



# Board Agenda Item 9

DATE: April 13, 2021

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Award Contract 20-18-SW American Avenue Disposal Site Phase III,  
Modules 3-8 Landfill Gas Collection and Control System Improvements

## RECOMMENDED ACTION(S):

1. **Adopt Plans and Specifications for Contract No. 20-18-SW, American Avenue Disposal Site Phase III, Modules 3-8 Landfill Gas Collection and Control System Improvements.**
2. **Hear and consider, the following:**
  - a. **Protest from apparent second low bidder, ETIC 2285 Morello Avenue, Pleasant Hill, CA 94523, regarding the proposed award of Contract 20-18-SW to the apparent low bidder, BSE General Engineering, Inc., (BSE) 26132 Old Highway 80, Descanso, CA 91916.**
3. **Award Contract 20-18-SW to the low bidder, BSE, in the total amount of \$1,998,421.**

Approval of the recommended actions will authorize the award of an American Avenue Disposal Site Enterprise-funded Landfill project. The American Avenue Disposal Site is located in District 1, but the impact of this item is countywide.

## ALTERNATIVE ACTION(S):

After considering the bid protest, your Board may instead choose to reject the low bid from BSE as non-responsive, and award Contract 20-18-SW to ETIC in the total amount of \$2,198,908.22.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The maximum anticipated cost for contract construction is \$2,110,842, based on the low bid from BSE and the Director's allowance of \$112,421 for change orders. If your Board awarded the project to ETIC instead, the maximum anticipated costs would be \$2,321,353 including the Director's allowance for change orders of \$122,445. Sufficient appropriations for the project are included in the adopted FY 2020-21 Public Works and Planning American Avenue Disposal Site (AADS) - Org 9026 Adopted Budget.

## DISCUSSION:

The AADS is a municipal solid waste disposal facility operating under a Solid Waste Facilities Permit issued by the Department of Public Health with the concurrence of the California Department of Resources, Recycling, and Recovery. The County has owned and operated the AADS since the early 1970s. The AADS is located on American Avenue, approximately 17 miles southwest of the City of Fresno and approximately 6 miles southwest of the City of Kerman. The site encompasses 440 acres, including 367 acres of permitted and available disposal area. The existing AADS Landfill Gas Collection and Control

System (LFGCCS) consists of 105 integrated vertical landfill gas (LFG) wells spread over the three site locations, which have been integrated with several leachate collection and recovery risers (LCRS) and leachate/lysimeter panels located throughout Phase II and Phase III. The LFG collected by the LFGCCS is conveyed to two flare stations, where condensate is collected, and gas is injected into the flares for burn-off.

The work to be done consists, in general, of installing 23 new single depth Landfill Gas (LFG) vertical extraction wells and 15 LFG horizontal extraction wells, connecting new extraction wells to the collection system, and installing 6 condensate sumps. In general, the scope of work for this project will expand the LFGCCS in Phase III. Your Board approved the sole sourcing of some of the project's components on January 12, 2021.

The project was advertised on February 9, 2021 and the bid opening was held on March 11, 2021. Six bids were received, and a detailed bid summary is attached. The lowest bid, from BSE, was \$1,998,421, which is, \$43,382, (or 2.21%), higher than the engineer's estimate of \$1,955,039. The bidders and their respective bid amounts are shown below:

<u>Bidder</u>	<u>Bid</u>
BSE General Engineering, Inc.	\$1,998,421.00
ETIC	\$2,198,908.22
Blue Flame Crew, LLC	\$2,313,378.00
Innovative Construction Solutions	\$2,952,423.50
SCS Field Services	\$3,070,917.00
Unified Field Service Corporation	\$3,177,956.00

On March 15, 2021, the Department received a bid protest, from ETIC, a copy of which is attached, regarding the bid prices of items 19, 20, and 21 in BSE's bid. ETIC contended that BSE's bid was unbalanced, based on BSE's allegedly having listed in their bid prices for valves different than those required by the specifications, thereby making BSE's bid non-responsive. In their response (copy attached), BSE responded that they had not made a mistake in their bid and planned to provide all materials as required by the plans and specifications if awarded the project. (Bidders are not required to disclose names of suppliers or quotes with their bid. Upon award of the project, items to be included in the project are submitted to the resident engineer for review, and contractors are not permitted to substitute items that do not meet the specifications.)

Staff have reviewed the protest and response, in consultation with County Counsel, and have identified no sufficient factual basis to support a recommendation that your Board reject as non-responsive the apparent low bid from BSE. Briefly stated, ETIC's allegation that BSE's bid is unbalanced does not appear to be adequately substantiated, or to correspond with the facts discernable from both the respective bid amounts and the listings of unit prices cited in ETIC's protest when compared to those listed in the engineer's estimate.

Plans and Specifications are on file with the Department and were developed by Tetra Tech, through their On-Call Consultant Agreement with the County, which was approved by the Board on April 25, 2017. Construction is anticipated to start in May 2021 and completed in September 2021.

REFERENCE MATERIAL:

BAI #37, January 12, 2021  
BAI#45, April 25, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map  
Bid Summary

Bid Protest from ETIC  
Bid Protest Response from BSE  
ETIC Second Letter  
BSE Second Response

CAO ANALYST:

Ron Alexander