

BUSINESS CLEARANCE MEMORANDUM		Clearance No:	Doc81686
STREAM LINED		Date:	12/28/12
<i>(Original to be returned to initiating commodity buying group)</i>			
COMMODITY BUYING GROUP:		Transportation and Specialty Equipment Commodity Group	
Type of Procurement (Check one):			
<input checked="" type="checkbox"/> Sealed Bidding	<input type="checkbox"/> Human Care Agreements		
Order against an existing contract	<input type="checkbox"/> Sealed Bids		
<input type="checkbox"/> GSA FSS Contract	<input type="checkbox"/> Emergency Procurement		
<input type="checkbox"/> D.C. Supply Schedule Contract	<input type="checkbox"/> Change Order		
<input type="checkbox"/> Metropolitan Washington C.O.G Contract	<input type="checkbox"/> Options No:		
	<input type="checkbox"/> Partial		
	<input type="checkbox"/> Full		
Contract Type(s): Requirements		Total:	\$11,379,900 - \$16,509,000
Clearance:			
<input checked="" type="checkbox"/> Pre-negotiation	<input type="checkbox"/> Definitized Letter contract award		
<input type="checkbox"/> Post-negotiation	<input type="checkbox"/> Authority to enter into a contract without negotiations		
Offeror(s):	Address:	Contract No.(s)	
Urban Service Systems	212 Van Buren Street, NW, WDC 20012		
Mr. Bult's, Inc. (MBI)	2627 E 139 th Street, Burnham, IL 60633		
Jerome L. Taylor Trucking Inc	1455 Pennsylvania Ave, NW #400, WDC 20004		
F&L Construction	1512 Good Hope Road, SE, WDC 20020		
Lucky Dog LLC	1220 W Street, NE, WDC 20018		
Description of Contract Line Items:			Quantity & Unit of Issue
0001 – Haul Combustible Solid Waste			250,000 tons
0002A – Haul Non- Combustible Solid Waste			24,000 tons
0002B – Dispose of Non-Combustible Solid Waste			24,000 tons
0003A – Haul White Goods			1,100 tons
0003B – Dispose of White Goods			1,100 tons
0004 – Haul Leaves and Tree Debris			10,000 tons
Pricing Structure <i>(If CPAF indicate base and award fee)</i>	Pre-negotiation	Post-negotiation/Pre-award	
Total Cost			
Fee/Profit (%)			
Total Estimated Cost and Fee/Price	\$11,379,900 - \$16,509,000		
Delivery or Period of Performance	To Commence: Date of Award	To Finish: Three Years Thereafter	
Contact Points for this Document			
Contract Specialist/Negotiator	Gena Johnson	Phone #:	202-671-2005
		Email	Gena.johnson@dc.gov
Commodity Manager	James Roberts	Phone	202-671-2524
		Email	James.roberts@dc.gov
Program Manager	Hallie Clemm	Phone #:	202-645-5141
		Email	Hallie.clemm@dc.gov

BUSINESS CLEARANCE MEMORANDUM*(Signature page – additional pages set forth facts)*

Clearance No.:

Doc81686

Commodity Manager's Executive Summary and Recommendation:

Invitation for Bids - Doc81686 was issued on 10/22/12 on the open market. On the bid opening date, five bids were received from F&L Construction, Urban Service Systems, Lucky Dog, Mr. Bult's, and Jerome L. Taylor Trucking.

After review of the bids for responsiveness by the Contracting Officer and considering the input from the program official, the Contracting Officer rejected all bids as either being non-responsive or the price was unreasonable. No award could be made. A request to cancel the solicitation and enter into negotiations was prepared outlining the justification for rejection of each bid. The request was sent to the CPO for approval on 12/18/12. The CPO approved the D&F on 12/20/12.

Notification of the cancellation of the IFB and the District's intent to enter into negotiations was sent to all bidders on 12/28/12. Negotiations are to be conducted in writing and conclude on 12/30/12.

Clearance Name: Gena Johnson
Prepared by: Title: Contracting Officer

Signature


Date
12/28/12

Reviewed by: Name: James Roberts
Commodity Manager

Signature

Date

 Unconditional Approval

 Conditional Approval

 Not Approved

Signature:

Title:

Date:

Conditions (if applicable):

SECTION 2. COMPLIANCES

	Yes	No	N/A	Reference:
2.1 This procurement is in accordance with OCP Service Level Agreement _____, dated _____, which has been approved by the CPO and the agency head.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2 Determinations and Findings				
2.2.1 D & F for Cooperative Purchase Agreement (COG) Number: Approved by: Approval Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.2 D & F for Human Care Agreement Number: Approved by: Approval Date	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.3 D & F to enter into a multi-year contract Number: Approved by: Approval Date	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.4 D & F to use a cost-reimbursement type contract Number: Approved by: Approval Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.5 D & F for a GSA schedule procurement Number: Approved by: Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.6 D & F for an emergency procurement Number: Approved by: Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.7 D & F for shortened advertising period Number: Approved by: Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.3 Public Notice Requirements				
2.3.1 Notice of this procurement opportunity was posted to the OCP Contract Information Hotline (D.C. Code § 2-302.06) Date Posted: 10/22/12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Yes	No	N/A	Reference:
2.4	Internal compliances			
2.4.1	The contracting officer reviewed the proposed procurement for Local, Small and Disadvantaged Business Enterprise consideration. If "No" or "N/A", provide an explanation in the body of the Business Clearance Memorandum			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.4.2	This procurement has been approved by the Chief Technology Officer			
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5	Cost or Pricing Requirements			
2.5.1	Certified cost or pricing data was required			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.5.2	Program personnel have performed a technical evaluation of the contractor's proposal/bid Date received: 12/18/12 and 12/27/12			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.5.3	An outside audit of the contractor's proposal has been requested Date requested: Date received:			
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5.4	OCP Price Analysis has been received and considered Date received:			
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5.5	The offerer/bidder has requested progress payments or advanced payments			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

SECTION 3 SUMMARY OF KEY DOCUMENTS, EXHIBITS AND ATTACHMENTS

3.1 Key Documents

The following documents are not attached to this BCM, but are available upon request of the reviewer:

- Solicitation Doc 81686
- Bids in response to the solicitation

3.2 Exhibits/Attachments

The following documents are attached to this BCM:

- Bid Tabulation (Attachment A)
- Evaluations from Program – 12/18/12 and 12/27/12 (Attachment B)
- D&F to Cancel IFB and Enter into Negotiations (Attachment C)
- Notifications to Bidders (Attachment D)
- CO Notes on Special Standards of Responsibility (Attachment E)

SECTION 4 SUMMARY OF THE REQUIREMENT AND THE BUSINESS ARRANGEMENT

4.1 Requirement

The Department of Public Works, Solid Waste Management Administration (SWMA) requires a contractor to haul and dispose of the District's residential solid waste. The District had a contract with TAC Transport to provide solid waste hauling and disposal services. The contractor defaulted and the contract was terminated. The Office of Contracting and Procurement on behalf of SWMA entered into two emergency contracts for the provision of solid waste hauling and disposal services beginning August 2012 to allow for uninterrupted service while a new long term contract could be awarded. The long term contract to be award will have a base period of three years with two – one year options.

4.2 Procurement Chronology

Invitation for Bids - Doc81686 was issued on 10/22/12 on the open market. The solicitation was advertised in the Washington Examiner and on the OCP website. On 11/9/12, the bid due date was extended from 11/16/12 to 11/30/12. A pre-bid meeting was held on 11/16/12. Representatives from six companies attended the meeting. On 11/20/12, an amendment was issued to provide responses to bidder's questions raised at the pre-bid meeting and to provide a copy of the attendance sheet. On 11/30/12, the bid due date was extended to 12/3/12 because there were still outstanding questions regarding the bid bond requirement. On 12/3/12, the bid due date was extended again to 12/4/12 to allow bidders to obtain correct bonds.

On the bid opening date, five bids were received from F&L Construction, Urban Service Systems, Lucky Dog, Mr. Bult's, and Jerome L. Taylor Trucking.

A bid tabulation (Attachment A) was created. The bid tab was provided to all bidders and the program officials on 12/4/12.

4.3 Basis of the Source Selection

In accordance with the solicitation the award was to be made to the responsive and responsible bidder offering the lowest price. The program official sent her findings after review of the bids on 12/18/12. After review of the bids for responsiveness by the Contracting Officer and considering the input from the program official, the Contracting Officer rejected all bids as either being non-responsive or the price was unreasonable. No award could be made. A request to cancel the solicitation and enter into negotiations was prepared outlining the justification for rejection of each bid. The request was sent to the CPO for approval on 12/18/12. The CPO approved the D&F on 12/20/12. See Attachment C.

After it was determined that the solicitation was to be cancelled, the program officials were asked to re-review all the supporting documents submitted with each bid, so that during negotiations all questions regarding deficiencies in each bidder's bid could be addressed. The program official provided her response on 12/27/12. Notification of the cancellation of the IFB and the District's intent to enter into negotiations was sent to all bidders on 12/28/12. Negotiations are to be conducted in writing and conclude on 12/30/12.

4.4 Price Reasonableness

Price reasonableness was determined by comparing the bids received to the prices currently being paid for the service under the emergency contracts and to the prices paid under the previous long term contract. For CLIN 0001, the prices proposed by Urban and F&L were considered too high in comparison to benchmarks used. Based on the agency's current budget authority, SWMA could not fully fund a contract at those prices. For CLIN 0003A, the price proposed by F&L was considered unreasonable because there would be some cost associated with the provision of this service. For CLIN 0004, the price proposed by F&L, JLT and Lucky Dog were considered too high and unjustified as compared to previous prices paid. Therefore the bids from Urban, F&L, JLT and Lucky Dog were considered unreasonable. The bids from MBI was otherwise acceptable except it failed to follow the solicitation instruction to provide a negative number for CLIN 0003B, which resulted in rejection of its bid. F&L also failed to provide a negative number for CLIN 0003B.

		MBI	Urban	JLT	Lucky Dog	F&L	Current Price	Previous Price
CLIN	Item Description	Price Per Ton	Price Per Ton	Price Per Ton	Price Per Ton	Price Per Ton	Price Per Ton	Price Per Ton
0001	Haul combustible solid waste (inclusive of tires) to the Fairfax County Energy Resource Recovery Facility (Fairfax)	\$10.05	\$ 13.50	\$ 11.50	\$ 11.95	\$ 15.50	\$10.95	\$ 8.25
0002A	Haul non-combustible solid waste to a licensed disposal facility	\$16.80	\$ 24.24	\$ 7.50	\$ 24.00	\$ 24.00	\$16.60	\$ 7.60
0002B	Dispose of non-combustible solid waste at a licensed disposal facility	\$30.00	\$ 18.00	\$ 38.50	\$ 21.00	\$ 33.00	\$30.00	\$ 26.36
0003A	Haul white goods to a licensed disposal facility	\$16.00	\$ 15.00	\$ 15.00	\$ 17.00	\$ 0	\$15.00	\$ 1.00
0003B	Dispose of white goods (with all ChloroFluoroCarbons (CFCs) evacuated) at a licensed metals recycling facility	\$ 0	\$(25.00)	\$(35.00)	\$(20.00)	\$ 0	\$ 0	\$(20.00)
0004	Haul leaves, yard waste and storm debris to a District designated composting facility	\$14.00	\$ 13.68	\$ 17.25	\$ 18.00	\$ 26.00	\$14.00	\$ 12.50

4.5 Determination of Contractor Responsibility

The solicitation contained Specials Standards of Responsibility. The Contracting Officer reviewed all the supporting documentation provided. Notations regarding the documentation are attached as Attachment E. Through the negotiation process, the bidders are being given an opportunity to clarify or provide supplemental documentation to support a determination of responsibility.