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St. Augustine, FL. 32086
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City of Flagler Beach
105 S. 2nd Street
Flagler Beach, Florida 32136
Attn: Penny Overstreet, City Clerk

June 13, 2024

Re: Notice of Bid Protest - FB-24-2105 for Potable Water Well #16

Please be advised that DB Civil Construction, LLC hereby submits a formal bid protest on the above referenced project in accordance with the Code or Ordinances for the City of Flagler Beach, Chapter 2, Article IX, Division 3, Sec. 2-13 Bid Challenge. Our protest is based on the following:

- DB Civil Construction was the lowest.
- DB Civil Construction meets all requirements as stated in the request for bid.
- DB Civil Construction was not properly notified of the intent to award. On June 13, 2024, we were sent a copy of the recommended award memo dated June 8, 2024.
- DB Civil Construction has successfully completed all previous city projects on time and met all contractual requirements.
- Per the wording in the engineers review it is obvious that city personnel made their preferences known to the engineer based on the comment 'City prefers to award the bid to McMahan Construction Company Inc.' this is a clear violation of the city's Competitive Bidding Ordinance.
- The engineers review states 'We have reviewed the two bidders' bid document packages and found them both substantially complete.'
- DB Civil Construction did not list any subcontractors and listed TBD. At the time of bid we had not chosen any subcontractors if any. We are aware that subcontractors, if used, must be acceptable to the city. This is a minor irregularity and per the city ordinance it can be waved.
- DB Civil Construction inadvertently missed signing the Certificate of Corporation form, however several other required forms were signed. This is a minor irregularity and per the city ordinance it can be waved.

In closing we respectfully request that the intent to award be revised to DB Civil Construction.

Regards,

Dalton Baylor
President/Owner