



**Request for City Council Committee Action
From the Departments of Public Works and Procurement**

Date: September 27, 2005
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Referral to: Honorable Barb Johnson, Chair Ways & Means Committee
Subject: **Approval of Official Publication No. 6457 - Bids for Storm Water Treatment Chambers**

Recommendation:

Acceptance of the low bid meeting specifications of CDS Technologies, Inc. in the amount of \$65,800.00 to furnish and deliver a storm water treatment chamber, as follows:

1 each	Structure No. GC1, Location West 44 th Street and Lake Harriet Parkway	\$ 65,800.00
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Terms are net 30 days with delivery fifteen (15) days after receipt of purchase order. F.O.B.: Destination.

Contingent on approval of the Civil Rights Department.

Prepared by: Gary Warnberg, Director, Procurement

Approved by: Klara A. Fabry, P.E., City Engineer, Director of Public Works

Presenters: Paul Ogren, Director Field Services

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain): Action is within Budget

Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information:

Tabulation of two (2) bids received on Official Publication No. 6457 for Storm Water Treatment Chambers is attached.

The apparent low bid of Old Castle Pre-Cast did not meet specifications. Please refer the enclosed Staff Memo.

Attachments - Staff Recommendation
Tabulation Sheet

cc: P. Ogren
R. Profazier
R. Nubbe

Offl. Publ. #6457
 Bids opened 10 AM, CDST
 June 1, 2005
 Minneapolis MN

"BIDS FOR STORM WATER TREATMENT CHAMBERS" - P/W Sewer

1 ea Structure No. GCI
 44th St & Lake Harriet \$
 Mfg Name
 Delivery - days after
 receipt of order
 Cash discount - % 20 days

Orville
Boyle
Inc
CD S
Technologies
Inc.

50,422.00
Boyle
Inc
 65,800.00
CD S, Inc.

30

15

0

0

We, the undersigned, hereby certify that the above bids were publicly opened and read aloud:

P. O. Brown
 FINANCE OFFICER

David J. Williams
 ASST. DIRECTOR, PURCHASING

M E M O R A N D U M

DATE: September 12, 2005

TO: Connie Beck

FROM: Rich Profazer, P.E.

RE: Bid Award for Storm Water Treatment Chambers, OP# 6457

I would like to request that the bid award for the above mentioned Official Publication for Storm Water Treatment Structures be awarded to CDS Technologies.

The apparent low bidder has failed to qualify their product as meeting several elements of the bid specifications. The specifics of these disqualifying elements are outlined in the attached August 31st Letter.

The apparent low bid vendor, Old Castle Precast, has been contacted and informed of our intended direction to disqualify them from the bid award. I have received no indication of disagreement with our position.

I would therefore like to request that the apparently low bidder be disqualified in light of the above and that the bid be awarded to the next bidder, CDS Technologies.

Please contact me at 673-2421 if there are any questions.

Thanks



**Department of
Public Works**
Klara A. Fabry, P.E.
City Engineer
Director

350 South 5th Street - Room 203
Minneapolis MN 55415

Office 612 673-2352
Fax 612 673-3565
TTY 612 673-2157

August 31, 2005

David Reneson
Old Castle Precast
6820 143rd Ave
Ramsey, MN 55303

RE: Official Publication #6457 Storm Water Treatment Chamber

Dear Mr. Reneson,

Thank you for your recent letter and attached comments from Bay Saver Technologies. I appreciate the submission of the information and your efforts to submit a qualifying bid. Unfortunately, the Bay Saver product offered in your bid does not meet specifications and is therefore being rejected as the overall low bid. The specifics to our evaluation include the following points:

- Section 2.03 – Subpart A, Specifies a 19 CFS Treatment flow rate.
Page 16 of the “Application for approval of Engineering Equal” provided by Old Castle Precast specifies the 10K model unit offered as having a 12.3 CFS treatment flow rate capacity. The manufacturer rated treatment capacity for the unit is less than that required under the specifications.
- Section 2.03 – Subpart D, Specifies an 11 ft by 18 ft maximum dimension.
Bay Saver Technical Manual Dated March 4 specifies the 10k Unit offered as being comprised of two – 10 foot diameter manholes interconnected with a section of pipe. The manufacturer stated unit size exceeds the dimensional limitations required under the specifications.
- Section 2.03 – Subpart B, Specifies removal of Floatable Materials.
Bay Saver Technical Manual Dated March 4 specifies the 10k Unit offered as not being able to remove floatable materials without the use of a separate non-clog screen. The manufacturer stated performance limitations on floatable material capabilities does not meet the requirements of the specification section.
- Section 2.03 – Subpart C, Specifies removal of oil & grease.
The “Application for approval of Engineering Equal” provided by the vendor does not contain any substantiated test data to confirm the removal capability nor efficiency of grease and oils, specifically without the use of sorbent, material as required by the specifications.
- Section 2.03 – Subpart B, Specifies adequate sump volume.
The “Application for approval of Engineering Equal” provided by the vendor does not contain any substantiated test data to confirm the offered units ability to maintain full functionality if only cleaned two times a year.

- Section 2.03, Specifies the manufacturer to perform a backwater analysis.
The “Application for approval of Engineering Equal” provided by the vendor does not contain adequate backwater analysis to substantiate that the proposed unit is capable of achieving the required flow rate without resulting in upstream system flooding.

- Section 2.03, Subpart E, Specifies a Manufacturer’s Performance Certification.
The City purchased a Bay Saver Unit on a prior Official Publication bid under agreement that the unit would be field tested and jointly evaluated for compliance with the specified removal capabilities. Specifically the agreement called for the vendor to accept reimbursing the City for the cost of the unit should the field test data prove to not meet the specifications and for the City to accept Bay Saver as an approved equal should the field test results meet the specifications. The City installed testing appurtenances specified by Old Castle Precast at some of our own cost. To date both Old Castle Precast and Bay Saver have failed to follow through on the agreement and have left verbal indication that they have now no plans of doing so. Communication of this matter was non existent and it ultimately fell upon the City to make repeated inquiries as to the status of the issue. The terms of the agreement must be met in acquiring field test data germane to local runoff qualities before any substitute test data will be accepted for evaluation.

Again, I thank you for submitting your bid. If you have any questions I can be reached at 673-2421.

Sincerely,

J. Rich Profaizer, P.E.
Construction & Maintenance Manager
Field Services Division – Sewer

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