



# MANATEE COUNTY FLORIDA

TO: All Bidders  
FROM: R.C Cuthbert, CPM, CPPO Purchasing Division Manager  
Date: July 24, 2009  
RE: **Bid No. 09-0043DS, 65<sup>th</sup> AVENUE WEST – PIPE REPLACEMENT**

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 the above-mentioned bid.

This decision was made for several reasons. First, the County's initial identification of a lowest responsible and responsible 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, specifications (Section 00750, p. 00750-2, as clarified in Addendum Number 1, dated 12/02/2008) and the items and quantities stated on the Bid Form, certain material conflicts have been identified. Based upon the stated uncertainty as to the quantity and any requirement to replace the fence material, a review of the bid submissions with these line items removed would change the outcome as to the apparent low bidder. In consideration of this information, the errors made by staff have been found to materially compromise the competitive nature of the bids received and in fairness new bids which are more clear on materials needed 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 this bid for notification of bidders when the revised bidding documents for this project are available.

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