



MANATEE COUNTY
FLORIDA

TO: All Bidders
FROM: R.C. "Rob" Cuthbert, CPM, CPPO Purchasing Division Manager
Date: July 24, 2009
RE: **Bid No. 08-2906OV, SATELLITE LIFT STATIONS**

A handwritten signature in black ink, appearing to read "R.C. Cuthbert", is written over a horizontal line.

Pursuant to the authority provided to the County by Florida Statutes §255.20(1)(d), Manatee County Code §2-26-43, and the reservation of rights provided for in the bid document (A.09: Reserved Rights), Manatee County hereby provides notification of its decision to reject all bids received in response to the above-mentioned bid.

This decision was made for several reasons. First, the County's initial identification of a lowest, responsible and responsive bidder, and the resulting protest of that process, has become subject to litigation. The likelihood of the County being enjoined from completing the award of the project until litigation is completed, and the litigation and resulting appeals expected to last at least one and one half years, the delay in moving forward on this important public works project would be unacceptably long. In addition, after reviewing the bid documents in its entirety including all addenda, several inequities within Section 02221 (pages 94, 98, and 100) have been identified that are in conflict with the Bid Forms including missing line items for submitting costs for these items and/or inaccurate quantities. In consideration of this information, these errors materially compromise the competitive nature of the bids received and in fairness new bids must be sought. Finally, the protesting bidder asserted, among other things, that the County did not prohibit, as specifically as it could have, its prohibition against the submission of bids which employ "unbalanced bidding" techniques. While the Purchasing Division believes its current bid solicitation language addresses this practice, commonly known to contractors to cause a bid to be deemed non-responsive, the Division will include a new specification in its future bid requests to even more specifically address the matter.

I find the above-noted reasons constitute good cause for the decision to reject all bids, and that this action is in the best interest of the County. In addition to this direct courtesy notice, and as required by Manatee County Code § 2-26-43, this notice will be published and posted in the same manner as notice of the initial solicitation. The Public Works Department shall review, amend, update and establish new bid specifications and applicable bid line items with quantities that reflect the new specifications. When the staff completes this work, the County anticipates issuing a new solicitation, and you will of course have every opportunity to compete for this solicitation or similar future solicitations.

The Manatee County Purchasing Division is grateful for your continuing willingness to participate in this process, and hopes you excuse any inconvenience this decision has caused you and that you will continue to bid on this and similar future projects. To this end, we will use the responses to the bid for notification of bidders when the revised bidding documents for this project are available.

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