



Open Session Item

**SUBJECT:**           **Relief Without Prejudice from Contract Award / Bid Award (PUR-1342) Fire Service Performance Testing / Inspection of Fire Hoses, Fire Pumps, Ground Ladders, and Aerial Devices**

**PRESENTATION DATE:**           June 6, 2017

**PRESENTATION BY:**           (Prepared by Karen R. Luther, CPPO – Director of Purchasing) Rick Curry, CPPO – Buyer - Purchasing Department and David Hays, Director – Division of Emergency Services and/or Samuel A. Anderson, Emergency Planner, and/or Jonathan D. Hart, Assistant Director – Fire Services, Division of Emergency Services

**RECOMMENDED MOTION:**    Motion to relieve from the contract award made May 9, 2017, without prejudice, **Fail Safe Testing** of Manalapan, NJ for **Option 2A (Fire Pump Testing)** and to award to the next responsive, responsible bidder with the lowest Total Sum Bid Price of **\$12,480.00** to **FireOne, Inc.** of Drexel Hill, PA, contingent upon the company becoming registered with the Maryland Department of Assessments and Taxation and being in good standing.

**REPORT-IN-BRIEF:**        On March 14, 2017 the County issued an Invitation to Bid (ITB) for the subject services. A total of five (5) bids were received. The bid contained two (2) award options: Award for either **Option No. 1**, the lowest Total Sum Bid for all services or for **Option No. 2** to award multiple contracts to the responsive, responsible Bidder(s) who submit(s) the lowest Total Sum Bid Price for each service group (Group 2A, Group 2B, Group 2C, and Group 2D). It is the County’s intent to issue a purchase order (which shall serve as Notice to Proceed) for any awarded contract(s) on July 1, 2017 based on whichever Option was most advantageous to the County. If Option No. 1 was awarded, it was to be an “all or nothing” award. If contracts were awarded under Option No. 2, they were to be based on “all or nothing” for each Group.

The contract period is tentatively to begin July 1, 2017, with an option by the County to renew for up to two (2) additional consecutive one (1) year periods, subject to notice given by the County at least sixty (60) calendar days in advance of each period’s expiration date. If the bidder wishes to renew the contract, he/she must submit a letter of intent to the Director of Purchasing at the location designated herein at least ninety (90) calendar days prior to the expiration of each contract period. The County reserves the right to accept or reject any request for renewal and any increase in unit cost for an inspection/testing. All other terms and conditions shall remain unchanged.

The Invitation to Bid was published in the local newspaper, on the County web site, and on the State of Maryland’s “eMaryland Marketplace” web site. Twenty (20) persons/companies registered/downloaded the bid document on-line. There were two (2) companies represented at the scheduled pre-bid conference.

Original contract awards were made on May 9, 2017 as follows:

<b><u>Option No.</u></b>	<b><u>Vendor</u></b>	<b><u>Total Sum Bid Price for Group</u></b>
Option 2A	<b>Fail Safe Testing</b> Manalapan, NJ	<b>\$10,800.00</b>
Option 2B & 2C	<b>Waterways of Southwest, PA</b> Bethel Park, PA	<b>\$28,440.00 (2B)</b> <b>\$3,778.90 (2C)</b>
Option 2D	<b>Diversified Inspections/ITL, Inc.</b> Phoenix, AZ	<b>\$3,175.00</b>

After notice of award was provided to Fail Safe Testing for Option 2A, the Director of Purchasing received a call (and follow-up letter attached) from the company's owner that they would not be supplying a driver, as required by the bid document, for performing the testing. Though this was not noted in the "Remarks/Exceptions" portion on the Form of Proposal, there were attachments that appeared to be "company literature" that included the following sentence with regard to Pump Testing: "Customer will be responsible to have a driver available on day of testing." Since this statement is contrary to the specifications' requirements contained in the bid document, Fail Safe Testing is considered non-responsive and it is recommended that they be relieved from the contract award without prejudice.

**DISCUSSION:** N/A

**FISCAL IMPACT:** Funds in the amount of \$98,500 were requested in the Fire Operations FY'18 budget (Account 515270-10-11525) for these services. Remaining budgeted funds are for the testing/certification of other necessary equipment.

**CONCURRENCES:** Director of the Division of Emergency Services

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Letter from Fail Safe Testing dated May 15, 2017

**AUDIO/VISUAL NEEDS:** N/A



May 15, 2017

To Whom It May Concern:

Please be aware that Fail Safe Testing is not able to accept to the bid for the Fire Pump Testing/Inspection (Option No. 2, Group 2A). We are not able to provide a driver to the test sites and therefore cannot complete the work as required.

Sincerely,

Tony Bautista

President