

CITY OF MERCED

"Gateway to Yosemite"



January 7, 2016

Mr. James Harvey
Prominent Systems, Inc.
13095 E. Temple Avenue
City of Industry, CA 91746

Subject: City of Merced - Granular Activated Carbon (GAC) for Water Treatment,
Project No. 115048
Prominent Systems, Inc.'s January 4, 2016, "Formal Letter of Protest"

Dear Mr. Harvey:

The City of Merced (City) has received via email on January 4, 2016, your letter (attached) protesting a bid award for the above referenced project. Your letter acknowledges:

- That the City deemed the bid submitted by Prominent Systems, Inc. as non-responsive because Prominent Systems, Inc. did not bid to supply reactivated carbon;
- That Prominent Systems, Inc. did not bid on line item #2 to "Remove, Reactivate/Destroy Spent GAC and Furnish and Install Reactivated GAC" because Prominent Systems, Inc. does not have the ability to provide custom reactivated carbon that meets NSF 61-2012 standards for potable water.

The City notes that:

- The NSF Inc. (National Sanitation Foundation) and other agencies establish protocols for drinking water systems, including the use of granular activated carbon, to protect public health;
- The Notice Inviting Bids for the project, as advertised and included as Section 00010 in the Specifications, included "*All bidders must include a copy of their NSF/ANSI 61-2012 certification with their bid*";
- The bid proposal form incorporated in the City's Specifications included spaces (to be filled out) for the bidders NSF/ANSI 61-2012 certification number and expiration date;
- The Specifications Section 00100 – INSTRUCTIONS TO BIDDERS, B. Proposal Forms, included "*All proposals shall give the prices proposed, in figures, in the*

*respective spaces provided, and shall be signed by the bidder **who shall fill out all blanks** in the proposal form as therein requested”*(boldface added for emphasis);

- The Specifications Section 012200 – BID ITEM DESCRIPTIONS, included “*Bid Item 2 – Remove and Reactivate Spent GAC, and then Furnish and Install Reactivated GAC.*”

In recognition of the above points the City hereby rejects the Prominent Systems, Inc. January 4, 2016, bid protest. The City appreciates your participation in bidding on our projects and you are welcome to do so in the future.

Please address any comments regarding this decision in writing to:

City of Merced
City Attorney – Project 115048 Bid Protest
678 West 18th Street
Merced, CA 95340

Sincerely,



Ken F. Elwin, P.E.
City Engineer
Interim Public Works Director

Attachment: Prominent Systems, Inc.’s letter correspondence received January 4, 2016

cc: Ken Rozell, Senior Deputy City Attorney
File