms to ensure completion of work, such as bonds. I'm bonded on smaller projects than the City's – this is a fairly typical requirement

I weight Capability, Reliability, and Serviceability far above age. A well-maintained asset, one that is reliable and serviceable, can provide an almost indefinite service life.

For example, Florida Waterways, Inc. deploys a 1st Generation Toyota Tundra with a 2UZ-FE engine. This engine was in production in Toyota Tundra's from 2000 – 2007. Below, I was able to find JD Power Reliability rankings from that era:

The survey looks back 3 years for past ownership experiences. This is why you will see the 2005 survey, for example, relating to 2002 products.

J.D. Power Vehicle Dependability Survey Results 2005-2019

Survey Year	Model Year	Category	Pickup Truck
2005	2002	Mid-Size	Chevy S-10
		Full-Size	Cadillac Escalade EXT
		Heavy-Duty	Chevy Silverado 2500 HD
2006	2003	Mid-Size	Ford Ranger
		Full-Size	Toyota Tundra
		Heavy-Duty	No Award
2007	2004	Mid-Size	Toyota Tacoma
		Full-Size	Toyota Tundra
		Heavy-Duty	No Award
2008	2005	Mid-Size	Ford Ranger
		Full-Size	Toyota Tundra
		Heavy-Duty	No Award
2009	2006	Mid-Size	Ford Ranger
		Full-Size	Toyota Tundra
		Heavy-Duty	No Award
2010	2007	Mid-Size	Honda Ridgeline
		Full-Size	Toyota Tundra
		Heavy-Duty	No Award

https://pickuptrucktalk.com/2019/04/most-dependable-pickups-last-15-years/

Remedy Sought:

Florida Waterways, Inc. seeks that the City revise the Bid Specifications to remove the 10-year old equipment requirement. Equipment does not magically expire or become useless at a 10-year mark. As evidenced by the default of the City's prior vendor, specifications that favor large vendors over small vendors does nothing to guarantee completion of work. Equipment that's well maintained, reliable and serviceable routinely exceeds the 10-year mark. The City even utilizes equipment older than 10-years in its day-to-day operations.

Mixing and Matching of Service Types

Mowing and Landscaping has three herbicide contracts as follows:

- Stormwater Ponds
- Off Road Ditches (which includes Road Side Spraying)
- Road Side Ditches (which includes Off Road PGR Spraying)

The problem I see, as well as other bidders, is that the bottom two bids crisscross on and off-road work.

See below from the last bid:

> 6. Section 31.46 TRUCK MOUNTED EQUIPMENT: Motorized equipment shall be specifically designed for commercial application of herbicides through a computerized Injection System. Question: What is the intent of the computerized injection system? There are minimal areas where a truck spray rig can be used due to access and width of Right-Of-Way. Most of the spraying is accessible only by a UTV/ATV or backpacking. There are a fair amount of obstructions that keep a UTV/ATV from driving a consistent speed where a computerized injection system would work. In addition a Hand Spray gun will probably be used which is not ideal for a computerized system. ***The intent of this equipment is to use with truck mounted sprayers when the contractor is required to treat large right of ways and or easements.***

Question 6 was not asked by Florida Waterways, Inc. - so at least two bidders had concerns that a roadside sprayer is being required for the "Off Road Ditches" bid.

Remedy Sought:

Florida Waterways, Inc. seeks that the City revise the Bid Specifications for three separate contracts of Stormwater Ponds, Off-Road Ditches, and Roadside Ditches to stop bundling dissimilar types of work.

As these three contracts have never let in such close proximity, now is a unique opportunity to better align similar types of work.

If the City keeps the scopes narrowed and doesn't mix and match service types, the bid will be open to more companies that specialize in only one type of work, thereby increasing the bidder pool and helping the City achieve best value of each individual service.

Ultra-Specific Piece of Equipment Requirement

The City is requiring too narrow of a piece of equipment the "Truck Mounted Equipment". It appears that the genesis language of this is the FDOT; however, the City has added in additional details which favor certain makes and models.

The requirement that the injection system be "in the pump" and not 1) either before the pump or 2) after the pump, as well as a display that shows distance traveled in feet as opposed to other units of measurement such as 1/1000th of a mile is too narrowly tailored.

COJ

Truck Mounted Equipment

Equipment shall be specifically designed for commercial application of herbicides through a computerized injection system.

The system shall be capable of utilizing a combination of spray bars, nozzles, adjustable boom extensions, or handguns capable of strip or spot applications of herbicide to ditches, paved shoulders or slopes, pavement joints, guardrail, curb and gutters, signs, culvert ends, bridge abutments, sidewalks, fences, or other roadway features.

The system's computerized chemical injection and dispensing control system shall automatically provide proper increments of electric current to the chemical injection system pumps which shall automatically dispense the correct ratio of concentrated chemical, inject the chemical into the water system, mix it in the pump, and deliver it to the nozzles.

The computer shall automatically signal the operator with an audible alarm and a diagnostic error message when the vehicle ground speed and selected application rate exceed the pump output capacity or when the ground speed and rate become too slow for uniform application of chemicals. The computer system console

Special Conditions
Spraying of Outfall Ditches 31-14

shall display accumulated area sprayed in tenths of a acre; accumulate and display the distance traveled in feet, and display miles per hour in tenths;

FDOT

580-33.4.2 Truck Mounted Equipment: Use equipment specifically designed for commercial application of herbicides through a computerized injection system.

Use a system that will automatically dispense the correct ratio of chemical to the nozzles.

Use a system capable of utilizing a combination of spray bars, nozzles, adjustable boom extensions, or handguns for strip or spot applications of herbicide to paved shoulders or slopes, pavement joints, guardrail, curb and gutter, signs, culvert ends, bridge abutments, sidewalks, fences, or other roadway features.

Use a computer that will automatically signal the operator with an audible alarm and a visible diagnostic error message should the vehicle ground speed and selected application rate exceed the pump output capacity or become too slow for uniform application of materials. The computerized system console must display the accumulated area treated, the accumulated distance traveled, the speed and the rate of application. The computerized system must provide daily computer generated documentation of the total area treated and the total quantity of chemical applied.

Where deemed appropriate and if approved by the Engineer, utilize tank mix systems mounted on a tractor, all-terrain vehicle, or boat. Commercial application equipment that is not a computerized chemical injection system will be used only for spot applications by handgun or in areas inappropriate for truck mounted systems to operate. Calibrate equipment at frequencies determined by the Engineer.

The Engineer will remove from service any equipment not functioning to satisfaction.

Remedy Sought:

Florida Waterways, Inc. seeks that the City revise the Bid Specifications to remove the reference of any specific piece of equipment.

The prior stated complaint of the mixing and matching of service types also ends up with this very specific sprayer being mentioned in both scopes.

If the City were to realign the work so that only 1 contract required a roadside sprayer and then utilized the FDOT language without the City's edits, that would be suitable.

That way the City's Roadside Ditches contract would utilize the Roadside Sprayer with the FDOT language – and the Off-Road Ditches bid would not require a roadside sprayer as this issue was already correctly raised by other bidders.

Undisclosed Quantities lead to potential Unbalanced Bids

I attended a pre-bid meeting where Emmett McDaniel used an example of spraying Hodges Boulevard as an "alternate/additive" service. That gentleman has been in his job for 15+ years. He should have a pretty good idea of 1) the actual quantity of these services purchased by the City and 2) the frequency to arrive at an actual quantity that can be disclosed to bidders.

For example, other city bids show areas, tasks, and frequencies so that bidders can arrive at an informed bid and so that we know the true scale of the purchase by the City.

EXHIBIT A
SERVICE AREA 2 SITES
City ROW Sites- 15 Cycles

Street Name	From Street	To Street	Ditch Length (FT)	Mowing Along Ditch	ROW Length (LF)	ROW Width (Ft)	ROW Turf Maint. (AC)	Median Turf Maint. (SF)	Blowing (MI)	Edging (LF)	Bed Maint. (SF)
A.C. SKINNER PARKWAY	POTTSBURG CREEK	SOUTHSIDE BLVD	0	No	8,976	33	6.80	74,486	6.80	71,808	0
BARBARA AV/ SOUTH HAMPTON ISLAND	@1059 BARBARA AV.	MEDIAN	0	No	0	0	0.00	10,890	0.00	0	0
BARNES RD	CARREVERO DR W	KNIGHTS LN W	0	No	2,060	20	0.95	0	1.17	12,360	0
BARNES RD S	KNIGHTS LN W	PARENTAL HOME RD	0	No	880	20	0.40	0	0.50	5,280	0
BARNES RD	SANTA MONICA BV S	UNIVERSITY BLVD	0	No	1,050	10	0.25	0	0.59	6,300	0
BAYBERRY SOUTH MEDIAN	500' S	BAYMEADOWS RD.	0	No	0	0	0.00	10,890	0.00	0	0
BAYMEADOWS WAY SOUTH MEDIAN	1000' S	BAYMEADOWS RD.	0	No	0	0	0.00	10,890	0.00	0	0
BELFORT RD	NEWTON RD	HOGAN RD	0	No	1,585	15	0.55	0	0.90	9,510	0
BELFORT RD	SOUTHPOINT PKY	NEWTON RD	0	No	9,310	30	6.41	10,890	5.28	55,860	0
BELMONT/LANDON ISLAND	@BELMONT & LANDON	MEDIAN	0	No	0	0	0.00	10,890	0.00	0	0
BOWDEN RD	PHILLIPS HWY	I-95	0	No	2,448	20	1.12	0	1.39	14,688	0
BOWDEN RD	BOWDEN RD S	BUCKHEAD RD	193	Yes	848	30	0.58	0	0.32	1,696	0
BOWDEN RD	I-95	PARENTAL HOME RD	0	No	4,752	15	3.20	0	1.80	28,512	0
BROADMOOR LN	ALEXANDRIA PL S	MARCO PL	0	NO	300	9	0.1	0	0.15	336	0
BROOKWOOD RD AND SAN JOSE ISLAND	@BROOKWOOD & SAN JOSE	MEDIAN	0	No	0	0	0.00	10,890	0.00	0	0
BROOKWOOD RD ISLAND	@BROOKWOOD RD. DEAD END	MEDIAN	0	No	0	0	0.00	10,890	0.00	0	0
CORDOVA PLACE ISLAND	PALM AV.	SAN MARCO BV	0	No	0	0	0.00	10,890	0.00	0	0
CRAVEN RD	SUNBEAM RD	BAYMEADOWS RD	0	No	4,800	20	2.20	0	2.72	28,800	0
DUPONT AVE	ST AUGUSTINE	CHESTER ST	0	No	600	35	0.43	0	0.34	2,400	0
GARY ST/SAN MARCO	SAN MARCO BLVD	BELMONT AV.	0	No	0	0	0.00	10,890	0.00	0	0
GROVE PARK R/W	BEACH BLVD	2,000 FT. N	0	No	0	0	0.00	83,820	0.00	0	0
GWYNFORD LANE	LORMAN DR.	SWEETWATER OAK DR. S	0	No	0	0	0.00	10,890	0.00	0	0
HARTLEY RD	SR. 13	ST AUGUSTINE	0	No	7,920	20	3.64	0	3.00	15,840	0
HARTLEY RD	SR 13	ELY CUL-DE-SAC	0	No	215	15	0.25	0	0.08	860	0
HODGES BLVD	S DEAD END	BEACH BV	12850	Yes	12,746	103	30.14	261,360	9.60	50,984	0
HOLLY/LAUREL ISLAND	@HOLLY & LAUREL	MEDIAN	0	No	0	0	0.00	10,890	0.00	0	0
HOOD RD	SUNBEAM RD	OLD ST AUGUSTINE	0	No	13,500	20	6.11	0	7.60	81,000	0
HOOD RD S	SHAD RD	LOSCO RD	0	No	8,659	88	17.43	33,330	4.91	34,636	0
INWOOD TERRACE RIVERFRONT	BULKHEAD	RIVER	0	No	0	0	0.00	10,890	0.00	0	0
KERNAN BLVD S	J TURNER BUTLER	BEACH BLVD	0	No	13,200	73	22.12	203,621	10.00	105,600	0
LAKEWOOD RD ISLAND	@LAKEWOOD RD & NORTHWOOD RD.	MEDIAN	0	No	0	0	0.00	10,890	0.00	0	0

The current bid falls short. How many A1? How many A2? How many A3?

UNIT PRICES FOR ADDITIONAL SERVICES

The City may choose to select from the following additional herbicide spraying services for the unit prices below during the contract period when requested by the Contract Manager. The unit prices provided by the Bidder will be used to adjust the contract amount for additions and deletions of work during the Contract. Each unit price shall include the required labor, equipment, and materials to provide spraying in accordance with the contract documents at various sites throughout the City.

Item No.	Description	Unit	Unit Price
A1	Non-selective Herbicide mixed WITH A NON-STAINING PRE-EMERGANT Spraying of Joints and Cracks in Poured Concrete or Asphalt Pavement, Curbs and Gutters, etc. (CRACKWEEDS)	LF	$
A2	Non-selective Herbicide mixed WITH A NON-STAINING PRE-EMERGANT Spraying of Use Areas covered by Unit Pavers, Gravel and other Loose Materials, Bare Ground, etc. (≤ 4000 square feet each site)	1000 SF	$
A3	Non-selective Herbicide mixed WITH A NON-STAINING PRE-EMERGANT Spraying of Use Areas covered by Unit Pavers, Gravel and other Loose Materials, Bare Ground, etc. (>4000 square feet each site)	AC	$

Look no further than this past bid for "Herbicide Spraying of Outfall Ditches":

MANDATORY PRE BID February 23, 2022 @ 10:00 AM

TITLE: HERBICIDE SPRAYING OF OUTFALL DITCHES

BID NO. CS-0054-22 MOWING

OPEN DATE: March 9, 2022 @ 2:00 PM

No. Invited: 16) No. Received: (5) Other: (1)

BUYER: BRYAN MATUS, PURCHASING ANALYST

ITEM	DESCRIPTION	Est. Qty	Unit	Airboat Addicts, Inc				Available Pest Control, Inc				Orem Enterprises, LLC dba Pestmaster Services				DeAngelo Contracting Services, LLC				McCall Service NW, LLC			
				Unit Cost	Total Cost/Visit	# Of Visits	Estimated Price	Unit Cost	Total Cost/Visit	# Of Visits	Estimated Price	Unit Cost	Total Cost/Visit	# Of Visits	Estimated Price	Unit Cost	Total Cost/Visit	# Of Visits	Estimated Price	Unit Cost	Total Cost/Visit	# Of Visits	Estimated Price
1	Herbicide Spraying of Outfall and other Ditches	981.44	AC	$ 91.20	$ 89,479.30	8	$ 723,334.83	$ 248.79	$ 316,934.41	6	$ 2,520,251.33	$ 177.79	$ 178,296.83	4	$ 1,489,888.05	$ 91.67	$ 91,425.99	4	$ 411,487.94	$ 135.00	$ 113,844.00	8	$ 1,076,736.36
	TOTAL LUMP SUM BASE BID			$			723,334.83	$			2,520,251.33	$			1,489,888.05	$			411,487.94	$			1,076,736.36

UNIT PRICES FOR ADDITIONAL SERVICES

ITEM	Description	Unit	Airboat Addicts, Inc Unit Price	Available Pest Control, Inc Unit Price	Orem Enterprises, LLC dba Pestmaster Services Unit Price	DeAngelo Contracting Services, LLC Unit Price	McCall Service NW, LLC Unit Price
A1	Non-selective Herbicide mixed WITH A NON-STAINING PRE-EMERGANT Spraying of Joints and Cracks in Poured Concrete or Asphalt Pavement, Curbs and Gutters, etc. (CRACKWEEDS)	LF	$ 1.00	$ 6.00	$ 12.00	$ 0.20	$ 0.00
A2	Non-selective Herbicide mixed WITH A NON-STAINING PRE-EMERGANT Spraying of Use Areas covered by Unit Pavers, Gravel and other Loose Materials, Bare Ground, etc. (≤ 4000 square feet each site)	1000 SF	$ 19.00	$ 30.00	$ 10.00	$ 204.00	$ 17.00
A3	Non-selective Herbicide mixed WITH A NON-STAINING PRE-EMERGANT Spraying of Use Areas covered by Unit Pavers, Gravel and other Loose Materials, Bare Ground, etc. (>4000 square feet each site)	AC	$ 79.00	$ 80.00	$ 197.00	$ 147.00	$ 320.00
	BID PROPOSAL FORM		Yes	Yes	Yes	Yes	Yes
	CONFLICT OF INTEREST		No	Yes	Yes	Yes	Yes
	EX-OFFENDER		No	Yes	Yes	Yes	Yes
	ADDENDUM 1-4		Yes	Yes	Yes	Yes	Yes

From: "Matus, Bryan" <BMatus@coj.net>
Date: March 18, 2022 at 5:00:36 PM EDT
To: dist_DCS Website Info <info@deangelocs.com>
Subject: Bid Review: CS-0054-22 HERBICIDE SPRAYING OF OUTFALL DITCHES

This message originated outside of DeAngelo Contracting Services
Be careful before clicking on links or opening attachments!

Good afternoon,

After a preliminary review, the City is reaching out to you in concern with the bid DeAngelo Contracting Services LLC submitted for the above referenced solicitation. Due to the cost discrepancy of the bids received, there are some concerns that it is unbalanced. Please review the attached bid and provide a memo stating the price is all-inclusive, and the DeAngelo Contracting Services LLC has reviewed the full scope of services and scheduling requirements.

If the pricing is not all-inclusive, you can request to withdraw your bid.

Please review and let me know by March 22, 2022 at 12:00PM.

Bryan Matus
Purchasing Analyst
Procurement Division
Finance and Administration Department
214 N. Hogan Street, Suite 800
Jacksonville, FL 32202
Phone: 904.255.8815
Email: bmatus@coj.net

*** Florida has a very broad public records law. As a result, any written communication created or received by City of Jacksonville officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone. ***

This bidder were several hundred thousand dollars less on the actual disclosed quantities, but then much higher on the "Unit Price for Additional Services".

They were at $294.00 per 1,000 SF – and $147.00 per acre (43,560 SF).

That means on a 4,000 SF spray, purchased at the 1,000 SF increment/rate, they would have charged $1,176.00 or eight times (8x) as much as that to spray an acre which is eleven times (11x) larger.

Eight times the pay, for a job 11 times smaller.

As an outside party, I too have the same concerns that the City's Procurement Analyst had with an unbalanced bid – and rebidding the same bid document will lead to the same result.

Remedy Sought:

Florida Waterways, Inc. seeks that the City revise the Bid Specifications to disclose the actual types/quantities of work purchased to avoid unbalanced bid rigging.

The Chief of Mowing and Landscaping has been in his job for nearly two decades. He should have a pretty good data set of how much roadside spraying is purchased by the City and organize the quantities so that bidders know exactly what they're bidding on.

This is pretty standard ask as this is how it is presented in other City bids.

Florida Waterways, Inc. also seeks that the City revise the Bid Specifications for three separate contracts of Stormwater Ponds, Off-Road Ditches, and Roadside Ditches to stop bundling dissimilar types of work.

If the City keeps the scopes narrowed and doesn't mix and match service types, the bid will be open to more companies that specialize in only one type of work, thereby increasing the bidder pool and helping the City achieve best value of each individual service.

The City has Spoiled the Competitive Nature of this Bid

Section 119.071 (1) (b) 2 seals bids for 30-days or until a notice of intended decision.

When this project let only a few months ago, City employees violated this and released bid tabulations to several respondents.

Then, after 30-days when they rejected all bids – they had no choice but to release the bid tabulations to every one – because they had already released it to select vendors.

Section 119.071 has a provision to keep bids sealed if an agency rejects all bids, provided that they concurrently provide notice of their intent to reissue the competitive solicitation.

However, the premature release of the bid tabulation to select vendors meant the bid tabulation would have to be released to all – and this provision would not apply.

The 2021 Florida Statutes

Title X — Chapter 119 — View Entire Chapter

PUBLIC OFFICERS, EMPLOYEES, AND RECORDS — PUBLIC RECORDS

119.071 General exemptions from inspection or copying of public records.—

(1) AGENCY ADMINISTRATION.—

(a) Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. A person who has taken such an examination has the right to review his or her own completed examination.

(b)1. For purposes of this paragraph, "competitive solicitation" means the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.

2. Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier.

3. If an agency rejects all bids, proposals, or replies submitted in response to a competitive solicitation and the agency concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or replies remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A bid, proposal, or reply is not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

The City has published identical bid specifications only a few weeks after bidders' replies were sent in. The competitive nature of this bid has been spoiled.

Remedy Sought:

Florida Waterways, Inc. seeks that the City consider re-arranging the three herbicide bids as such to align work types and disclose actual quantities. The newly formed scopes would be new to every bidder, without the competitive nature of this solicitation spoiled:

Rearrange the contracts as such:

- Stormwater Ponds
- Off Road Ditches (which includes Off Road PGR Spraying)
- Road Side Ditches (which includes Road Side Spraying) *now only one contract requires a roadside sprayer

In Brief

Florida Waterways, Inc. seeks that the City remove the 10-year old equipment requirement. This is arbitrary and not uniformly required by the City. Additionally, the City routinely uses equipment older than 10-years. This requirement is punitive on small businesses, such as Florida Waterways, Inc. – a Jacksonville Small and Emerging Business (JSEB).

Florida Waterways, Inc. seeks that the City re-arrange the three herbicide contracts to better align similar types of work. This would:

1. Restore the competitive nature to the bid at hand, as it would be a new scope of work without vendors pricing having been disclosed.
2. Only require 1 contract to have a roadside sprayer, thus opening up the bidder pool, as roadside sprayers are a specialized piece of equipment.

Florida Waterways, Inc seeks that the City utilize the FDOT language when specifying a roadside sprayer.

Florida Waterways, Inc. seeks the City to disclose true scope of projects by quantifying the alternate/additives to avoid any unbalanced bids and aid in our ability to provide accurate pricing for the true scope of services sought.

Regards,

Jim Schwartz
Florida Waterways, Inc.
P: 904-801-LAKE (5253)
E: jim@floridapond.com
W: www.FloridaLake.com

Florida Waterways, Inc. is a Jacksonville Small and Emerging (JSEB) Certified Business
Florida Waterways, Inc. is an SLMP Accredited Company
www.LakeProfessionals.org

Air Stream Ventures
@ 641877-22
876.22
Green Mustard
641878

Submit Requests View History Manage Requests Help

Leave Calendar

2022 May GO

Green - Approved, Blue - In Process, Pink - Holiday

This Month...

- Ola, Ruben
- Wallace Cohen, Olive
- Klages, David
- Matus, Bryan
- Stamos, Jaclyn

<			May 2022			>
Sat	Sun	Mon	Tue	Wed	Thu	Fri
	1 All...	2 All... Ola, Ruben	3 All... Leslie-Burney, Annette Wallace Cohen, Olive 02:00 PM-05:00 PM	4 All...	5 All... Stamos, Jaclyn	6 All... Ola, Ruben Wallace Cohen, Olive
7All... This Week...	8 All...	9 All... Leslie-Burney, Annette 08:00 AM-12:00 PM Wallace Cohen, Olive01:00 PM-05:00 PM	10 All... Wallace Cohen, Olive 02:00 PM-05:00 PM Wallace Cohen, Olive08:00 AM-01:00 PM	11 All... Wallace Cohen, Olive	12 All... Wallace Cohen, Olive	13 All... Wallace Cohen, Olive
14All... This Week...	15 All...	16 All...	17 All...	18 All...	19 All...	20 All...
21All... This Week...	22 All...	23 All...	24 All...	25 All...	26 All...	27 All...
28All... This Week...	29 All...	30 All... Memorial Day	31 All... Klages, David			

addn -> pre bid resched. 5/26

opens
6/8
move
6/15