

MEMORANDUM

TO: County Judge Sebesta and County Commissioners' Court
FROM: Daphne Lemelle
DATE: November 7, 2023
RE: Back-up for the Approval of Contract Award for The Salvation Army Fire Line

According to the CFR cited below, two or more responsible bidders must be willing to compete for the business. The first bid (bid opening May 15, 2023) that was solicited, no bids were received. The second solicitation (bid opening June 9, 2023) 2 bidders submitted bids, but the first bidder that was awarded the bid could not obtain a bond for the project. When we reached out to the other bidder, 30 days had elapsed and the pricing had changed. Therefore, we sent a third solicitation out (bid opening October 30, 2023), and only 1 bidder responded. Brazoria County Community Development Department feels they have done their due diligence in their solicitation attempts to obtain 2 competitive bidders for this project. Purchasing assisted in the bid efforts by supplying a listing of Fire Sprinkler contractors out of Bonfire which were used in the solicitations.

2 CFR 200.320(b)(1) Sealed bids. A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction contracts.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

- (A) A complete, adequate, and realistic specification or purchase description is available;
- (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

- (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder.