

Wepfer, Megan

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

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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,
Robert M. Eschenfelder, Esquire
Board Certified in City, County and Local Government Law
Rob@cityattorneys.legal
TRASK DAIGNEAULT, LLP
Harbor Oaks Professional Center
1001 South Fort Harrison Avenue, Suite 201
Clearwater, FL 33756
(727) 733-0494 Phone
(727) 733-2991 Fax



CONFIDENTIALITY NOTICE

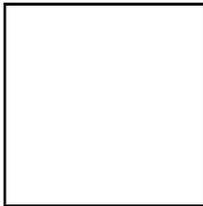
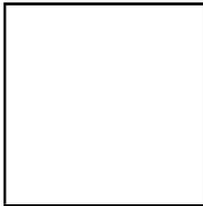
The information contained in this transmission is a privileged confidential communication sent by a law firm. It is for the exclusive use of the intended recipient. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please notify the sender by return e-mail immediately, then delete the original e-mail and any attachments and destroy all hard copies of this e-mail and any attachments. Thank you.

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

Hi Tom,

We conducted meetings/interviews with the 3 lowest bidders on Friday March 8th 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

Error! Filename not specified.

Disclaimer: Under Florida law (Florida Statute 668.6076), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department/division.