



ALACHUA COUNTY Budget and Fiscal Services Procurement

Theodore "TJ" White, Jr. CPPB
Procurement Manager

Thomas J. Rouse
Contracts Supervisor

May 30, 2024

MEMORANDUM

To: Theodore "TJ" White, Jr. CPPB, Procurement Manager
From: Mandy Mullins, Procurement Agent I *Mandy Mullins*
Subject: **INTENT TO AWARD**
ITB 25-57-MM Annual Processing and Beneficial Recycling/Composting of Vegetative Waste for Alachua County and the City of Gainesville

Solicitation Deadline: 2:00 PM, May 22, 2024
Solicitation Notifications View Count: 14 Vendors
Solicitations Downloads: 15 Vendors
Solicitations Submissions: 2 Vendors

Vendors:

Life Soils Florida, LLC
Newberry, FL 32669

Watson C&D, LLC
Archer, FL 32618

RECOMMENDATION:

The Board to approve the bid award to Life Soils Florida, LLC, as the lowest, most responsive, and responsible Vendor.

The actual bid award is subject to the appropriate signature authority identified in the Procurement Code.

[Signature]

Approved
Theodore "TJ" White, Jr., CPPB
Procurement Manager

May 30, 2024

Date

Disapproved
Theodore "TJ" White, Jr., CPPB
Procurement Manager

TW/mm

Vendor Complaints or Grievances; Right to Protest

Unless otherwise governed by state or Federal law, this part shall govern the protest and appeal of Procurement decisions by the County. As used in Part A of Article 9 of the Procurement Code, the term "Bidder" includes anyone that submits a response to an invitation to bid or one who makes an offer in response to a solicitation (e.g., ITB, RFP, ITN), and is not limited solely to one that submits a bid in response to an Invitation to Bid (ITB).

- (1) *Notice of Solicitations and Awards.* The County shall provide notice of all solicitations and awards by electronic posting in accordance with the procedures and Florida law.
- (2) *Solicitation Protest.* Any prospective Bidder may file a solicitation protest concerning a solicitation.
 - (a) *Basis of the Solicitation Protest:* The alleged basis for a solicitation protest shall be limited to the following:
 - i. The terms, conditions or specifications of the solicitation are in violation of, or are inconsistent with this Code, Florida Statutes, County procedures and policies, or the terms of the solicitation at issue, including but not limited to the method of evaluating, ranking or awarding of the solicitation, reserving rights of further negotiations, or modifying or amending any resulting contract; or
 - ii. The solicitation instructions are unclear or contradictory.
 - (b) *Timing and Content of the Solicitation Protest:* The solicitation protest must be in writing and must be received by the Procurement Manager, twhite@alachuacounty.us by no later than the solicitation's question submission deadline. Failure to timely file a solicitation protest shall constitute a total and complete waiver of the Bidder's right to protest or appeal any solicitation defects, and shall bar the Bidder from subsequently raising such solicitation defects in any subsequent Award Protest, if any, or any other administrative or legal proceeding. In the event a solicitation protest is timely filed, the protesting party shall be deemed to have waived any and all solicitation defects that were not timely alleged in the protesting party's solicitation protest, and the protesting party shall be forever barred from subsequently raising or appealing said solicitation defects in a subsequent award protest, if any, or any other administrative or legal proceeding. The solicitation protest must include, at a minimum, the following information:
 - i. The name, address, e-mail and telephone number of the protesting party;
 - ii. The solicitation number and title;
 - iii. Information sufficient to establish that the protesting party has legal standing to file the solicitation Protest because:
 1. It has a substantial interest in and is aggrieved in connection with the solicitation; and
 2. That the protesting party is responsive, in accordance with the criteria set forth in the solicitation, unless the basis for the Solicitation Protest alleges that the criteria set forth in the solicitation is defective, in which case the protesting party must demonstrate that it is responsible in accordance with the criteria that the protesting party alleges should be used;
 - iv. A detailed statement of the basis for the protest;
 - v. References to section of the Code, Florida Statutes, County policies or procedure or solicitation term that the protesting party alleges have been violated by the County or that entitles the protesting party to the relief requested;
 - vi. All supporting evidence or documents that substantiate the protesting party's alleged basis for the protest; and
 - vii. The form of the relief requested.
 - (c) *Review and Determination of Protest:* If the Solicitation Protest is not timely, the Procurement Manager shall notify the protesting party that the Solicitation Protest is untimely and, therefore, rejected. The Procurement Manager shall consider all timely Solicitation Protests and may conduct any inquiry that the Procurement Manager deems necessary to make a determination regarding a protest. The Procurement Manager shall issue a written determination granting or denying the protest. The written determination shall contain a concise statement of the basis for the determination.

- (d) *Appeal*: If the protesting party is not satisfied with the Procurement Manager's determination, the protesting party may appeal the determination to the County Manager by filing a written appeal, which sets forth the basis upon which the appeal is based, including all supporting documentation. The scope of the appeal shall be limited to the basis alleged in the Solicitation Protest. The appeal must be filed with the Procurement Manager within five business days of the date on which the Procurement Manager's written determination was sent to the protesting party. Failure to timely file an appeal shall constitute a waiver of the protesting party's rights to an appeal of the Procurement Manager's determination, and the protesting party shall be forever barred from subsequently raising or appealing said Solicitation defects in a subsequent award protest, if any, or any other administrative or legal proceeding. After considering the appeal, the County Manager must determine whether the solicitation should stand, be revised, or be cancelled, and issue a written determination and provide copies of the determination to the protesting party. The determination of the County Manager shall be final and not subject to further appeal under this code.
- (3) *Award Protest*. Any Bidder who is not the intended awardee and who claims to be the rightful awardee may file an award protest. However, an award protest is not valid and shall be rejected for lack of standing if it does not demonstrate that the protesting party would be awarded the Solicitation if its protest is upheld.
- (a) *Basis of the Award Protest*: The alleged basis for an Award Protest shall be limited to the following:
- i. The protesting party was incorrectly deemed non-responsive due to an incorrect assessment of fact or law;
 - ii. The County failed to substantively follow the procedures or requirements specified in the solicitation documents, except for minor irregularities that were waived by the County in accordance with this Code, which resulted in a competitive disadvantage to the protesting party; and
 - iii. The County made a mathematical error in evaluating the responses to the solicitation, resulting in an incorrect score and not *protesting party not being selected for award*.
- (b) *Timing and Content of the Award Protest*: The Award Protest must be in writing and must be received by the Procurement Manager, twhite@alachuacounty.us by no later than 3:00 PM on the third business day after the County's proposed Award decision was posted by the County. Failure to timely file an Award Protest shall constitute a total and complete waiver of the Bidder's right to protest or appeal the County's proposed Award decision in any administrative or legal proceeding. In the event an Award Protest is timely filed, the protesting party shall be deemed to have waived any and all proposed Award defects that were not timely alleged in the protesting party's Award Protest, and the protesting party shall be forever barred from subsequently raising or appealing said Award defects in any administrative or legal proceeding. The Award Protest must include, at a minimum, the following information:
- i. The name, address, e-mail and telephone number of the protesting party;
 - ii. The Solicitation number and title;
 - iii. Information sufficient to establish that the protesting party's response was responsive to the Solicitation;
 - iv. Information sufficient to establish that the protesting party has legal standing to file the Solicitation Protest because:
 1. The protesting party submitted a response to the Solicitation or other basis for establishing legal standing;
 2. The protesting party has a substantial interest in and is aggrieved in connection with the proposed Award decision; and
 3. The protesting party, and not any other bidder, should be awarded the Solicitation if the protesting party's Award Protest is upheld.
 - v. A detailed statement of the basis for the protest;
 - vi. References to section of the Code, Florida Statutes, County policies or procedure or solicitation term that the protesting party alleges have been violated by the County or that entitles the protesting party to the relief requested;

- vii. All supporting evidence or documents that substantiate the protesting party's alleged basis for the protest; and
 - viii. The form of the relief requested.
- (c) *Review and Determination of Protest:* If the Award Protest is not timely, the Procurement Manager shall notify the protesting party that the Award Protests is untimely and, therefore, rejected. The Procurement Manager shall consider all timely Award Protests and may conduct any inquiry that the county Procurement Manager deems necessary to resolve the protest by mutual agreement or to make a determination regarding the protests. The Procurement Manager shall issue a written determination granting or denying each protest. The written determination shall contain a concise statement of the basis for the determination.
- (d) Appeal:
- i. If the protesting party is not satisfied with the Procurement Manager's determination, the protesting party may appeal the determination to the County Manager by filing a written appeal, which sets forth the basis upon which the appeal is based. The scope of the appeal shall be limited to the basis alleged in the award protest. The appeal must be filed with the Procurement Manager within five business days of the date on which the Procurement Manager's written determination was mailed to the protesting party. Failure to timely file an appeal shall constitute a waiver of the protesting party's rights to an appeal of the Procurement Manager's determination, and the protesting party shall be forever barred from subsequently raising or appealing said award defects in any administrative or legal proceeding.
 - ii. After reviewing the appeal, the County Manager will issue a written final determination and provide copies of the determination to the protesting party. Prior to issuing a final determination, the County Manager, in his or her discretion, may direct a hearing officer, or magistrate, to conduct an administrative hearing in connection with the protest and issue findings and recommendations to the County Manager. Prior to a hearing, if held, the Procurement Manager must file with the hearing officer the protest, any background information, and his or her written determination. The protesting party and the County shall equally share the cost of conducting any hearing, including the services of the hearing officer. If applicable, the County Manager may wait to issue a written final determination until after receipt of the findings and recommendations of the hearing officer. The determination of the County Manager shall be final and not subject to further appeal under this code.
- (4) *Burden of Proof:* Unless otherwise provide by Florida law, the burden of proof shall rest with the protesting party.
- (5) *Stay of Procurements during Protests.* In the event of a timely protest, the County shall not proceed further with the solicitation or with the award of the contract until the Procurement Manager, after consultation with the head of the using department, makes a written determination that the award of the solicitation without delay is:
- (a) Necessary to avoid an immediate and serious danger to the public health, safety, or welfare;
 - (b) Necessary to avoid or substantial reduce significant damage to County property;
 - (c) Necessary to *avoid or substantially reduce interruption of essential County Services; or;*
 - (d) Otherwise in the best interest of the public.



Alachua County ***Solid Waste and Resource Recovery***

Gus Olmos, P.E. Director

gus@alachuacounty.us

Tel: 352-548-1282

Memorandum

Date: May 23, 2024

To: Theodore White, Procurement Manager

From: Gus Olmos, Director *Go* 5/23/24

Subject: ITB 25-57-MM Annual Processing and Beneficial Recycling/Composting of Vegetative Waste for Alachua County and the City of Gainesville

The City of Gainesville Solid Waste Division and the Alachua County Solid Waste & Resource Recovery Department have reviewed the responses submitted for the above referenced bid and has determined that the bids were in compliance with the bid documents and instructions. It is our recommendation that the bid be awarded to Life Soils Florida LLC, based on pricing and ability to meet the scope of work.

The agreement is to begin October 1, 2024, and continue through September 30, 2029, unless otherwise terminated as provided herein and subject to funds budgeted in each fiscal year, if applicable. The County and City have the option of renewing this agreement for one (1) additional five (5) year period.



Alachua County, Florida

Procurement

Theodore "TJ" White, Jr. CPPB, Procurement Manager
 County Administration Building, Gainesville, FL 32601
 (352) 374-5202

EVALUATION TABULATION

ITB No. ITB 25-57-MM

Annual Processing and Beneficial Recycling/Composting of Vegetative Waste for Alachua County and the City of Gainesville

RESPONSE DEADLINE: May 22, 2024 at 2:00 pm

Thursday, May 30, 2024

PROCESSING, COMPOSTING/RECYCLING

Primary award cells are green and Backup award cells are gray

			Life Soils Florida, LLC	Watson C&D
Line Item	Description	Unit of Measure	Unit Cost	Unit Cost
1	Processing, Recycling and Disposal Services Pricing Per Ton	ton	\$21.00	\$57.00

VENDOR QUESTIONNAIRE PASS/FAIL

Question Title	Life Soils Florida, LLC	Watson C&D
Submittal Confirmation	Pass	Pass
Corporate Resolution	Pass	Pass
State Compliance	Pass	Pass
Public Record Trade Secret or Proprietary Confidential Business Information Exemption Request	Pass	Pass
Public Record Trade Secret or Proprietary Confidential Business Information Exemption Request	Pass	Pass
Public Record Trade Secret or Proprietary Confidential Business Information Exemption Request	No Response	No Response
Option 1: Company is an Alachua County Certified Small Business Enterprise.	Pass	Pass
SBE Certificate	No Response	No Response

EVALUATION TABULATION

ITB No. ITB 25-57-MM

Annual Processing and Beneficial Recycling/Composting of Vegetative Waste for Alachua County and the City of Gainesville

Question Title	Life Soils Florida, LLC	Watson C&D
Option 2: I certify that our Company will perform ALL work and that no subcontractors will be utilized for this bid.	Pass	Pass
Option 3: SBE Participation.	Pass	Pass
Option 4: SBE Good Faith Effort.	Pass	Pass
Alachua County Government Minimum Wage (GMW)	Pass	Pass
DRUG FREE WORKPLACE	Pass	Pass
Vendor Eligibility	Pass	Pass
List all subcontractor's being utilized on this BID, (NON-SBE) IF no sub contractor are being utilized respond N/A	Pass	Pass
Responsible Agent	Pass	Pass
Number of years in this type of service?	Pass	Pass
Number of years licensed in Alachua County?	Pass	Pass
How many employees "ON THE JOB" each week?	Pass	Pass
Number of employees "ON CALL" each week?	Pass	Pass
Major Equipment	Pass	Pass
Do you currently hold any municipality contracts?	Pass	Fail
If you indicated yes to holding municipality contracts please list them below:	Pass	Fail
References	Pass	Pass
Are your employees screened by:	Pass	Pass
Cancelled or Termination	Pass	Pass
Cancellation and Termination	No Response	Pass
What constitutes your normal business days and working hours?	Pass	Pass
Describe below, the Bidder's operational plan for providing the Services to Alachua County.	Pass	Pass

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ITB No. ITB 25-57-MM

Annual Processing and Beneficial Recycling/Composting of Vegetative Waste for Alachua County and the City of Gainesville

Question Title	Life Soils Florida, LLC	Watson C&D
Conflict of Interest	Pass	Pass
Acknowledgement of Requirements	Pass	Pass