



VILLAGE OF ROYAL PALM BEACH

Agenda Item Summary

AGENDA ITEM:

Cancel award of the contract to National Traffic Control Systems, Inc. in the amount of \$757,764.00 for the Commons Park Pathway Lighting Project (PR1903).

BACKGROUND:

On October 21, 2021, the Village Council approved the bid award and authorized the Village Manager to execute a contract with National Traffic Control Systems, Inc. as the lowest responsive, responsible bidder for the Commons Park Pathway Lighting Project (PR1903).

ISSUE:

Village staff desires to cancel award of the contract to National Traffic Control Systems, Inc. for the Commons Park Pathway Lighting Project, as allowed under both Sections 5.3.4 and 5.4.1 of the Bid Documents for Commons Park Pathway Lighting PR1903.

Section 5.3.4 states the “[o]wner reserves the right to cancel the award of any **Contract at any time before the execution of said Contract by all parties without any liability against the Owner.** In consideration of the Owner considering submitted Bids, the Bidder, by submitting its Bid, expressly waives any claim to damages, of any kind whatsoever, in the event the Owner exercises its rights provided for in this subsection.” To date, the contract has not yet been fully-executed; therefore the Village has discretion to cancel the award under Section 5.3.4.

Section 5.4.1 further states that “[a]ny of the following causes is considered sufficient to disqualify a Bidder, and reject his proposal” which include “[s]ubstantial evidence of bad character or dishonesty” (Sec. 5.4.7) and “[a]ny other cause which, as a matter of law renders the Bid non-responsive or non-responsible” (Sec. 5.4.10). National Traffic Control Systems, Inc.’s proposal can also be rejected under the above-referenced sections for misrepresentations made to the Village in their proposal regarding a failure to notify the Village as the successor of a person convicted of a public entity crime and/or conviction of a current employee engaged in the management of the corporate entity.

RECOMMENDED ACTION:

Staff recommends a motion to cancel award of the contract to National Traffic Control Systems, Inc.

Initiator:	Village Manager	Agenda Date:	Village Council
	Approval:		Action:
Village Engineer		11/18/2021	
