



Office of the  
Town Manager

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August 4, 2023

Rosso Site Development  
C/o Blair Rosso Simpson, VP  
1302 South J Street  
Lake Worth, FL 33460

Dear Ms. Rosso Simpson:

The Town of Lake Park's Bid Protest Committee has reviewed Rosso Site Development's bid protest letter and attached materials. As you are aware, the Committee convened on June 27, 2023 to all interested parties to present argument and evidence with respect to Rosso's bid protest and the Town's Second Street Resurfacing & Green Infrastructure project. At the meeting, the Committee heard testimony from the Town of Lake Park Public Project Manager, John Wille, and from Rosso's representative, Rudy Polsult. At the meeting, Mr. Wille testified to the following facts.

The Town's invitation to bid required all interested bidders to submit their bids no later than June 8, 2023 by 2:00 p.m. through the DemandStar website. At the invitation to bid opening on June 8, 2023, the Town read aloud two bids. One from Rosso at a bid price of \$637,508.42 and the other from R&D Paving, LLC at a bid price of \$644,458.95. However, due to what was described as a computer error, there was a third bid that was not read aloud during the June 8, 2023, invitation to bid meeting. The third bid was from Sunshine Land Design, Inc. ("Sunshine") at the lowest bid price of \$526,513.52. Sunshine's bid was not discovered by Mr. Wille until after the bid reading, but Mr. Wille was able to confirm that Sunshine's bid was timely received at 1:51 p.m. on June 8, 2023, before the deadline to submit bids.

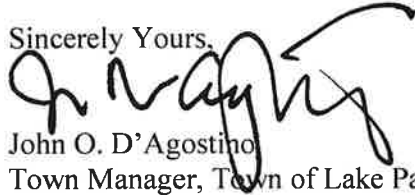
On August 3, 2023, the Committee reconvened to discuss the meeting and to render its decision regarding Rosso's bid protest. After reviewing the materials from Rosso and receiving advice from the Town Attorney, and having heard testimony from the Town and Rossos' representative, the Committee rejects Rosso's bid protest.

The purpose of competitive bidding is to secure the lowest responsible offer and minor irregularities can be waived in effectuating that purpose. Here, the relevant facts considered by the Committee were that the Town had a bid, which happened to be the lowest bid by \$110,994.90, that was not read aloud at the invitation to bid meeting. Mr. Polsult and Rosso argued that the failure to read all bids aloud was a deviation warranting the denial of the lowest bid. The evidence produced at the Committee's hearing was that all bids were timely received by the Town. As such, the failure to read Sunshine's bid aloud was not a material deviation from the Town's procedures, nor did it provide Sunshine with a competitive advantage in securing the bid award. Accepting Sunshine's bid would represent a substantial savings to the people of Lake

Park. The process appears to have achieved for the public what was intended – a financial savings – and the failure to read a timely submitted bid aloud is not a material deviation warranting the approval of Rosso's bid protest.

As such, Rosso's bid protest is denied.

Sincerely Yours,



John O. D'Agostino  
Town Manager, Town of Lake Park

Cc: Bid Protest Committee  
Tomas J. Baird, Esq., Town Attorney  
Brett T. Lashley, Esq., Town Attorney