

NOTICE OF CITY COMMISSION BID PROTEST HEARING
Project Number 15-009 Western Storage and Pumping Facilities

Dear Bidders:

On June 11, 2018, Carr & Collier, Inc. filed a bid protest, a copy of which is posted on the City of Winter Garden's website along with the other procurement documents for the above referenced Project. Carr and Collier, Inc. is challenging the City of Winter Garden award of contract to the selected lowest, responsive and responsible bidder, TLC Diversified, Inc. concerning the above referenced Project contract. On August 15, 2018, the City Manager held a bid protest meeting concerning Carr & Collier's bid protest. On September 20, 2018, the City Manager issued a written decision upholding the rejection of Carr & Collier's bid. On September 25, 2018, Carr & Collier, Inc. notified the City of an appeal of the City Manager's decision to the City Commission.

A bid protest hearing to be conducted by the City Commission has been scheduled at **6:30 p.m. (or as soon thereafter as may be heard), Thursday, October 25, 2018** in the City Commission Chambers at Winter Garden City Hall, 300 West Plant Street, Winter Garden, Florida.

The bid protest hearing will be quasi-judicial in nature and the parties will be afforded due process. At the hearing, the City Commission will hear arguments, testimony and evidence presented by the protesting bidder, Carr and Collier, Inc., the selected bidder, TLC Diversified, Inc., and City staff representatives which may include the City's consultant engineer with Tetra Tech. Carr and Collier, Inc. will be given a total of twenty (20) minutes to make arguments, present testimony and evidence and to cross examine witnesses. The selected bidder, TLC Diversified, Inc. and the City staff representatives will be given up to fifteen (15) minutes each to make arguments, present testimony and evidence and to cross examine witnesses.

The order of the bid protest hearing will be:

- City staff representative presents a brief summary of their basis for rejecting Carr and Collier, Inc.'s bid and City Manager's decision upholding the bid rejection (Five Minutes);
- Carr & Collier, Inc. presents its case for appealing the decision of the City Manager upholding the rejection of its bid, including arguments, testimony and evidence (Up to Twenty Minutes depending on time reserved for rebuttal);
- TLC Diversified, Inc. presents its arguments, testimony and evidence in support of decision (Up to Fifteen Minutes);
- City staff representatives present arguments, testimony and evidence in support of decision to reject Carr and Collier, Inc.'s bid and cross examination of witnesses (Up to Ten Minutes);
- Carr & Collier, Inc. –rebuttal and cross examination (time depends on amount of time reserved by Carr & Collier, Inc.);
- City Commission deliberation, questions and decisions.

The vote of the City Commission shall be the City's final decision on the bid protest. Any judicial proceedings challenging the decision shall be filed within thirty (30) days after the City's final decision.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.