

## Wepfer, Megan

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**From:** Robert Eschenfelder <Rob@cityattorneys.legal>  
**Sent:** Sunday, March 17, 2024 6:06 PM  
**To:** Robin Gomez  
**Cc:** Wepfer, Megan  
**Subject:** FW: ITB 2023-14 Coastal Groin Project  
**Attachments:** ITB 2023-14 bid tabulation.pdf; Bidders Interview Questions 3-4-24.docx

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Manager Gomez,

City Attorney Trask asked me to review the City's question below regarding the recent bid openings for the groin project. Having reviewed the ITB docs and the vendor's response, I agree with Director Wepfer that the City would be within its rights to find that the bidder is "non-responsive" in that it did not provide honest and complete responses to the question.

As an additional basis the City should state, I also believe the City is justified to find that the bidder is "not responsible" in that so much litigation is at issue related to its work. While in fairness pending litigation could in theory be won by the vendor, it nevertheless is a sign of performance issues.

Please let me know if you have any follow up questions.

Regards,  
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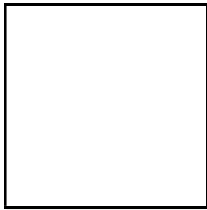

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**From:** Wepfer, Megan <[mwepfer@madeirabeachfl.gov](mailto:mwepfer@madeirabeachfl.gov)>  
**Sent:** Monday, March 11, 2024 3:58 PM  
**To:** Thomas Trask <[tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)>  
**Cc:** Kathy Tokos <[Kathy@cityattorneys.legal](mailto:Kathy@cityattorneys.legal)>; Robin Gomez <[RGomez@madeirabeachfl.gov](mailto:RGomez@madeirabeachfl.gov)>; Alexandra Lollis <[alollis@madeirabeachfl.gov](mailto:alollis@madeirabeachfl.gov)>  
**Subject:** ITB 2023-14 Coastal Groin Project

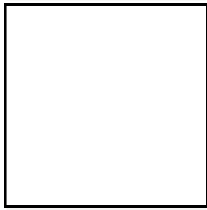
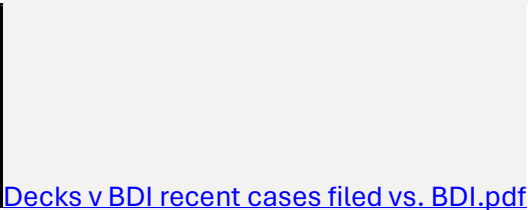
Hi Tom,

We conducted meetings/interviews with the 3 lowest bidders on Friday March 8<sup>th</sup> to determine who is the most qualified responsive bidder for the Coastal Groin Restoration project. The 3 lowest bidders were BDI Marine Contractors LLC, Custom Built Marine Contractors Inc, and Speeler CO.

While doing research we found that BDI had several lawsuits but answered no or none to the questions asked during the interview regarding litigations. I sent an email to a few BDI Employees on Friday asking for clarification on 4 separate lawsuits that I found but I have yet to hear any response. Today it was brought to my attention that there are a few more, attached below. My recommendation is to not proceed with BDI Marine Contractors based on information found but I would like your legal advice on how to proceed. If you need further information please let me know.

   
[ITB 2023-14 Coastal Groin Restoration .eml](#)

   
[Decks v BDI recent cases filed vs. BDI part 2.pdf](#)

   
[Decks v BDI recent cases filed vs. BDI.pdf](#)

   
[Decks v BDI case hx SF Bldg vs. Nettles Island.pdf](#)

Sincerely,

Megan Wepfer

City of Madeira Beach

Public Works Director

C: 727-543-8154

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