

#180085 Submitted

From  
Armando  
Orundy  
6/18/18

**From:** Edwin Dix <[edwin.dix@gmail.com](mailto:edwin.dix@gmail.com)>  
**To:**  
**Sent:** Wednesday, June 13, 2018, 5:11:01 PM EDT  
**Subject:** Fwd: Hearwood CRAX-180072-GD WPJ Construction Letter of Protest

----- Forwarded message -----

From: Jeffery Williams <[jeffamu@gmail.com](mailto:jeffamu@gmail.com)>  
Date: Wed, Jun 13, 2018 at 5:04 PM  
Subject: Re: Hearwood CRAX-180072-GD WPJ Construction Letter of Protest  
To: "Drymon, James D" <[drymonjd@cityofgainesville.org](mailto:drymonjd@cityofgainesville.org)>, Edwin Dix <[edwin.dix@gmail.com](mailto:edwin.dix@gmail.com)>, "Jose I. Moreno, P.A." <[jimorenolaw@gmail.com](mailto:jimorenolaw@gmail.com)>  
Cc: "Dykeman, Gayle B" <[DykemanGB@cityofgainesville.org](mailto:DykemanGB@cityofgainesville.org)>

Good Afternoon,

Please see the attached response regarding the letter sent from the City of Gainesville on June 4, 2018 at 5:15pm demanding a response by June 6, 2018 that clearly doesn't comply with the rules and regulations of the bid protest. I have also included additional attachments for reference towards my attachment, "Heartwood Protest Letter Response".

Thanks,

Jeffery Williams Jr.  
WPJ Construction LLC  
850-345-7557

On Thu, Jun 7, 2018 at 12:46 PM, Jeffery Williams <[jeffamu@gmail.com](mailto:jeffamu@gmail.com)> wrote:

>

> I'd also like to document that the protest cannot officially be rejected due to the fact that the protest period is still valid up to 5 days upon Board review. The results of this bid have not yet been approved by the board. Therefore, we are still within the protest period per the rules and regulations.

>

> Thanks

>

> On Thu, Jun 7, 2018, 12:35 PM Jeffery Williams <[jeffamu@gmail.com](mailto:jeffamu@gmail.com)> wrote:

>>

>> Good Afternoon

>>

>> This email is to inform that your stated reasons for rejection are indeed invalid. All documents reference me as the license holder, bidder, and response to the letter that was sent to me, so there is no need for a power of attorney. This information is also available on the DBPR website, as well as in my bid packet. I am also a registered vendor with the city of Gainesville that has completed projects with you all as well.

>>

>> I am currently out of the country, and will formally respond accordingly upon return. We will also continue to include our attorney in this matter as you all have excluded him from this correspondence.

>>

>> Thanks,

>>

>> Jeffery Williams

>>

>> On Mon, Jun 4, 2018, 5:15 PM Drymon, James D <[drymonjd@cityofgainesville.org](mailto:drymonjd@cityofgainesville.org)> wrote:

>>>

>>> \*\*\* PLEASE REPLY TO CONFIRM RECEIPT OF THIS NOTIFICATION \*\*\*

>>>

>>>

>>>

>>>

>>>

>>> Dear Mr. Williams,

>>>

>>>

>>>

>>> Please see the attached letter pertaining to your joint venture's bid protest. This letter contains time-sensitive information, and does require a response for your protest to remain valid. Thank you.

>>>

>>>

>>>

>>> Respectfully,

>>>

>>>

>>>

>>> J. Douglas Drymon

>>>

>>> J. Douglas (Doug) Drymon, Purchasing Manager

>>>

>>> City of Gainesville

>>>

>>> Purchasing Division

>>>

>>> P.O. Box 490

>>>

>>> Station 32

>>>

>>> Gainesville, FL 32627-0490

>>>

>>> (352) 334-5021 / (352) 334-3163 fax

>>>

>>> [DrymonJD@cityofgainesville.org](mailto:DrymonJD@cityofgainesville.org)

>>>

>>>

>>>

>>> Purchasing Office hours: 8AM to 5PM, Monday – Friday

>>>

>>> My office hours: 7AM to 6PM, Monday - Thursday

>>>

>>>

>>>

>>> Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

>>>

>>> NOTICE: This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error, then delete it. Thank you.

>>>

>>>

>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>

>>> From: Jeffery Williams [mailto:[jeffamu@gmail.com](mailto:jeffamu@gmail.com)]  
>>> Sent: Wednesday, May 30, 2018 1:01 PM  
>>> To: Drymon, James D  
>>> Cc: Edwin Dix  
>>> Subject: Hearwood CRAX-180072-GD WPJ Construction Letter of Protest

>>>  
>>>  
>>>

>>> Good Afternoon Mr. Drymond,

>>>  
>>>  
>>>

>>> We were advised to send the attached letter of protest to you. Please let us know if there are any questions.

>>>  
>>>  
>>>

>>> Thanks,

>>>  
>>>  
>>>

>>> Jeffery Williams

>>>

>>> WPJ Construction LLC





WPJ CONSTRUCTION LLC

---

5/29/2018

Williams Jr., Jeffery P.  
WPJ Construction LLC  
1271 Wyndham Pine Dr.  
Apopka, FL 32712

City of Gainesville  
200 East University Avenue  
Room 339  
Gainesville, FL 32601

RE: Letter of Protest-Home Builder Contractors for Heartwood Residential Development Bid  
No.-CRAX-180072-GD

**To Whom It May Concern:**

This protest is regarding RFP No. CRAX-1800-72-GD, Home Builder Contractors for Heartwood Residential Development:

WPJ Construction LLC hereby protests the results of the RFP based on the following items:

- The State Certified Minority Status for WPJ Construction LLC was not considered in the scoring/point system for the proposal.
- WPJ Construction's previous experience with the CRA Department regarding the success of the working relationship, as well as the outcome of the A. Quinn Jones Homestead project was not considered in the scoring/point system for the proposal. A two page document was also provided with references, indicating the relative work experience of the WPJ/ENI LLC relationship.
- WPJ Construction LLC provided a detailed 2 page document that listed projects of similar scope as described in the RFP. Also, neither bidder included every item that was noted in the RFP.

1271 Wyndham Pine Drive  
Apopka, FL 32712

WPJ Construction LLC

• • •

-WPJ Construction LLC's price proposal was approximately \$16,000 less than the winning bidder for Model 5-B, which is an overall lower per SF price for the project, and was also the only number submitted per the RFP from both bidders.

-Section IV, A. 1.0 states that one of the four stages of evaluation is Presentation/Interview Evaluation. No interview opportunity was given to either bidder to clarify any assumptions of the vague description of the solicitation requirements. Therefore, the City of Gainesville did not honor its own process by not facilitating an opportunity for an oral plea/interview.

-During the pre-bid conferences of the stated RFP, the proposed intent to the bidders included the use of (2) qualified Certified General Contractors for the project. There are only (2) qualified bidders that submitted for the stated RFP, and now, the rules have changed to only use one General Contractor. WPJ/ENI LLC possesses the financial stability to complete this project, and has provided evidence of this through the various completed projects as shown in the submitted RFP, as well as tangible results within the City of Gainesville and surrounding areas with projects of similar magnitude.

The definition of the term "bid" according to Merriam-Webster/Dictionary.com; is defined as "to offer (a certain sum) as the price that one will pay or charge." Based on this terminology that was provided by the City, between the two qualified bidders, the lowest bidder (WPJ Construction LLC), officially won the bid based on the quoted price for Model 5-B being approximately \$16,000.00 less than the other bidder.

As a qualified bidder/current vendor for the City of Gainesville CRA Program; WPJ Construction LLC hereby requests re-evaluation based on the description of what a "bid" consists of, which is the lower number, as well as the reconsideration of using (2) General Contractors as originally proposed.

WPJ Construction LLC also requests that the following be provided from the City of Gainesville:

- The exact reasoning for the disqualification of WPJ's bid.
- A copy of the scoring sheets, and breakdown of the point system.
- A copy of the other bidder's bid package.
- A copy of the meeting minutes, and/or audio recording from the evaluation meeting per the Government Bid Opening Rules and Statues.

If there are any questions, please contact us at 850-345-7557 or [jeffamu@gmail.com](mailto:jeffamu@gmail.com)

WPJ Construction LLC



*Jeffery P. Williams Jr.*

Williams Jr., Jeffery P.  
Chief Executive Officer  
WPJ Construction LLC  
CGC1518206





**CITY OF GAINESVILLE**

**GENERAL GOVERNMENT PURCHASING DIVISION**

**BID RECORD**

**BID #:** CRAX-180072-GD

**BID NAME:** Home Builder Contractors for Heartwood Residential Development

**DUE DATE:** May 16, 2018

**USER DEPARTMENT:** CRA

**NO. PLAN HOLDERS:** 11

\* BIDS OPENED BY: Raymond Johnson  
 \* BIDS WRITTEN BY: James  
 \* This is to certify that I (staff listed above) have / do not have actual or potential conflict of interest with any of the responsive proposers.

**LEGEND:** X = Received Y = Yes (blank) = nothing received/acknowledged  
 A = Acknowledged N = No

VENDORS RESPONDING	SUBMITTAL	ADD#1	ADD#2	REF	DFW	LW	LP
Jeffrey Paul Williams Jr. DBA WPJ Construction LLC	Y	A	A	X	Y	X	X
Modera Homes, LLC & Concept Companies, Inc.	Y			X	Y	X	Y

BID RECORD  HAND DELIVERED / 5/17/18 SENT TO USER DEPARTMENT 5/17/18 (DATE)  
 BIDS  HAND DELIVERED / 5/17/18 SENT TO USER DEPARTMENT 5/17/18 (DATE)  
 BIDS TO BE EVALUATED BY USER DEPARTMENT

**Local Preference:** *impact* \$

NOTES

**WITNESSES:**

**WITNESSES:**



**Gainesville.**  
Citizen centered  
People empowered

**Budget & Finance Department**

**Purchasing Division**

PO Box 490, Station 32  
Gainesville, FL 32602-0490  
(352) 334-5021  
(352) 334-3163 (fax)

VIA EMAIL: [edwin.dix@gmail.com](mailto:edwin.dix@gmail.com)

May 29, 2018

Edwin Dix  
WPJ Construction LLC  
1271 Wyndham Pine Dr.  
Apopka, FL 32712

RE: Request for Proposal #CRAX-180072-GD – Home Builder Contractors for Heartwood Residential Development

Dear Mr. Dix:

Thank you for your proposal on the above referenced project. We appreciate your time and effort in preparing the proposal that you submitted. For your information, staff is recommending intended award to Modera Homes LLC. This recommendation will be scheduled for the next available City Commission meeting to be presented for approval of the award.

Pursuant to the City's Financial Services Procedures Manual Section 41-423, the blackout period is in effect until the contract is awarded (City Commission approval). "Violation of this provision shall result in disqualification..."

Once more, thank you for your interest in doing business with the City of Gainesville. We look forward to the opportunity of working with you at some future date.

Sincerely,



Gayle Dykeman  
Senior Buyer

xc: File – 180072  
Dept





WPJ CONSTRUCTION LLC

---

5/29/2018

Williams Jr., Jeffery P.  
WPJ Construction LLC  
1271 Wyndham Pine Dr.  
Apopka, FL 32712

City of Gainesville  
200 East University Avenue  
Room 339  
Gainesville, FL 32601

RE: Letter of Protest-Home Builder Contractors for Heartwood Residential Development Bid  
No.-CRAX-180072-GD

**To Whom It May Concern:**

This protest is regarding RFP No. CRAX-1800-72-GD, Home Builder Contractors for Heartwood Residential Development:

WPJ Construction LLC hereby protests the results of the RFP based on the following items:

-The State Certified Minority Status for WPJ Construction LLC was not considered in the scoring/point system for the proposal.

-WPJ Construction's previous experience with the CRA Department regarding the success of the working relationship, as well as the outcome of the A. Quinn Jones Homestead project was not considered in the scoring/point system for the proposal. A two page document was also provided with references, indicating the relative work experience of the WPJ/ENI LLC relationship.

-WPJ Construction LLC provided a detailed 2 page document that listed projects of similar scope as described in the RFP. Also, neither bidder included every item that was noted in the RFP.

1271 Wyndham Pine Drive  
Apopka, FL 32712

WPJ Construction LLC

• • •

-WPJ Construction LLC's price proposal was approximately \$16,000 less than the winning bidder for Model 5-B, which is an overall lower per SF price for the project, and was also the only number submitted per the RFP from both bidders.

-Section IV, A. 1.0 states that one of the four stages of evaluation is Presentation/Interview Evaluation. No interview opportunity was given to either bidder to clarify any assumptions of the vague description of the solicitation requirements. Therefore, the City of Gainesville did not honor its own process by not facilitating an opportunity for an oral plea/interview.

-During the pre-bid conferences of the stated RFP, the proposed intent to the bidders included the use of (2) qualified Certified General Contractors for the project. There are only (2) qualified bidders that submitted for the stated RFP, and now, the rules have changed to only use one General Contractor. WPJ/ENI LLC possesses the financial stability to complete this project, and has provided evidence of this through the various completed projects as shown in the submitted RFP, as well as tangible results within the City of Gainesville and surrounding areas with projects of similar magnitude.

The definition of the term "bid" according to Merriam-Webster/Dictionary.com; is defined as "to offer (a certain sum) as the price that one will pay or charge." Based on this terminology that was provided by the City, between the two qualified bidders, the lowest bidder (WPJ Construction LLC), officially won the bid based on the quoted price for Model 5-B being approximately \$16,000.00 less than the other bidder.

As a qualified bidder/current vendor for the City of Gainesville CRA Program; WPJ Construction LLC hereby requests re-evaluation based on the description of what a "bid" consists of, which is the lower number, as well as the reconsideration of using (2) General Contractors as originally proposed.

WPJ Construction LLC also requests that the following be provided from the City of Gainesville:

- The exact reasoning for the disqualification of WPJ's bid.
- A copy of the scoring sheets, and breakdown of the point system.
- A copy of the other bidder's bid package.
- A copy of the meeting minutes, and/or audio recording from the evaluation meeting per the Government Bid Opening Rules and Statues.

If there are any questions, please contact us at 850-345-7557 or [jeffamu@gmail.com](mailto:jeffamu@gmail.com)

WPJ Construction LLC



*Jeffery P. Williams Jr.*

Williams Jr., Jeffery P.  
Chief Executive Officer  
WPJ Construction LLC  
CGC1518206





**Gainesville.**  
**Citizen centered**  
**People empowered**

**City of  
Gainesville**

**Budget and Finance  
Department -  
Procurement Division**  
PO Box 490, Station 32  
Gainesville, Florida 32627  
352 334 5010

- (a) "Improper purpose" means participation in a bid protest proceeding primarily to harass or to cause unnecessary delay or for frivolous purposes or to needlessly increase the cost of litigation, licensing, or securing the approval of an activity.
- (b) "Frivolous" means lacking a legal basis or legal merit, not serious, not reasonable purposeful.

Using a calculation based on your submitted proposal of \$169,760.00 per dwelling, multiplied by seventeen (17) dwellings, a protest bond of not less than \$5,000.00 should be provided.

**You are requested to cure these deficiencies by the close of business, Wednesday, June 6, 2018.** Failure to do so will be considered abandonment and withdrawal of the protest as outlined in Section 41-582.

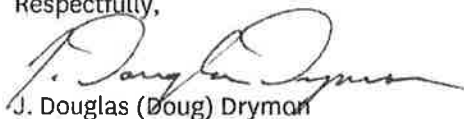
I feel I should take this opportunity to point out that the Evaluation Team members did not outright reject the proposal submitted by the joint venture comprised of WPJ Construction, LLC, and ENI, LLC (Edwin B. Dix), as they were entitled to do, but chose instead to evaluate the proposal giving zero (0) points to certain information.

Some of the information that you failed to provide was necessary to evaluate the proposer's responsibility. First, the joint venture did not submit any proof that it could obtain a Payment and Performance Bond. Next, the joint venture did not submit proof that it had the resources and financial ability to build a minimum of 17 homes. Finally, the joint venture did not disclose that one of the two contractors involved in the proposal has several judgments against it, including a judgment by the City. The joint venture should have disclosed this information in its response (see Request for Proposal, page 6, Paragraph O, Investigation of Alleged Wrongdoings, Litigation/Settlements/Fines/Penalties).

Should you have any further questions about this or any other matter related to the City's Bid Protest Procedures (a copy of which you were previously provided by this office), you are invited to contact me. Please let me remind you that the Cone of Silence (a.k.a. "Blackout period") is still in effect and as such all communication must be coordinated through the Procurement Department – see below.

**IMPORTANT:** The blackout period is in effect until the contract is awarded (City Commission approval if applicable). Pursuant to the City's Financial Services Procedures Manual Section 41-423, "Violation of this provision shall result in disqualification of the party on whose behalf the lobbying occurred." Therefore, **ALL** communication for this project (i.e. calls, emails, questions or inquiries) is to go through Procurement. Communication between the bidder and anyone other than Procurement could be cause for bidder disqualification.

Respectfully,



J. Douglas (Doug) Dryman  
Procurement Manager

cc. City Attorney  
Budget and Finance Department Director  
Gayle Dykeman, Senior Buyer

Page 2 of 2

*How can I  
empower you?*

CITYOFGAINESVILLE.ORG

**Gainesville.**  
**Citizen centered**  
**People empowered**

**City of  
Gainesville**

**Budget and Finance  
Department -  
Procurement Division**  
PO Box 490, Station 32  
Gainesville, Florida 32627  
352 334 5010

- Via Email: [jeffamu@gmail.com](mailto:jeffamu@gmail.com)

June 4, 2018

Williams Jr., Jeffery P.  
Chief Executive Officer  
WPJ Construction LLC  
1271 Wyndham Pine Dr.  
Apopka, FL 32712

Subject: Letter of Protest - Home Builder Contractors for Heartwood Residential Development  
RFP No. CRAX-180072-72-GD

Dear Mr. Williams:

We are in receipt of your protest pertaining to the City of Gainesville's Request for Proposal for CRAX-180072-GD, "Home Builder Contractors for Heartwood Residential Development."

Section 41-582 ("Format of Protest") of the City of Gainesville's Financial Services Procedures Manual includes the following text which is applicable to your bid protest: "The Purchasing Manager shall reject and return a protest not complying with the above criteria, noting the deficiencies." Based on the criteria that are outlined in Section 41-582 you are hereby notified that your protest is being rejected due to having been found deficient in the following areas:

**Item**

#4 - Include a Power of Attorney and/or Corporate Seal which verifies that the protestor has legal authority to act on behalf of his/her company, corporation or recognized legal entity.

#5 - State the date that the protestor became aware of the alleged aggrieved incident.

#8 - Include a sworn statement that the protestor is acting alone and not in concert with any other party for any other reason but direct financial interest.

#9 - Be accompanied by a protest bond of an amount equal to one percent of the value of the solicitation but in no case less than \$500.00 nor greater than \$5,000.00. This bond shall be by a U.S. postal service money order, certified cashiers or bank check payable to the City of Gainesville. Failure to post such a bond within three business days after the filing of the protest shall result in the protest being dismissed by the Purchasing Manager or his or her designee. The bond shall be forfeited at the conclusion of the protest proceedings if the administrative official making the final decision determines that the protest was filed for a frivolous or improper purpose, including but not limited to the purpose of harassing, causing unnecessary delay, or causing needless cost for the City or other parties.

For purposes of this subsection:

Page 1 of 2

*How can I  
empower you?*

CITYOFGAINESVILLE.ORG

Submitted #180085  
FROM  
Amado  
Gonzalez  
6/18/18

Questions: Regarding the Heartwood Project and Staff

- 1. In your process, please explain the process and manner in which you reach out to and communicate effectively with Minority Vendors (Contractors, Realtors, Developers, etc..) around the State. With respect to this project minority means Black or African-American.**
  
- 2. Please take us through and clearly articulate the “Blackout Period Process.”**
  
- 3. When exactly (Exact Date) did the “Black Out Period begin and was effective? When did or does the “Blackout Period” end?**
  
- 4. Who is the vendor or Developer that is actually bidding (or placed the original bid) for Heartwood, was in Creative Concepts or Modera Homes?**
  
- 5. When Modera Homes was selected as the bidder, were you in the “Black Out” period?**

- 6. When you vet or evaluate Vendors or anyone wanting to do business with the CRA, please clearly explain your process? How thorough is your process?**
  
- 7. When vetting Vendors/or anyone is there a standard process, and one that is articulated in your policies and procedures? If so, what are they?**
  
- 8. Were all of your policies and procedures followed during the vetting process with ALL vendors? Were ALL vendors treated equitably and equivalently?**
  
- 9. (For Project Manager) When you became aware of the vendor (Modera Homes) was chosen as the vendor, when were you notified and how?**
  
- 10. During the evaluation period (according to the audio) How did the Project Manager become aware of issues or problems with the other vendor (WPJ) regarding. How did you find information about the other vendor and when were you told about.**

**11. In looking at the RFP, and the evaluation, the sheets do not match?**



# 180085  
From Armando Grundy  
6/18/18

Sent: Wednesday, June 13, 2018, 1:58:32 PM EDT  
Subject: Fwd: Blackout

Here's the City's blackout policy.

They don't have enough sense to know what a black out period is.

----- Forwarded message -----  
From: Tina Walker <[walker15tina@gmail.com](mailto:walker15tina@gmail.com)>  
Date: Wed, Jun 13, 2018 at 1:54 PM  
Subject: Blackout  
To: Edwin Dix <[edwin.dix@gmail.com](mailto:edwin.dix@gmail.com)>

**To ensure fair consideration and consistent and accurate dissemination of information for all proposers, the City prohibits communication to or with any department, employee, or agent evaluating or considering the proposals during the submission process, except as authorized by the contact person.**

**During the blackout period as defined herein, except as pursuant to an authorized appeal, no person may lobby, as defined herein, on behalf of a competing party in a particular procurement process, City officials or employees except the Procurement designated staff contact in the Procurement division. Violation of this provision shall result in disqualification of the party on whose behalf the lobbying occurred.**

**The blackout period means the period between the issue date which allows for immediate submittals to the City of Gainesville Procurement Division for an invitation for bid or the request for proposal, or qualifications, or information, or the invitation to negotiate, as applicable, and the time the City Officials and Employee awards the contract . Lobbying means when any person, seeks to influence the governmental decision-making, to encourage the passage, defeat or modification of any proposal, recommendation or decision by City officials and employees, except as authorized by procurement documents.**

...

