

TRANSMITTED VIA E-MAIL: ed@ezcaulkingandwaterproofing.com
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February 22, 2019

Edward Zubik
EZ Caulking & Waterproofing, Inc.
4100 North Powerline Road, Suite P6
Pompano Beach, Florida 33073

RE: Protest Filed Pursuant to Award Recommendation on Invitation to Bid (ITB) 2018-232-ZD for Waterproofing – Traffic Coating Services for Parking Garage Decks at the 12th, 16th, 17th Street 1755 Meridian Avenue Garages (Individual Projects).

Dear Mr. Zubik:

The City has reviewed the protest filed by EZ Caulking & Waterproofing, Inc. ("EZ Caulking"), received on February 10, 2019 and subsequently amended by EZ Caulking on February 12, 2019, pursuant to the award recommendation by the City Manager on the above-referenced ITB. It appears that EZ Caulking's grounds for the filing of the protest is based on the assumption that the recommended bidders for Bid Location 1 (17th Street), Bid Location 2 (12th Street), and Bid Location 3 (16th Street) have not complied with the specifications of the ITB. After the review of the particulars upon which the protest has been filed, the City denies the protest and, in support thereof, finds as follows.

With regard to Bid Location 1, EZ Caulking has requested proof that the lowest responsive, responsible bidder recommended for award has provided a warranty in accordance with the ITB requirements. While, EZ Caulking is correct that the ITB does require the bidder to maintain a 10-year warranty for labor and materials, said requirement is a condition of the contract rather than a submittal requirement. Further, EZ Caulking has requested that the City confirm that the recommended bidder has included the removal of the existing coating. Here again, while the ITB requires the Contractor to comply with all requirements and specifications of the ITB, said requirement is a condition of the contract rather than a submittal requirement. Notwithstanding, the City has confirmed that the recommended bidder does comply with the removal requirement.

With regard to Bid Locations 2 and 3, EZ Caulking alleges that the bidders are not in compliance with the millage requirements for the application of the specified materials as stated in the ITB. In fact, the City has confirmed that both recommended bidders are in compliance with the bid specifications.

Therefore, after review of the particulars upon which the EZ Caulking protest has been filed, the City hereby denies EZ Caulking's protest. Further, as set forth in the Section 2-371 of the City Code (the City's Bid Protest Ordinance) and, specifically, Section 2-371(e) thereof, the City Manager and City Attorney's determination with regard to issues of responsiveness shall be binding upon the parties to the protest.

*INVITATION TO BID (ITB) 2018-232-ZD Waterproofing- Traffic Coating Services for Parking Garage
Decks at the 12th, 16th, 17th Street, And 1755 Meridian Avenue Garages (Individual Projects).*

You may appeal my decision by filing an original action in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, in accordance with the applicable court rules. Any action not brought in good faith shall be subject to sanctions including damages suffered by the City and attorney's fees incurred by the City in defense of such wrongful action.

Thank you,



Jimmy L. Morales
City Manager

C: Mayor Dan Galber
Members of the City Commission
Raul Aguila, City Attorney
Alex Denis, Procurement Director