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**MLK PARK RESTROOM BUILDING  
PROJECT #20-787 EVALUATION COMMITTEE  
MEETING MINUTES  
JUNE 16, 2021 3:00PM**

**1. Introduction & Overview: Nixa Haisley, Purchasing Agent**

Meeting called to order at 3:02

a. Committee Members

Moe Rayan, Director of Public Works, David Washington, CRA Board and Cheryl Miller, Finance Director.

Legal representation by Mark Barnebey with Blalock Walters.

b. No Conflict of Interest

Ms. Haisley reminded everyone that, during the initial meeting on June 3<sup>rd</sup>, all committee members certified that they had no ethical conflict that would prevent them from evaluating the proposals solely on its merits and in accordance with the RFPs evaluation criteria and attested to this by submitting required form.

c. Background and Committee Objective

Ms. Haisley provided an overview stating the following:

On June 3<sup>rd</sup>, this evaluation committee met on this project. The committee members scored the proposals based on their review and discussion and I entered the numbers into a spreadsheet. I announced the totals, based on the spreadsheet calculations and announced the top scoring vendor as Tampa Contracting Services (TCS). The committee agreed to make the recommendation for award to this vendor and read that motion.

Days after this initial meeting, as I was preparing the items for the next agenda, I realized that the spreadsheet used to calculate the summary of all of the scores had a formula error. When we fixed the error, this changed the highest-ranking vendor to D.L. Porter Constructors, Inc. The incorrect summary sheet and the corrected summary sheet have been provided to you for review; you can clearly see the highlighted items are incorrect and these are the numbers on the record of the original meeting.

This was a formula mistake created by simple human error and I apologize for the mistake, in particular to Tampa Contracting Services. One of the fundamental concepts of public contracting is that the process should be fair, transparent and open, with all facts disclosed to all parties and this is why we are here today.

After fixing the formula error, the average total scores are now as follows:

DeLesline Construction	3.10
D.L. Porter Constructors	3.67
Stellar Development	3.00
Tampa Contracting Services	3.55

As a result, you can see that the top scoring contractor is now D.L. Porter. We are now asking the committee to discuss these new results and provide an updated recommendation for award, based on this new information.

The meeting was turned over to Chairperson Cheryl Miller.

## **2. Proposal Discussion: Committee Chair, Cheryl Miller**

Cheryl suggested reviewing the committee's previous discussion to determine how to move forward with this new information and if to proceed with new recommendation to D.L. Porter or to remain with Tampa Contracting Services. She opened the floor for comments. Mo stated no changes to his original review. Feels that both contractors are competent and his opinion stands the same. Cheryl went on to explain her higher scoring for D.L. Porter in particular for the use of an MBE subcontractor and the fact that they had experience with bathroom construction; this put them above of TCS. Suggested looking at D.L. Porter more thoroughly. Mr. Washington echoed Cheryl's comments; stated that D.L. Porter also did the MLK Park restroom in Sarasota and he gave them a higher score than Tampa Contracting due to the MBE/WBE participation. Mo did recognize the MBE/WBE participation of one over the other and scored accordingly higher in this area; however, he noted that D.L. Porter scored less than Tampa Contracting Services on price. Cheryl commented on possible price negotiation or possible postponement of the project due to industry pricing. Mo noted that we have the option to negotiate with either contractor and that the price difference in excess of approximately forty-thousand dollars.

Mark Barnebey made summary comments and stated that the committee has done their job in scoring the proposals and that they should follow the ranking results with recommendation to D.L. Porter first and Tampa Contracting as second. The commission may not agree but they will decide which vendor to select and most likely still negotiate the price.

Mr. Washington questioned whether the price difference between the two contractors could reasonably be expected to be negotiable; the response was yes. Mr. Barnebey reiterated the overall committee evaluation did not change and that the ranking should stand. Cheryl agreed and said, if the acceptance goes through, she recommends negotiation.

### **a. Committee Recommendation – Vote/Motion**

Cheryl made motion: Subject to the approval of a budget amendment for the additional cost for the MLK restrooms, D.L. Porter is selected as the top ranked proposer. If a contract cannot be negotiated with D.L. Porter within 30 days, the city will begin negotiations with the second ranked contractor Tampa Contracting Services. David seconded the motion. Cheryl Miller and David Washington vote I, Mo votes Nay.

## **3. Summary:**

### **a. Nixa Haisley, Purchasing Agent – Motion carried 2 - 1**

Subject to the approval of a budget amendment for the additional cost for the MLK restrooms, D.L. Porter is selected as the top ranked proposer. If a contract cannot be negotiated with D.L. Porter within 30 days, the city will begin negotiations with the second ranked contractor Tampa Contracting Services... The Mayor will execute an agreement again pending board approval.

- b. In accordance with City of Palmetto Ordinance 2-63, any contractor who believes they have been aggrieved in connection with the solicitation or this recommendation for award shall submit their protest in writing. This Recommendation of Award is slated for presentation to City Commission next Monday, June 21, 2021.

**Adjourn – 3:17 pm**