

0030100 Award and Execution
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

Daniel Strickland
State Maintenance Office

Comments: (5-28-15) Internal Review

I would recommend a clarification to the phrase "pull a token" to something similar to "draw from a hat". We've also experienced displeasure from bidders with using this process on a few maintenance contracts in the past. Have you considered asking each of the tying bidders to resubmit a reduction in their bids? This way there is no luck involved and the Department gets a better deal in the end.

Daniel Strickland
State Maintenance Office

I completely agree, Daniel. Instead of random, we should ask each bidder to submit a sealed bid reduction of any amount. Whoever reduces the most wins at the new reduced price. This is a win-win: FDOT gets a reduced price and contractors have some control if they get the job or not rather than leaving their fate to luck.

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My question is would this be legal and fair to the other bidders, not letting them adjust their bids after the letting and knowing how others bid?

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I agree with Ray....Not to mention asking them to come down on the price? I don't think we should do that either.

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Response: Thank you for the review and comment. The Contracts Administration Office will continue to review these proposed changes and explore clearer and more suitable methods of

addressing those instances when tie bids are received. Once we have fully vetted other methods, a revised specification will be presented for a future review and comment opportunity. At this time, we will not move forward with the specification revisions as presented herein.

Barbara Strickland
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Comments: (6-9-15)

The District Three Construction Staff recommends instead of a coin toss:

1. Consider the average contractor's past performance rating score of the tied bidders for the contract award.

Response: Thank you for the review and comment. The Contracts Administration Office will continue to review these proposed changes and explore clearer and more suitable methods of addressing those instances when tie bids are received. Once we have fully vetted other methods, a revised specification will be presented for a future review and comment opportunity. At this time, we will not move forward with the specification revisions as presented herein.

2. Consider awarding the contract in the order the bids were received.

Response: Thank you for the review and comment. The Contracts Administration Office will continue to review these proposed changes and explore clearer and more suitable methods of addressing those instances when tie bids are received. Once we have fully vetted other methods, a revised specification will be presented for a future review and comment opportunity. At this time, we will not move forward with the specification revisions as presented herein.

D5 Construction

Comments: (6-18-15)

1. Instead of tossing a coin, why not use the time the bids were submitted?

Response: Thank you for the review and comment. The Contracts Administration Office will continue to review these proposed changes and explore clearer and more suitable methods of addressing those instances when tie bids are received. Once we have fully vetted other methods, a revised specification will be presented for a future review and comment opportunity. At this time, we will not move forward with the specification revisions as presented herein.

2. A coin toss would only work if there were two tied bids.

Response: Thank you for the review and comment. The Contracts Administration Office will continue to review these proposed changes and explore clearer and more suitable methods of addressing those instances when tie bids are received. Once we have fully vetted other methods, a revised specification will be presented for a future review and comment opportunity. At this time, we will not move forward with the specification revisions as presented herein.

3. Are there ‘formal’ coin toss/pull a token procedures in place? Who would ‘pull the token’, and how could we be sure they were not ‘feeling’ the token for the contractor of their choice? I don’t mean these to be silly questions, but all DOT procedures are to certain specifications and we would not want to leave this up to interpretation, or litigation.

Response:

Thank you for the review and comment. The Contracts Administration Office will continue to review these proposed changes and explore clearer and more suitable methods of addressing those instances when tie bids are received. Once we have fully vetted other methods, a revised specification will be presented for a future review and comment opportunity. At this time, we will not move forward with the specification revisions as presented herein.

4. Toss a coin or pull a token? Seriously? Is this the best method for choosing a Contractor to perform work? Why can’t we review their previous performance and let that be the tie breaker?

Response: Thank you for the review and comment. The Contracts Administration Office will continue to review these proposed changes and explore clearer and more suitable methods of addressing those instances when tie bids are received. Once we have fully vetted other methods, a revised specification will be presented for a future review and comment opportunity. At this time, we will not move forward with the specification revisions as presented herein.
