



December 6, 2019

City of Cocoa
Purchasing Division
65 Stone St. Cocoa Florida 32922

Attention: Heath Hancher

Reference: Cocoa Riverfront Promenade Improvements

Subject: Invitation to Bid/ Proposal # B-20-08-COC

Dear Heath,

It was a pleasure to meet you and your team and we again appreciate allowing us the time to discuss our Bid Proposal with you. As discussed, please find the **below 3 items of discussion** you mentioned and our explanation of these particular items:

1. Instructions to Bidders Pg. 12-17

- a. We included page 17 of the Instructions to Bidders which included my signature and title as requested.
- b. We did not include pages 12- 16 which were information only and required no signatures or entry. We based our decision to not include these sheets on the language in Paragraph 7.1.c which states to include: "each accompanying sheet thereof, on which he/she makes an entry.
- c. Lastly, we signed the Bidders Certification in Paragraph 6 which has us certify that: "I have carefully examined the Invitation to Bid, **Instructions to Bidders**, General and/or Special Conditions, Vendors Notes, Specifications, Proposed agreements and any other documents accompanying or made a part of this Invitation." This clearly states that we are fully knowledgeable on the terms of the bid.

2. Form of Agreement Pg. 41-60

- a. The Form of Agreement is the contract to which the apparent and successful bidder will ultimately sign. It was used in our processes and given to our bonding company for review. We did not include this for several reasons:
 - i. We would not know the date of the contract as required to be filled in on the first paragraph.
 - ii. We do not know the contract value required in paragraph 16.3 based upon:
 1. Alternates to be decided by the City of Cocoa
 2. The language on page 25, paragraph 7.3 which states: "the City may choose to award on a per group or per item basis."
- b. Lastly, we signed the Bidders Certification in Paragraph 6 which has us certify that: "I have carefully examined the Invitation to Bid, Instructions to Bidders, General and/or Special Conditions, Vendors Notes, Specifications, **Proposed Agreements** and any other documents accompanying or made a part of this Invitation." This clearly states that we are fully knowledgeable and acceptable to the terms of the agreement.

3. Performance and Payment Bonds- Paragraph 18

- a. Page 46, paragraph 16.7 states that the contractor shall furnish concurrently with the execution of the contract. The contract is not executed at the time of proposal and therefore we were not able to submit.



- b. Paragraph 18 of the ITB for the Payment and performance Bond requires a contract date for execution of the bond. This information is not available to us at the time of the bid.
- c. Paragraph 18 of the ITB for the Payment and performance Bond requires a contract amount for execution of the bond. This information is not available to us at the time of the bid due to the reasons listed above in paragraph 2.a.ii. We submitted a Bid Bond per Paragraph 12 which guarantees our ability to provide the bonds after entering into a contract with you.

As we mentioned in today's meeting, we have been doing this a long time and believe our explanations above are reasonable and understandable. Anomalies and ambiguity can be found in several places throughout the ITB. We ultimately believe that these issues as described today and during the Bid Opening do not materially affect the legitimacy of our low and responsive bid. We and our subcontractors' have worked diligently in preparing this proposal and ensuring that our bid was fair, competitive and ultimately provides a significant value to the City of Cocoa.

We appreciate the opportunity to provide you with our thought process and explanation on why we believe our bid is complete and the best value. Thank you for your consideration and let us know if you have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. David Nash', is written over the printed name.

J. David Nash
President