



## Legislation Details (With Text)

**File #:** 19-101      **Version:** 1

**Type:** BID, RFP, RFQ, COOP, SOLE SOURCE, OPTION YEAR      **Status:** Failed

**File created:** 1/25/2019      **In control:** City Council

**On agenda:** 2/5/2019      **Final action:** 2/5/2019

**Title:** Waive the applicable provisions of the Naperville Procurement Code and award Bid 19-021, Police Department Flooring, to Empire Today LLC for an amount not to exceed \$51,848.15, plus a 5% contingency (Requires six positive votes)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/5/2019	1	City Council	approved	Pass
2/5/2019	1	City Council	denied	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Waive the applicable provisions of the Naperville Procurement Code and award Bid 19-021, Police Department Flooring, to Empire Today LLC for an amount not to exceed \$51,848.15, plus a 5% contingency (Requires six positive votes)

**DEPARTMENT:** Department of Public Works

**SUBMITTED BY:** Richard Dublinski, Director

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

The Police Department and the Department of Public Works - Public Building Operations (DPW-PBO) staff partnered to develop a plan to upgrade the current infrastructure to support technology needs, improve security, and conservatively update the lobby aesthetics at the Naperville Police Department. The lobby renovation project will include the installation of a door between the elevated front desk and the body of the building, electrical upgrades to support technology needs, the removal and replacement of the tile flooring and resurfacing of the front desk top and façade. All work will be performed by DPW-PBO staff except for the removal and installation of new tile.

DPW-PBO solicited Bid 19-021 to hire a contractor for the removal and installation of the tile in the Police Department vestibule, lobby, records room and press room, and the resurfacing of the lobby reception desk façade. It was the intent of the bid to award the contract to the lowest responsive and responsible bidder.

**DISCUSSION:**

Advertisement:	01/03/2019	Notices Sent:	147
Opening Date:	01/21/2019	Planholders:	12
		Bids Received:	4

The following vendors submitted bids:

Vendor	Total Base Bid
Empire Today, LLC	\$51,848.15 (non-responsive)
Apostrophe Design	\$52,645.00 (non-responsive)
Lowery Tile	\$74,000
Tiles in Style, LLC	\$75,797 (non-responsive)

The City received four responses to the bid. Per the bid document, the bidders must submit all documents requested, bid on all categories in their response and provide the product requested for installation. Three of the four vendors were determined to be non-responsive:

- Empire Today, LLC - Did not bid on one category.
- Apostrophe Design - Did not submit a bid bond.
- Tiles in Style, CC - Did not bid on all categories and offered alternative products, which were not allowed per Addendum #3.

The bid amount submitted by the Lowery Tile was substantially higher than the two non-responsive bids from Empire Today and Apostrophe Design. Bids are evaluated based upon responsiveness and responsibility. A responsive bid conforms to the material requirements of the bid whereas a responsible bidder is one who has the capability to perform the contract requirements. Although three of the four bidders were non-responsive because the submitted bids were not complete, they were all capable of performing the work.

Because of the significantly higher bid price of the lowest responsive and responsible bidder, staff is recommending waiving the applicable provisions of the Naperville Procurement Code and awarding the contract to the lowest responsible bidder, Empire Today, LLC. When City staff followed up Empire Today, LLC, the vendor explained that he misunderstood the scope of work for the vestibule during the pre-bid meeting and offered to include the category and complete all the work for the original bid price.

**FISCAL IMPACT:**

CIP #: PD015

Police Department Flooring is expensed to the building improvements account below. This work is related to PD015, PD Front Lobby Security Renovations, for which \$110,000 was borrowed in 2017. The requested award of \$51,848.15 is within the borrowed amount for this expense.

Account Number	Fund Description	Total Budget Amount
21102300-551500	Bond Fund	\$110,000

