



VIA EMAIL AND U.S. MAIL

July 25, 2018

Ms. Martha Morgan, President
West Construction, Inc.
820 North 4th Street
Lantana, FL 33462

Subj: ITBC No. 2018-009, SW Neighborhood Alleys, Project 17-103

Ms. Morgan:

The City of Delray Beach Purchasing Policies and Procedures Manual (PPM) establishes guidelines to make responsiveness and responsibility determinations. A responsible bidder is a bidder which the City affirmatively determines (prior to award of a contract) has the ability, capability and skill to perform under the terms of the contract; can provide the materials or service promptly within the time specified, without delay or interference; and has a satisfactory record of integrity and business ethics.

In making a responsibility determination, the City may consider factors including, but not limited to the bidder's previous conduct under other contracts, its capacity to perform the work, the quality of its previous work and the business integrity to ensure good-faith performance.

On November 7, 2017, the City entered into agreement with West Construction, Inc. (WCI) to provide goods and services in accordance with the City's Invitation to Bid Construction 2017-038, Atlantic Dunes Pavilion and Deck. From the inception of the contract award, WCI provided unacceptable performance under the terms of the agreement. WCI demonstrated a lack of integrity when it threatened to "walk off" of the Atlantic Dunes project as well as others when Change Proposal Request (CPR) #003 was initially denied. Under protest, the City ultimately approved CPR #003. Additionally, on June 7, 2018 the City issued a Stop Work Notice to WCI for using 304 stainless steel bolts in lieu of 316 stainless steel bolts.

Accordingly, it is self-evident that WCI should not be awarded another contract based on the quality of its current and previous work.

As WCI works with the City to remedy the issues with Atlantic Dunes Pavilion & Deck Project No. 17-057, the City finds WCI non-responsible for the aforementioned solicitation.

Therefore, in accordance with the City's PPM, WCI is deemed not responsible to perform work for Invitation to Bid Construction 2018-009, SW Neighborhood Alleys.

If you have any questions, please contact the Purchasing Department at 561-243-7129 or via email at alvarezj@mydelraybeach.com.



Respectfully,

Jennifer Alvarez, CPPO
Purchasing Director

Max Lohman
City Attorney

cc: City Manager
City Attorney
City Clerk
Solicitation File