

Transmitted via electronic mail to DesignServices@fresnocountyca.gov

26 March 2021

Design Division
Fresno County Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

**RE: Additional Supporting Documentation for Bid Protest
American Avenue Disposal Site Landfill Gas Collection Project Contract No. 20-
18-SW (Bid Opening Date: 11 March 2021)**

Dear Members of the Board of Supervisors and the Department:

ETIC respectfully submits the enclosed documentation in support of our formal bid protest in accordance with Special Provisions, Subsection 3-1.04A Bid Protest Procedures.

As previously cited in our original protest letter, Page 9 of Technical Specification Section 01 20 00, Bid Items 19, 20 and 21 specifies that the basis of payment for the subject bid items must include *"all labor, materials, tools, equipment, and incidentals to provide and install"* the 6-inch, 12-inch, and 18-inch valves. ETIC asserts that the bid submitted by BSE General Engineering for Bid Items 19, 20 and 21 cannot reasonably include the cost to purchase and install the specified valves based on pricing documentation that we have gathered from multiple vendors of the specific valves meeting the characteristics and performance requirements identified in the project specifications.

As previously identified in our original protest letter, Page 2 of Technical Specification Section 23 09 13 Valves and Valve Boxes, Part 2 Products, Subpart 2.2 Butterfly Valves, Item A states that *"unless otherwise specified, butterfly valves used in the landfill gas collection system shall be lug-style, gear assisted, ductile-iron body with flat-faced flanged ends with Type 316 stainless steel disk and stem with spacers for proper valve operation, Viton seal and seat, and position indicator, rated for 350 psi."* Thus, it is our understanding that the design engineer has determined that the use of high-performance valves capable of withstanding 350 pounds per square inch of pressure must be supplied and installed by the contractor.

ETIC is providing the following summary table listing the purchase costs for the various valves required for the project to demonstrate that the pricing provided by BSE most



likely does not adequately respond to the specifications requiring that the bidder include the cost of the valves and their installation. The costs listed below exclude any sales tax, freight cost, markup on the valves and cost of labor and tools required to install them.

Valve	Unit Cost	Bid Quantity	Extension
6" (Orbinox)	\$1,988.64	24	\$47,727.36
12" (Orbinox)	\$6,335.23	1	\$6,335.23
18" (Orbinox)	\$16,988.64	4	\$67,954.56
6" (DeZurik)	\$2,977.78	24	\$71,466.72
12" (DeZurik)	\$9,236.67	1	\$9,236.67
18" (DeZurik)	\$20,087.78	4	\$80,351.12
6" (Out of Spec., low pressure [175 psi])	\$450.00	24	\$10,800.00
12" (Out of Spec., low pressure [175 psi])	\$925.00	1	\$925.00
18" (Out of Spec., low pressure [150 psi])	\$3,350.00	4	\$13,400.00

*Note: Unit costs exclude sales tax, freight cost, profit, and installation labor and tools.

BSE's bid quantities for Bid Items 19, 20, and 21 are listed below. Their specified costs appear to align well with the pricing for valves that do not meet the project-required pressure rating (listed above).

- BSE Bid Item 19 Cost: Unit \$881.07, Total \$21,145.68
- BSE Bid Item 20 Cost: Unit \$2,475.32, Total \$2,475.32
- BSE Bid Item 21 Cost: Unit \$8,719.75, \$34,879.00

As shown in the table above, the cost of valves alone from a variety of suppliers, although variable, exceeds BSE's unit pricing provided for most bid items. It is understood that BSE may have preferred pricing on valves from its suppliers, but the level of discount they are claiming to have is not realistic given the price ranges quoted by authorized resellers of the specified valves.

As stated in ETIC's original protest letter, BSE's pricing is potentially not responsive to the specified requirement to include the cost of all labor, materials, tools, equipment, and incidentals within the unit costs provided for the subject bid items. All other bidders excluding BSE clearly noted that the design specifies the use of high-performance valves (i.e., meeting the minimum pressure rating of 350 psi) and included the associated costs to procure and install those valves in their bids, as evidenced by the higher unit rate pricing included by all parties for the subject bid items.

To ensure conformance to the project specifications and in fairness to other potentially responsive bidders, ETIC respectfully requests that Members of the Board of Supervisors and the Department require BSE to demonstrate that the valves they proposed to



procure meet the performance specifications defined by the engineer and that a reputable vendor certifies that it can provide those valves at a cost that is covered by BSE's Bis Items 19, 20 and 21.

ETIC appreciates your consideration of this matter.

Respectfully submitted,

ETIC



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