

**CITY OF KEY COLONY BEACH, FLORIDA
RESOLUTION 2025-12**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, WAIVING CERTAIN INFORMALITIES AND PREVIOUS EXPERIENCE REQUIREMENTS IN INVITATION TO BID (ITB) 2025-06 FOR ALL PROSPECTIVE BIDDERS; AUTHORIZING THE CITY STAFF TO PROCEED WITH A NOTICE OF AWARD TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida ("City") is committed to conducting a fair, transparent, and competitive construction services procurement process consistent with Florida law and City procurement policies, all in a manner that will best serve the needs and interests of the City; and

WHEREAS, the City issued Invitation to Bid (ITB) No. 2025-06 on September 8, 2025, with a bid opening held on October 14, 2025, at 4:00 P.M.; and

WHEREAS, the City's Bid Review Committee held a public hearing on October 21, 2025, at 2:00 P.M., at which time it reviewed all bids and made its recommendation to the City Commission; and

WHEREAS, ITB No. 2025-06 required prospective bidders to have completed at least five (5) similar government building projects, and to possess a minimum of five (5) years of construction experience; and

WHEREAS, none of the bidders provided sufficient documentation in their bid response whereby the City could determine if they have previously completed at least five (5) similar government building projects, although all such bidders did establish that they possess a minimum of five (5) years of construction experience; and

WHEREAS, the bid submitted by Pedro Falcon Contractors, Inc. ("Pedro") did not contain Exhibits "D" and "E" of the required AIA Document A305 ("Contractor's Qualification Statement"); and,

WHEREAS, said Exhibits "D" and "E" provide information related to the bidder's previous experience relevant to ITB No. 2025-06, to-wit: the bidder has previously completed at least five (5) similar government building projects; and,

WHEREAS, notwithstanding this omission by Pedro, none of the other bidders provided sufficient documentation in their bid response whereby the City could determine that each have the required experience of having completed at least five (5) similar government building projects either, and therefore their respective Exhibits "D" and "E" were also not in conformity with the requirements of ITB No. 2025-06; and

WHEREAS, the City Commission has determined that the requirement for bidders to have previously completed at least five (5) similar government building projects is not material to the award of a bid under ITB No. 2025-06; and

WHEREAS, delaying the award of this contract to allow for a new solicitation of an ITB and the award of a contract thereunder would result in material project delays and financial implications; and

WHEREAS, pursuant to Section 2-75 of the City's Code of Ordinances ("Purchases or contracts."), the "City Commission shall have the right to accept or refuse any or all bids."; and

WHEREAS, pursuant to ITB No. 2025-06, the "City reserves the right ... to waive informalities, ... or to take any other such actions that may be deemed in the best interests of the City. As a matter of information to Bidders, the City does not bind itself to accept the minimum specification stated herein, but reserves the right to accept any bid, which in the judgment of the City Commission will best serve the needs and interests of the City."; and

WHEREAS, the City Commission has determined that it is in the best interest of the City to waive certain informalities and related experience requirements as set forth above, in order to ensure a fair and competitive procurement process, and in a manner that will best serve the needs and interests of the City including but limited to timely completion of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Commission hereby finds the omission of Pedro to include Exhibits "D" and "E" to its form A305 bid submission to be immaterial and therefore waives the same.

Section 3. The City Commission hereby finds that the requirement for bidders to have previously completed at least five (5) similar government building projects is not material to the award of a bid under ITB No. 2025-06 and therefore waives the same.

Section 4. The City Commission hereby finds that the waivers set forth in Sections 2 and 3 are not material to ITB No. 2025-06, and that the bids submitted were materially in compliance with ITB No. 2025-06 and all bidding requirements.

Section 5. The City Commission hereby finds as all bidders failed to have previously completed at least five (5) similar government building projects, that: (i) all bidders were in precisely the same position; (ii) such waivers as set forth above treat all bidders equally, impartially, and fairly; and (iii) such waivers secure fair competition upon equal terms to all bidders under ITB No. 2025-06.

Section 6. The City of Key Colony Beach, Florida staff are authorized to prepare and publish a Notice to Award ITB 2025-06 to the lowest responsive and responsible bidder, which the City Commission determines to be Pedro Falcon Contractors, Inc.

Section 7. This Resolution shall go into effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its Special Set Meeting held on October 24, 2025.

**FINAL VOTE AT ADOPTION
CITY COMMISSION OF KEY COLONY BEACH**

Mayor Freddie Foster	NO	YES	✓
Vice Mayor Doug Colonell	NO	YES	✓
Commissioner Tom Harding	NO	YES	✓
Commissioner Tom DiFransico	NO	YES	✓
Commissioner Kirk Diehl	NO	YES	✓



Freddie Foster, Mayor

ATTEST:



Silvia Roussin, City Clerk

(City Seal)

Approved as to form and legal sufficiency:



Dirk Smits, City Attorney
Scott C. Blach

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