

BLUEPRINT INTERGOVERNMENTAL AGENCY 2000

Agenda Item

SUBJECT/TITLE: Capital Circle Northwest/Southwest: South of US 90 to North of Orange Avenue – Staff Report	
Date: May 21, 2012	Requested By: Blueprint 2000 Staff
Contact Person: Wayne Tedder	Type of Item: Discussion

STATEMENT OF ISSUE:

The purpose of this Agenda Item is to update the Intergovernmental Agency (IA) on the status of the bid award for the Capital Circle NW/SW (N2) project. At the IA meeting on April 16, 2012, the IA expressed interest in receiving additional information prior to the Intergovernmental Management Committee (IMC) awarding the contract to the apparent low bidder. Due to the extremely close responses to the Invitation For Bid (IFB) Staff has reviewed, in detail, all aspects of the responses in order to ensure that their recommendation to the IMC complies with all requirements of the applicable Blueprint 2000, FDOT and Federal procurement guidelines. This Agenda Item addresses all issues raised to date and recommends that the IA accept Staff's status report.

SUPPLEMENTAL INFORMATION:

A. Contractor's Bid and Proposed DBE Participation on IFB 0041-12-ER-BC

Firm	Bid	Proposed DBE Participation
Anderson Columbia Co., Inc.	\$56,686,196.25	4.4%
M of Tallahassee, Inc.	\$56,860,272.74	10.27%
C.W. Roberts Contracting, Inc.	\$58,558,189.78	0%

A complete summary of the bid responses is included as Attachment A.

B. MBE/DBE participation on Blueprint 2000 Projects

The IA has emphasized that MBE/DBE participation on Blueprint 2000 projects is important. Normally, Blueprint 2000's contracts require MBE participation of 15.5% for design and 21% for construction. MBE firms can be certified through either the City of Tallahassee or Leon County. Below is a summary of Blueprint 2000's MBE/DBE participation on all projects to date.

MBE/DBE Participation on Blueprint Projects*	Required MBE/DBE	Actual MBE/DBE
Design	15.5%	17.58%
Construction	21%	22.39%
Combined (Design & Construction)		20.55%

*As of March 2012. See Attachment B for more detailed information.

However, there have been projects in which Blueprint 2000 has modified its MBE requirements in order to receive State or Federal funding. These modifications may have involved: substituting FDOT DBE requirements for local MBE requirements; reducing the required participation percentages; or, changing the participation to a goal instead of a requirement. In such cases where the MBE requirements have been modified, Staff has advised the IA of the change.

Because Blueprint 2000 has received Federal dollars for this project, Blueprint 2000 cannot utilize local preference requirements and must follow Federal procurement guidelines for this project. Therefore, Invitation For Bid (IFB) 0041-12-ER-BC for the Capital Circle NW/SW project stated: “Blueprint 2000 will follow FDOT’s DBE race neutral program for this project. Blueprint 2000 has reviewed this project and has assigned a **10% DBE Availability Goal**. Although not a contract requirement, Blueprint 2000 believes that this DBE percentage can realistically be achieved on this project based on the number of DBE’s associated with the different types of work that will be required.”... This statement is based on actual DBE performance on Blueprint 2000 projects even when Federal funds have been received.

Based on the rather low DBE participation rate (4.4%) provided by the apparent low bidder (Anderson Columbia Co., Inc.), the Intergovernmental Management Committee (IMC) raised issue with this response as it appeared to be non-responsive to the IFB. On April 12, 2012, the IMC sent a letter to Mr. Tommy Barfield, FDOT District 3 Secretary, asking the FDOT to review the proposed 4.4% DBE participation by Anderson Columbia to determine if the firm is non-responsive in meeting the FDOT DBE goals (see Attachment C). On May 9, 2012, Secretary Barfield replied via email ...“the Department would not consider the bid to be non-responsive because the percentage is a guide, rather than a contract requirement. Further, please note that federal regulations may mandate that funds be removed from projects in which the guidelines discussed above is made a contract requirement.”... (see Attachment D)

C. Correspondence with FDOT regarding sub-contractors

A second issue was raised by Blueprint 2000 Staff. Information provided by the apparent low bidder did not appear to include a qualified contractor for the landscaping component of the project. Blueprint 2000 requested, and Anderson Columbia Co., Inc. responded with, a list of subcontractors who would perform the required work classes (which included the Landscaping component) (see Attachment E). However, their original bid submittal did not include the referenced sub-contractor that was subsequently provided by the contractor.

To ensure that Blueprint 2000 is complying with all applicable FDOT procurement policies, on May 2, 2012, Mr. Wayne Tedder sent a letter to Mr. Phillip Gainer, FDOT District 3 Director of Transportation Operations, asking if FDOT procurement policies allow the inclusion of additional contractors (not referenced in the bid response) to provide the work classes requiring prequalification (see Attachment F). On May 9, 2012, Mr. Gainer replied ...“our bidding documents do not require a contractor to submit a complete list of sub-contractors with their bid”...and ...“The Department establishes the work mix based on quantities and pay items and determines if the contractor has the pre-qualification work classes to perform at least 50% of the work.”... (see Attachment G).

D. Construction/CEI Funding

Below is a listing of all funding sources provided for the subject project.

Source	Funding
Blueprint 2000	\$34,790,909
FDOT/FHWA	\$22,949,635
COT Underground Utilities	\$3,747,725
Leon County Public Works	\$500,000
Total	\$61,988,269

As noted in the above table, over 1/3 of the funding for this project is provided by FDOT and/or FHWA; thus, to avoid the loss of these funds, use of FDOT's and/or FHWA's interpretation of the contract requirements is required.

E. Summary

Based on the issues identified by Staff and the responses provided by the Florida Department of Transportation, Staff is recommending that the IMC award the bid to Anderson Columbia Co., Inc., as they are the lowest responsive bidder to IFB 0041-12-ER-BC.

OPTIONS:

Option 1: Accept Staff report

Option 2: Do not accept Staff report

Option 3: Board Guidance

RECOMMENDED ACTION:

Option 1: Accept Staff report

TCC and CAC Action:

No action requested from the Committees. The CAC was advised of the bids at their April 5, 2012, meeting.

ATTACHMENT(S):

Attachment A – Summary of Bid Responses

Attachment B – Summary of MBE/DBE Participation on Blueprint 2000 Projects

Attachment C – Letter from Vincent S. Long and Anita Favors Thompson to Tommy Barfield

Attachment D – Response from Tommy Barfield to Vincent S. Long and Anita Favors Thompson

Attachment E – Response from Anderson Columbia Co., Inc.

Attachment F – Letter from Wayne Tedder to Phillip Gainer

Attachment G – Response from Phillip Gainer to Wayne Tedder

IFB 0041-12-ER-BC

FPID 415782-7-58-01 and FPID 415782-8-58-01

Firm	Anderson Columbia	M Inc.	CW Roberts
Raw Bid	\$56,686,196.25	\$56,860,272.74	\$58,558,189.78
Difference	\$0.00	\$174,076.49	\$1,871,993.53

Firm	Anderson Columbia	M Inc.	CW Roberts
Raw Bid	\$56,686,196.25	\$56,860,272.74	\$58,558,189.78
COT Underground Utility			
Bid Sheet 16	\$2,130,150.28	\$2,498,624.55	\$2,823,506.00
Bid Sheet 17	\$1,517,575.57	\$1,548,714.10	\$1,390,540.00
Bid Sheet 18	\$228,606.65	\$318,097.52	\$331,974.00
COT Total	\$3,876,332.50	\$4,365,436.17	\$4,546,020.00
Adjusted Bid (Without COT)			
	\$52,809,863.75	\$52,494,836.57	\$54,012,169.78
Difference	\$315,027.18	\$0.00	\$1,517,333.21

**MBE/DBE PARTICIPATION
BLUEPRINT PROJECTS
as of March, 2012
(Summary)**

3/30/2012	MBE/DBE					
	Required %	Required Amount by Contract*	Total Contract Billed to Date	MBE/DBE Billed to Date	MBE/DBE % to Date	Total Contract Amt
GEC	15.5	\$4,435,535	\$25,284,120	4,148,237	18.32%	28,616,357
CCNW/SW N-2 (Design)	15.5	\$951,050	\$5,969,452	1,392,062	23.32%	6,135,804
CCSW W-1** (Design)	13.55	\$369,705	\$2,660,658	329,966	12.40%	2,728,449
CCSE E-3 (Design)***	15.5	\$154,403	\$996,152	158,899	15.95%	996,152
CCSE E-3 (Design)	10.0	\$74,795	\$680,034	84,773	12.47%	747,949
CCSE E-3 (Constr.)	10.0	\$843,551	\$4,606,074	335,453	7.28%	8,435,513
CCSE E-2 (Design)	15.5	\$249,839	\$1,611,868	438,171	27.18%	1,611,868
CCSE E-2 (Constr.)	21.0	\$3,820,086	\$18,190,884	4,605,010	25.31%	18,190,884
CCSE E-1 (Design)	15.5	\$319,943	\$2,064,150	371,669	18.01%	2,064,150
CCSE E-1 (Constr.)	21.0	\$7,920,180	\$37,715,142	8,322,787	25.17%	37,715,142
CCT-2 (Design)****	15.5	\$612,148	\$3,937,590	667,730	20.00%	3,949,345
CCT-2 (Constr.)	21.0	\$5,124,104	\$15,102,641	3,665,361	19.69%	24,400,496
CCT-3&4 (Design)	15.5	\$434,911	\$2,535,212	518,105	20.44%	2,805,876
Franklin Blvd. (Design)	10.0	\$97,010	\$851,424	85,991	10.10%	970,099
CCT Ped. Bridge (Design)	15.5	\$46,469	\$260,779	41,035	15.74%	299,800
Total		\$25,453,730	\$122,466,179	25,165,249	20.55%	139,667,883

20.55% represents combination of
design and construction

17.58% MBE/DBE % design only

22.39% MBE/DBE % construction only

* Based on Current Authorizations and/or Contracts, Subject to Change

** Proposed reallocation of \$125,710.84 from MBE/DBEs to Prime; incl. Scope Deletions and Specialty Work.

*** Original design contract with URS (taking plans to 60% complete)

**** Carr Lynch and Sandell's contract not included in MBE calculations



April 12, 2012

Mr. Tommy Barfield, FDOT District 3 Secretary
FDOT District 3 Office
1074 Highway 90
Chipley, FL 32428

RE: FPID 415782-7-58-01 & FPID 415782-8-58-01

Dear Sir,

As you are aware, Blueprint 2000 has received bids for the referenced projects. The apparent low bidder was Anderson Columbia. Just behind Anderson Columbia was M inc. of Tallahassee. While both of these companies were very close in relation to costs (\$174,076.49 difference for an approximate \$56 million project), there was a significant difference between their Disadvantaged Business Enterprise (DBE) participation levels. A fundamental objective of the Blueprint 2000 program as approved by the Tallahassee City Commission and the Leon County Board of County Commissioners is to have significant disadvantage/minority business participation (MBE/DBE) in all aspects of Blueprint 2000 projects.

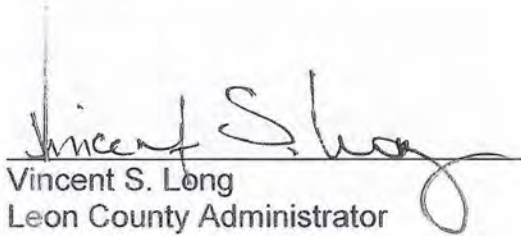
Blueprint 2000's MBE/DBE participation goal for construction is 20%. To date, Blueprint projects have had an average MBE/DBE participation of 22.59% on all construction projects which also includes State roadway projects. Based on our local experience, the Invitation for Bid (IFB) stated the following:

"Blueprint 2000 will follow FDOT's DBE race neutral program for this project. Blueprint 2000 has reviewed the project and has assigned a 10% DBE Availability Goal. Although not a contract requirement, Blueprint 2000 believes that this DBE percentage can realistically be achieved on this project based on the number of DBE's associated with the different types of work that will be required. "

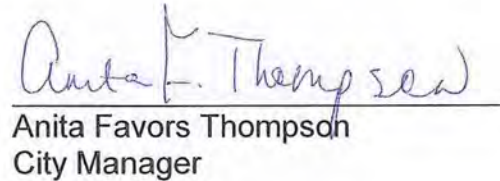
Additionally, it is our understanding that the Federal DBE goal for the current fiscal year is 8.6% and the State is currently achieving a 10.71 % DBE participation. As you are aware Anderson Columbia has submitted a bid with a total DBE participation of 4.4% while M inc. has submitted a bid with 10.27% DBE participation. Lastly, for FDOT's reporting period 10/01/2010 to 09/30/2011, Anderson Columbia has received a "D" grade from FDOT with a 2.28% DBE participation rate. It is obvious that Anderson

Columbia has made little effort to capture DBE participation levels that can, obviously, be achieved in our local market as demonstrated by past performances. Based on the Federal DBE goals, the submittals received and what we know the local market can provide, we believe Anderson Columbia may be non-responsive to this critical component of the bid. However, we do not wish to jeopardize the significant FDOT funding contributed toward this project. Therefore, we respectfully request your review of this component of the bid before final award is made.

Sincerely,



Vincent S. Long
Leon County Administrator



Anita Favors Thompson
City Manager

cc: Chairman Bryan Desloge, Intergovernmental Agency Chair
Leon County Board of County Commissioners
Mayor and City Commissioners
Wayne Tedder, Director of PLACE

From: [Vickery, Greg](mailto:Vickery.Greg)
To: longv@leoncountyfl.gov; [Favors, Anita](mailto:Favors.Anita); anita.favors.thompson@talgov.com
Cc: DeslogeB@leoncountyfl.gov; [Barfield, Tommy](mailto:Barfield.Tommy); [Gainer, Phillip](mailto:Gainer.Phillip); [Henderson, Samuel](mailto:Henderson.Samuel); [Potter, Steve](mailto:Potter.Steve); [Corbin, Gabriella](mailto:Corbin.Gabriella); [Paulk, Bryant](mailto:Paulk.Bryant); [Satter, Ian](mailto:Satter.Ian); [Yoder, Ralph](mailto:Yoder.Ralph); [Tedder, Wayne \(COT\)](mailto:Tedder.Wayne)
Subject: FPID 415782-7-58-01 & FPID 415782-8-58-01 (12-04713)
Date: Wednesday, May 09, 2012 1:06:22 PM

Florida Department of Transportation
District Three Administration Building
Office of the District Secretary
Post Office Box 607
Chipley, Florida 32428-0607

May 9, 2012

Mr. Vincent S. Long
County Administrator
Leon County Board of County Commissioners
301 South Monroe Street
Tallahassee, Florida 32301

Ms. Anita Favors Thompson
City Manager
City of Tallahassee
300 South Adams Street
Tallahassee, Florida 32301

Subject: FPID 415782-7-58-01 – S.R. 263 (Capital Circle) from north of S.R. 20 to south of S.R. 10 (U.S. 90)
FPID 415782-8-58-01 – S.R. 263 (Capital Circle from north S.R. 371 (Orange Avenue) to north of S.R. 20 (Blountstown Highway))

Dear Ms. Thompson and Mr. Long:

This letter is in response to your letter of April 12, 2012 concerning the selection process for the referenced projects. The projects are the subject of a Local Agency Program (LAP) agreement (AQJ62) with the Department that provides for federal reimbursement of eligible costs. You believe that the bid of the apparent low bidder may be non-responsive because the Disadvantaged Business Enterprise (DBE) participation percentage submitted with its bid is lower than Blueprint's DBE availability goal for the projects. You have requested the Department's review before final award.

Both Blueprint 2000 and the Department are committed to DBE participation in contract work. As you are probably aware, the policy of the Department ([Topic No. 001-275-015-k](#)) is that: "The Department, its grant recipients, contractors, consultants, and suppliers shall take all necessary and reasonable steps to ensure that disadvantaged business enterprises have an opportunity to compete for and perform the contract work of the Department in a nondiscriminatory environment." In carrying out this policy, the Department has included the following in its LAP agreements: "It is the policy of the Department that DBE's, as defined in 49 C.F.R. Part 26, as amended, shall have the opportunity to participate in the performance of contracts financed in whole or in part with Department funds under this Agreement. The DBE requirements of applicable federal and state laws and regulations apply to this Agreement."

Importantly, the LAP Manual (which is incorporated in all LAP agreements) provides that: “Th[e] DBE availability goal percentage is not a fixed contract requirement. It is a guide to inform the contractor of the work that could reasonably be contracted to a DBE.” The language concerning the 10 percent DBE Availability Goal in Blueprint’s invitation for bid quoted in your letter is aligned with this provision.

If the Department were considering a bid under the circumstances you related in your letter, the Department would not consider the bid to be non-responsive because the percentage is a guide, rather than a contract requirement. Further, please note that federal regulations may mandate that funds be removed from projects in which the guideline discussed above is made a contract requirement.

If you have further questions regarding this matter, please contact Mr. Phillip Gainer, P.E., Director of Transportation Operations, at 850-415-9214 or via e-mail at phillip.gainer@dot.myflorida.com.

Sincerely,

/s/ James T. Barfield

James T. Barfield, P.E.
District Secretary

Handled by:
Greg Vickery
District Communications Coordinator
Florida Department of Transportation
District 3 Administration Building
Office of the District Secretary
Post Office Box 607, Chipley, Florida 32428
850-415-9529
greg.vickery@dot.myflorida.com


ANDERSON COLUMBIA CO., INC.

2316 Highway 71 • Marianna, FL 32448
 (850) 526-4440 • Fax (850) 526-7106

April 20, 2012

Mr. Wayne Tedder
 Director PLACE (Planning, Land Management and Community Enhancement)
 Blueprint2000
 2727 Apalachee Parkway, Suite 200
 Tallahassee, FL 32301

RE: Invitation for Bid No. 0041-12-ER-BC, Capital Circle NW/SW

Dear Mr. Tedder,

This letter is in response to your correspondence dated April 19, 2012 regarding evidence of qualifications. Anderson Columbia Co., Inc. (ACCI) respectfully submits the following:

Per the attached Certification of Qualification issued by FDOT on May 26, 2011 and valid through 6/30/2012, Anderson Columbia is qualified to self-perform the following:

- 7. Drainage
- 9. Fencing
- 10. Flexible Paving
- 11. Grading
- 12. Grassing, Seeding and Sodding
- 13. Guardrail
- 15. Hot Plant - Mixed Bitum Course
- 17. Intermediate Bridges that contain none of the types of construction listed under Major Bridges and span lengths exceeding 50-feet
- 38. Roadway Signing

ACCI will sub-contract the remaining classes of work to qualified sub-contractors, certificates also provided:

Ingram Signalization

- 8. Electrical Work
- 16. Intelligent Transportation Systems contractor Additional Experience
- 39. Traffic Signal

C.W. Roberts Contracting Inc.

- 18. Landscaping contractor Additional Experience

Ogelsby Construction Inc.

- 28. Pavement Marking

As further evidence, ACCI is currently constructing two lane to divided four lane highways at SR79 in Vernon, FL (FDOT Contract T3089) and SR87 in Navarre, FL (FDOT Contract T3042). ACCI is constructing the bridges over CSX Railroad tracks on the SR281 Avalon Blvd (FDOT Contract T3349). ACCI's capability to self-perform both roadway and bridge work uniquely qualifies us to perform this project for Blueprint2000.

Please feel free to contact me if you have any questions or require additional documentation.

Sincerely,


 Eugene Strickland
 Vice President
 Anderson Columbia Co., Inc.

RECEIVED

APR 20 2012

BLUEPRINT2000



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

May 26, 2011

ANDERSON COLUMBIA CO., INC.
871 NW GUERDON ST
LAKE CITY FL 32055

RE: CERTIFICATE OF QUALIFICATION

Dear Sir/Madam:

The Department of Transportation has qualified your company for the amount and the type of work indicated below. Unless your company is notified otherwise, this rating will expire 6/30/2012. However, the new application is due 4/30/2012.

In accordance with S.337.14 (1) F.S. your next application must be filed within (4) months of the ending date of the applicant's audited annual financial statements and, if applicable, the audited interim financial statements. Section 337.14 (4) F.S. provides that your certificate will be valid for 18 months after your financial statement date. This gives a two month period to allow you to bid on jobs as we process your new application for qualification. To remain qualified with the Department, a new application must be submitted subsequent to any significant change in the financial position or the structure of your firm as described in Section 14-22.005(3), Florida Administrative Code.

Your company's maximum capacity rating has been established. To access it, please log into the Contractor Prequalification Application System via the following link:

<https://www3.dot.state.fl.us/ContractorPreQualification/>

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

FDOT APPROVED WORK CLASSES:

DEBRIS REMOVAL (EMERGENCY), DRAINAGE, FENCING, FLEXIBLE PAVING, GRADING, GRASSING, SEEDING AND SODDING, GUARDRAIL, HOT PLANT-MIXED BITUM. COURSES, INTERMEDIATE BRIDGES, MAJOR BRIDGE - BRIDGES OF CONVENTIONAL CONSTRUCTION WHICH ARE OVER A WATER OPENING OF 1,000 FEET OR MORE, MAJOR BRIDGE - CURVED STEEL GIRDERS, MAJOR BRIDGE - MULTI-LEVEL ROADWAYS, MAJOR BRIDGE - STEEL TRUSS CONSTRUCTION, MINOR BRIDGES, PORTLAND CEMENT CONCRETE, R&R INTERMEDIATE BRIDGES, R&R MINOR BRIDGES, ROADWAY SIGNING

FDOT APPROVED SPECIALITY CLASSES OF WORK:

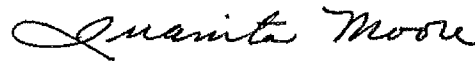
UTILITY WORK.

ANDERSON COLUMBIA CO., INC.
May 26, 2011
Page two

Please be advised the Department of Transportation has considered your company's qualification in all work classes requested. We have evaluated your company's organization, management, work experience, work performance and adequacy of equipment as directed by section 14-22.003, Florida Administrative Code. Based on this evaluation, the Department is not able, at this time, to prequalify your company for the work classes: ELECTRICAL WORK.

You may apply, in writing, for a Revised Certificate of Qualification at any time prior to the expiration date of this certificate according to Section 14-22.0041(3), Florida Administrative Code. Please be advised if certification in additional classes of work is desired, documentation is needed to show that your company has done such work with your own forces and equipment or that experience was gained with another contractor and that you have the necessary equipment for each additional class of work requested.

Sincerely,



Juanita Moore, Manager
Contracts Administration Office

JM:cj



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

May 16, 2011

INGRAM SIGNALIZATION, INC.
4522 NORTH DAVIS HWY
PENSACOLA FL 32591

RE: CERTIFICATE OF QUALIFICATION

Dear Sir/Madam:

The Department of Transportation has qualified your company for the amount and the type of work indicated below. Unless your company is notified otherwise, this rating will expire 6/30/2012. However, the new application is due 4/30/2012.

In accordance with S.337.14 (1) F.S. your next application must be filed within (4) months of the ending date of the applicant's audited annual financial statements and, if applicable, the audited interim financial statements. Section 337.14 (4) F.S. provides that your certificate will be valid for 18 months after your financial statement date. This gives a two month period to allow you to bid on jobs as we process your new application for qualification. To remain qualified with the Department, a new application must be submitted subsequent to any significant change in the financial position or the structure of your firm as described in Section 14-22.005(3), Florida Administrative Code.

Your company's maximum capacity rating has been established. To access it, please log into the Contractor Prequalification Application System via the following link:
<https://www3.dot.state.fl.us/ContractorPreQualification/>

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

FDOT APPROVED WORK CLASSES:
COMPUTERIZED TRAFFIC CONTROL, ELECTRICAL WORK, GRASSING, SEEDING AND SODDING,
INTELLIGENT TRANSPORTATION SYSTEMS, ROADWAY SIGNING, TRAFFIC SIGNAL

FDOT APPROVED SPECIALITY CLASSES OF WORK:
NONE

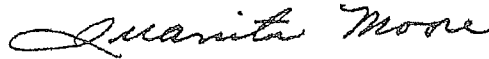
INGRAM SIGNALIZATION, INC.

May 16, 2011

Page two

You may apply, in writing, for a Revised Certificate of Qualification at any time prior to the expiration date of this certificate according to Section 14-22.0041(3), Florida Administrative Code. Please be advised if certification in additional classes of work is desired, documentation is needed to show that your company has done such work with your own forces and equipment or that experience was gained with another contractor and that you have the necessary equipment for each additional class of work requested.

Sincerely,

A handwritten signature in cursive script that reads "Juanita Moore".

Juanita Moore, Manager
Contracts Administration Office

JM:cj



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

OFFICE OF THE
SECRETARY

April 15, 2011

OGLESBY CONSTRUCTION, INC.
1600 TOLEDO ROAD RT 20 W
NORWALK OH 44857

RE: CERTIFICATE OF QUALIFICATION

Dear Sir/Madam:

The Department of Transportation has qualified your company for the amount and the type of work indicated below. Unless your company is notified otherwise, this rating will expire 6/30/2012. However, the new application is due 4/30/2012.

In accordance with S.337.14 (1) F.S. your next application must be filed within (4) months of the ending date of the applicant's audited annual financial statements and, if applicable, the audited interim financial statements. Section 337.14 (4) F.S. provides that your certificate will be valid for 18 months after your financial statement date. This gives a two month period to allow you to bid on jobs as we process your new application for qualification. To remain qualified with the Department, a new application must be submitted subsequent to any significant change in the financial position or the structure of your firm as described in Section 14-22.005(3), Florida Administrative Code.

Your company's maximum capacity rating has been established. To access it, please log into the Contractor Prequalification Application System via the following link:

<https://www3.dot.state.fl.us/ContractorPreQualification/>

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

FDOT APPROVED WORK CLASSES:
PAVEMENT MARKING

FDOT APPROVED SPECIALITY CLASSES OF WORK:
MISCELLANEOUS CONCRETE TO INCLUDE CURB, SIDEWALKS, GUTTERS, PAVED DITCHES, MEDIAN BARRIERS AND PARAPETS.

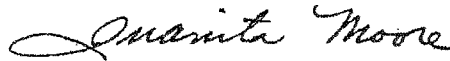
OGLESBY CONSTRUCTION, INC.

April 15, 2011

Page two

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Sincerely,

A handwritten signature in cursive script that reads "Juanita Moore".

Juanita Moore, Manager
Contracts Administration Office

JM:cj



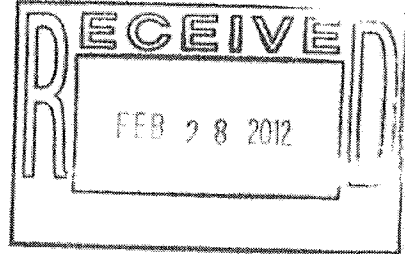
Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

February 22, 2012



ROBERTS, C.W., CONTRACTING, INC.
3372 CAPITAL CIR NE
TALLAHASSEE, FLORIDA 32308

RE: CERTIFICATE OF QUALIFICATION

Dear Sir/Madam:

The Department of Transportation has qualified your company for the amount and the type of work indicated below. Unless your company is notified otherwise, this rating will expire 3/30/2013. However, the new application is due 1/31/2013.

In accordance with S.337.14 (1) F.S. your next application must be filed within (4) months of the ending date of the applicant's audited annual financial statements and, if applicable, the audited interim financial statements. Section 337.14 (4) F.S. provides that your certificate will be valid for 18 months after your financial statement date. This gives a two month period to allow you to bid on jobs as we process your new application for qualification. To remain qualified with the Department, a new application must be submitted subsequent to any significant change in the financial position or the structure of your firm as described in Section 14-22.005(3), Florida Administrative Code.

Your company's maximum capacity rating has been established. To access it, please log into the Contractor Prequalification Application System via the following link:
<https://www3.dot.state.fl.us/ContractorPreQualification/>

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

FDOT APPROVED WORK CLASSES:

DEBRIS REMOVAL (EMERGENCY), DRAINAGE, FENCING, FLEXIBLE PAVING, GRADING, GRASSING, SEEDING AND SODDING, GUARDRAIL, HOT PLANT-MIXED BITUM. COURSES, INTERMEDIATE BRIDGES, LANDSCAPING, MINOR BRIDGES, PORTLAND CEMENT CONCRETE ROADWAY PAVING

FDOT APPROVED SPECIALITY CLASSES OF WORK:

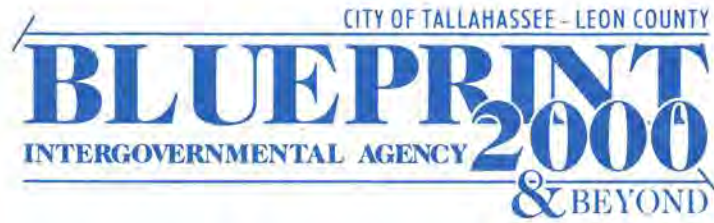
NONE

You may apply, in writing, for a Revised Certificate of Qualification at any time prior to the expiration date of this certificate according to Section 14-22.0041(3), Florida Administrative Code. Please be advised if certification in additional classes of work is desired, documentation is needed to show that your company has done such work with your own forces and equipment or that experience was gained with another contractor and that you have the necessary equipment for each additional class of work requested.

Sincerely,

Juanita Moore, Manager
Contracts Administration Office

JM:cj



May 2, 2012

Phillip Gainer
Florida Department of Transportation District 3
1074 Highway 90
Chipley, FL 32428

RE: FPID 415782-7-58-01 and FPID 415782-8-58-01

Mr. Gainer,

In order for the referenced bid to be awarded, I need to ensure that I am complying with all applicable FDOT procurement policies. As you are aware there is a very small difference between the two lowest bids received for the referenced projects. In the event that any bid challenges are received, I want to be able to assure the Intergovernmental Management Committee (IMC – City Administrator and County Manager) that my recommendation to them for awarding the bid to the lowest responsive bidder has been carefully scrutinized and is supported by all of the facts and policies of FDOT and Blueprint 2000. I have completed my review and have found one remaining issue that I feel can best be addressed by FDOT as it may relate to your requirements for the bidding process.

Section 1.0 of the Invitation for Bid (IFB) states in part:

“The Prime Contractor and sub-contractor(s), collectively, must be pre-qualified in all of the following Classes of Work (as detailed in Florida Administrative Code Rule 14-22.003):

7. *Drainage*
8. *Electrical Work*
9. *Fencing*
10. *Flexible Paving*
11. *Grading*
12. *Grassing, Seeding and Sodding*
13. *Guardrail*

14. *Hot Plant – Mixed Bitum. Course*
15. *Intelligent Transportation Systems Contractor Additional Experience*
16. *Intermediate Bridges that contain none of the types of construction listed under Major Bridges and span lengths exceeding 50 feet*
18. *Landscaping Contractor Additional Experience*
28. *Pavement Marking*
38. *Roadway Signing*
39. *Traffic Signal*

A prequalified contractor must have a current certificate of qualification in accordance with Rule Chapter 14-22, F.A.C. by the closing date for the submittal of this IFB. Prime contractor and sub-contractors must be pre-qualified in the work group(s) in which they are performing work. Any special qualification by FDOT for this project alone is not acceptable.”

In a related matter and subsequent to the release of the IFB, Addendum 6 was provided to all contractors in which the third bid responder requested clarification of the pre-qualification requirements. Specifically, CW Roberts asked: “Does a bidder have to be prequalified with FDOT in the minor or intermediate bridge classification since the bridge work is a major work item of the project?” Blueprint’s response was “The Prime Bidder/Contractor does not have to be prequalified in minor or intermediate bridges as long as the Sub-contractor performing the work is qualified in these items.”

While it was the intent of Blueprint to request that all qualified prime contractors and subcontractors be identified prior to the closing of the IFB, it can be argued that the IFB did not make this request clear. However, M, Inc. appears to have understood the intent and listed all contractors included in their bid documents, the services they (contractors and subcontractors) would provide, and the qualification status of each within their respective work group. In contrast, neither Anderson Columbia nor CW Roberts provided a listing of specific qualified contractors who would be performing work in the various work classes. Additionally, all three bidders included Anticipated DBE Participation Statements and Construction Contractors Bid Opportunity Lists for all DBE contractors anticipated to perform work and all contractors that have expressed an interest in teaming with the Prime contractor.

Phillip Gainer
May 2, 2012
Page 3 of 3

Reviewing the entire bid submittal, including the Anticipated DBE Participation Statements and Construction Contractors Bid Opportunity Lists, Blueprint has concluded that there were no FDOT qualified subcontractors listed in Anderson Columbia's response to the IFB for the landscaping work group (18. Landscaping Contractor Additional Experience). Subsequent to the bid response, Blueprint requested that the apparent low bidder, Anderson Columbia, provide a list of the contractors who will be performing the work on the project. Anderson Columbia responded with a list of four contractors and subcontractors: Anderson Columbia, Ingram Signalization, Ogelsby Construction Inc. and CW Roberts. CW Roberts was identified as the FDOT qualified subcontractor who would perform the Landscaping. CW Roberts, however, was not included in any of Anderson Columbia's original bid response materials. Specifically, Anderson Columbia's DBE Participation Statements and Construction Contractors Bid Opportunity Lists did not list CW Roberts.

At issue is whether FDOT procurement policies allow for the use of a sub-contractor that was not included in the original bid submittal documents. If FDOT procurement policies allow the inclusion of additional contractors (not referenced in the bid response) to provide the work classes requiring prequalification, then I will be recommending that Anderson Columbia be awarded the bid. As FDOT and Blueprint 2000 are eager to move this project forward, I look forward to a quick response.

Thank you in advance for your assistance and continued partnership.

Sincerely,



Wayne Tedder, Director of PLACE
Planning, Land Management and Community Enhancement



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1074 Highway 90
Chipley, Florida 32428

ANANTH PRASAD, P.E.
SECRETARY

May 9, 2012

Mr. Wayne Tedder, Director
Department of PLACE
Blueprint 2000
2727 Apalachee Parkway, Suite 200
Tallahassee, Florida 32301

RE: S.R. 263 (Capital Circle) from North of S.R. 20 to South of S.R. 10 (U.S. 90) and
S.R. 263 (Capital Circle) from North of S.R. 371 (Orange Avenue) to North of
S.R. 20 (Blountstown Highway)
Financial Project Identification Numbers: 415782-7-58-01 and 415782-8-58-01

Dear Mr. Tedder:

I have received your letter dated May 2, 2012 concerning the referenced projects. In particular, your inquiry concerned Florida Department of Transportation procurement policies allowance of sub-contractor services.

As to whether the Department's procurement policies allow for the use of a sub-contractor that was not included in the original bid documents, our bidding documents do not require a contractor to submit a complete list of sub-contractors with their bid. Sub-contractors are subject to approval of the Department in accordance with section 8-1 of the Standard Specifications for Road and Bridge Construction. The contractor must submit a written request to sublet work as prescribed and is subject to Department approval. All sub-contracts are to be executed to include all pertinent provisions and requirements of the Contract.

As to whether the Department's procurement policies allow the inclusion of additional contractors not referenced in the bid response to provide the work classes requiring prequalification, the Department prequalifies contractors prior to issuance of the bidding documents when pre-qualification is required. The Department establishes the work mix based on quantities and pay items and determines if the contractor has the pre-qualification work classes to perform at least 50% of the work. If the contractor has that level of pre-qualifications and the capacity to bid, they are issued bidding documents and are allowed to bid.

Additionally, the Bidder Opportunity List is required to be submitted when there are new firms who were contacted during that particular procurement. It is not intended to be a

Mr. Tedder
May 9, 2012
Page 2

complete list of all firms contacted nor a list of firms who are participating in the work being bid, it is merely a list of any firm who is attempting to obtain work on Department contracts. The DBE Anticipated Participation Statement is required to be submitted at the pre-work conference for Department contracts. This form and proposed participation is an estimate and can be modified during the course of the contract. Contractors are encouraged throughout the contract to seek opportunities to support the DBE program.

If you need further information, you may contact Richard Norris, District Professional Services Manager, at (850) 415-9366 or via email at richard.norris@dot.myflorida.com. You may also contact me at (850) 415-9214 or via email at phillip.gainer@dot.myflorida.com.

Sincerely,



Phillip Gainer
District Director of Transportation Operations