




# THE CITY OF DAYTONA BEACH

## INTEROFFICE MEMORANDUM

TO: James V. Chisholm, City Manager  
FROM: Joanne Flick, Purchasing Agent   
DATE: December 11, 2018  
SUBJECT: Non-Responsive Bid Submitted for Williamson Blvd. Dunn Ave to Mason Ave Reclaimed Water Improvements  
ITB # 19083

### REQUEST

Staff is requesting that DBE Management, Inc., dba/DBE Utility Services be declared *non-responsive* due to the submittal of a bid that does not conform to the Bid Documents.

The bid documents require submittal of bid security in an amount equal to 10% of the bid submitted. DBE Management/dba DBE Utilities submitted a bid bond equal to 5% of the bid amount.

### CONSIDERATIONS

The Purchasing Code provides that a bid award be made to the responsible bidder submitting the lowest responsive bid. The Daytona Beach Purchasing Code Section 30-28 defines a responsive bid as a bid that is conforming in all aspects to the invitation to bid or request for proposals except minor irregularities. The bidder submitted bid security in an insufficient amount, 5% of the total bid instead of the 10% required by the Bid Documents.

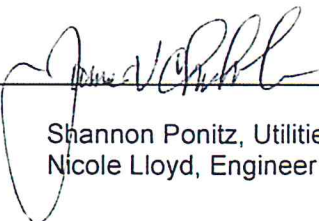
The Bid Documents contain the following clause regarding bid security and compliance with bid requirements:

Invitation, "Each bid must be accompanied by Bid Security in an amount not less than 10% of the total bid."

General Conditions, "6. Bid Security. The Bidder must submit Bid Security equal to 10% of the Bid. The Bid Security will be in the form of a bid bond; or any of the following alternate forms; cashier's check, certified check, money order, notes at par value, U.S. Currency, or U.S. Government Bond..."

General Conditions, "22. Right To Accept or Reject Bids. The City will reject bids which contain modifications, or which are incomplete, unbalanced, conditional, obscure, or which contain additions not requested, or irregularities of any kind, or which do not comply in every respect with these Instructions to Bidders and the Contract Documents, unless the City in its sole discretion that the non-compliance is minor.

Please indicate approval by signing below.

 *Non-Responsive Bid*  
\_\_\_\_\_  
C: Shannon Ponitz, Utilities Director  
Nicole Lloyd, Engineer  
Date: \_\_\_\_\_