



## VILLAGE OF ROYAL PALM BEACH

### Agenda Item Summary

#### **AGENDA ITEM:**

**AUTHORIZATION TO REJECT ALL BIDS RECEIVED AND OPENED AT 3:00PM ON TUESDAY, OCTOBER 15, 2024 FOR PR2201, THE RPB RECREATION CENTER RENOVATIONS AND EXPANSION DESIGN BUILD PROJECT.**

#### **ISSUE:**

On August 16, 2024, the Village issued a Request for Proposals (RFP) for RPB Recreation Center Renovations and Expansion Design Build Project PR2201 to accept bids from prequalified design-builders, as qualified by the Village in response to RFQ-PR2201. On October 15, 2024, the Village received and opened publicly all bids received in response to the RFP. The Village received two (2) proposals in response to the RFP, one from Hedrick Brothers Construction and one from Burke Construction Group, Inc.

The Selection Committee convened to review the received proposals on October 31, 2024. During the Selection Committee meeting, the Selection Committee determined that neither proposal received was responsive to the RFP, as neither proposer provided the required lump sum fixed price for the completion of all design and construction services as required by the Bid Documents.

Specifically, the proposal submitted by Hedrick Brothers Construction provided in Tab 2, Division 1, in part:

7. To every extent possible, the Construction Manager will lock in pricing from subcontractors and suppliers for materials. However, due to current market fluctuations, the prices of these materials are subject to sudden, significant changes, and firm prices cannot always be obtained from subcontractors and suppliers. If the cost of materials used or to be used to perform the Work increases or decreases from the cost of the same materials(s) included in the original subcontractor's or supplier's proposal used to establish the cost of the Work, then the Parties agree that Contract Sum shall be increased or decreased by the actual amount of the cost increase or decrease with no additional profit or overhead to the Construction Manager. If shortages of materials cause a delay in the schedule, then the schedule shall be modified accordingly, and the Construction Manager shall have the right to request additional general conditions for the period of the time the contract is extended.

Similarly, the proposal submitted by Burke Construction provided in 3.3.1 Price, General Clarifications 1.06:

This bid proposal does not take into account material price increases, shortages, delays, and/or disruptions. Due to the unpredictable nature of the market and its volatility regarding construction materials, a material escalation clause may be required. If any increases are required, all parties are to be notified as soon as possible.

The RFP advertisement states that “[t]he OWNER reserves the right to reject any or all Bids, to waive informalities, and to re-advertise.” Section 2.5 of the RFP states that “[t]he Village may, at its sole and absolute discretion, reject any and all, or parts of any and all, proposals; waive any minor irregularities in this RFP or in the proposals received as a result of this RFP, postpone or cancel, at any time, this RFP process; or re-issue this RFP.”

Section 2.11 provides that “[e]ach Proposal will be examined as to whether it is responsible and responsive. A Responsible Proposer is one who has the required qualifications to perform the required work and services. A proposal will also be reviewed to determine if the proposal is Responsive to the RFP. **Proposals deemed to be non-responsive will be rejected without being evaluated by the Village. A Responsive proposal is one which has been signed, has been submitted by the specified submission time, and has provided the information required to be submitted with the proposal (as stated in Section 3).** While poor formatting, poor documentation, and/or incomplete or unclear information may not be cause to reject a proposal without evaluation, such substandard submissions may adversely impact the evaluation of your proposal, especially information relating to establishing financial/business stability. Proposers who fail to comply with all of the required and/or desired elements of this RFP do so at their own risk.”

Because neither proposal received by the Village was deemed responsive, it is recommended that the Village reject all bids received and opened on October 15, 2024 and make no award at this time.

**RECOMMENDED ACTION:**

Staff recommends a motion to approve.

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Initiator:	Village Manager	Agenda Date:	Village Council
	Approval:		Action:
Village Engineer		11/21/2024	

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