

February 10, 2022

By Email: sjamali@leedelectric.com

Seyed A. Jamali Dinan
LEED Electric, Inc.
13138 Arctic Circle
Santa Fe Springs, CA 90670

**SUBJECT: OC SAN Response to LEED Electric, Inc. Protest Statement
Project No. FE19-08
Secondary Treatment VFD Replacements at Plant No. 2**

This letter serves as the Orange County Sanitation District’s (“OC SAN”) response to the Award Protest Statement (“Protest”) filed by LEED Electric, Inc. (“LEI”) on February 2, 2022. The Protest challenges the recommendation that OC SAN award the contract for the above-referenced project (the “Contract”) to ACS Engineering (“ACSE”). LEI alleges that ACSE is not a responsive and/or qualified contractor because it is non-responsive to OC SAN's requirements identified on bid submittal form BF-4 A. which states in part, “Using this form, Bidder shall list three (3) Public Works VFD projects (125hp / 480V and above) completed within the last seven (7) years”. OC SAN has reviewed the Protest and all necessary facts and written materials submitted, including the Protest response letter received from ACSE, and hereby denies the relief LEI requested based on the following:

ACS Engineering is a Responsive and Responsible Bidder

OC SAN reviewed ACSE’s bid and requested ACSE clarify information provided on bid submittal form BF-4 A.

ACSE responded to the request for clarification and the information in the response provided clarification which was sufficient to complete the evaluation of the bid (see attached FE19-08 ACSE Response to Clarification Request No. 1).

LEI’s protest points out that ACSE’s original responses were deficient. ACSE’s responses to the request for clarification have resolved this minor deficiency.

Determination

Based on the facts and evidence presented, OC SAN determined that ACSE is a responsive and responsible bidder for the above-referenced project. Accordingly, OC SAN hereby rejects LEI’s Protest.

- Serving:*
- Anaheim
 - Brea
 - Buena Park
 - Cypress
 - Fountain Valley
 - Fullerton
 - Garden Grove
 - Huntington Beach
 - Irvine
 - La Habra
 - La Palma
 - Los Alamitos
 - Newport Beach
 - Orange
 - Placentia
 - Santa Ana
 - Seal Beach
 - Stanton
 - Tustin
 - Villa Park
 - County of Orange
 - Costa Mesa Sanitary District
 - Midway City Sanitary District
 - Irvine Ranch Water District
 - Yorba Linda Water District



Seyed A. Jamali Dinan
February 10, 2022
Page 2 of 2

OC SAN will proceed to recommend award of the Contract to the lowest responsive and responsible bidder, ACSE, at the Board of Directors Meeting on March 23, 2022.

Ruth Zintzun
Purchasing & Contracts Manager

RZ:LDR:yp

Attachment: Noted Above



Electrical, Controls, & Automation Solutions



ACS Electrical, Inc.

January 20, 2022

Larry Roberson
Orange County Sanitation District
Senior Contracts Administrator
10844 Ellis Avenue
Fountain Valley, CA 92708

Subject: **Project No. FE19-08**
Secondary Treatment VFD Replacements at Plant No. 2

Dear Larry,

In response to OCSD Clarification Request No.1 that we received for the above project.

Attached, please find the Bid Submittal documentation you requested.

1. BF-4 Performance History and Financial Resources
 - A. List of Current and Completed Projects

Respectfully,

C. Sandoval

Chris Sandoval
Project Manager
Mobile: (702) 234-8918
Office: (949) 297-3777 Ext: 302



ACS Electrical, Inc.

33 Hammond
Suite 209
Irvine, CA 92618

www.acsengineering.net

BF-4 PERFORMANCE HISTORY AND FINANCIAL RESOURCES

A. LIST OF COMPLETED PROJECTS AND EXPERIENCE REQUIREMENTS

Using this form, Bidder shall list three (3) Public Works VFD projects (125hp / 480V and above) completed within the last seven (7) years.

Using the table provided in this section, for each listed project, include: (1) the project name and location, (2) role as prime contractor or subcontractor, (3) description of work, (4) owner's name and address and the name and phone number of project manager or project engineer, (5) final contract value, and (6) completion date.

Bidder shall ensure the contact names and numbers are current at the time of Bid. If the contacts are no longer employed with the owner, Bidder shall identify at least one contact familiar with the project and Bidder's work thereon. In addition to contacting the references included herein, OC SAN may, and retains its right to contact other project owners and such other entities for which Bidder has performed or is performing work.

Bidder must submit this information with its Bid. Attach documents directly behind this page and/or fill in the pages provided below.

If the Bidder cannot demonstrate that it has the minimum experience requirements described above, its Bid shall be deemed non-responsive.

| Project Name and Location | Role | Description of Work | Owner's Name, Address, Phone No., Project Manager or Project Engineer | Final Contract Value | Completion Date |
|---|---|---|--|---------------------------------|-----------------|
| Perris II Desalination Facility 29285 Valley Blvd. Menifee, CA 92584 | <input type="checkbox"/> Prime | 1. Electrical, Instrumentation, & Control System work 2. Manufacturing & installation of PLC Control Panels 3. Supply & installation of several new MCCs & VFDs 4. Testing, Startup, and Commissioning | Eastern Municipal Water District 2270 Trumble Rd. Perris, CA 92570 | \$ 58,400,000.00 (TOTAL) | January 2022 |
| | <input checked="" type="checkbox"/> Sub | VFDs ranged in size from 75HP to 300HP. There were a total of twenty (20) VFDs, fourteen (14) of which were 125HP or larger. | Mr. Kourosh Ironzamin (951) 300-7218 | \$ 5,980,000.00 (ELECTRICAL) | |

Bid Submitted By: **ACSE**
 (Name of Firm)

| Project Name and Location | Role | Description of Work | Owner's Name, Address, Phone No., Project Manager or Project Engineer | Final Contract Value | Completion Date |
|---|---|--|---|--|-----------------|
| Pall Microfiltration Expansion Project (CIP-10057) 1035 S. Hughes Way El Segundo, CA 80245 | <input type="checkbox"/> Prime <input checked="" type="checkbox"/> Sub | 1. Electrical, Instrumentation, & Control System work 2. Supply and installation of four (4) 300HP VFDs 3. Testing, Startup, and Commissioning | West Basin Municipal Water District 17140 S. Avalon Blvd. Carson, CA 90746 Mrs. Yvonne Lucas (310) 660-6284 | \$ 18,600,000.00 (TOTAL) \$ \$ 1,200,000.00 (ELECTRICAL) | April 2018 |
| Northwest Siebrie Park Water Well No. 20 1300 W. El Segundo Blvd. Hawthorne, CA 90250 | <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Sub | 1. Electrical, Instrumentation, & Control System work 2. Supply and installation of one (1) 300HP VFD 3. Testing, Startup, and Commissioning | City of Compton 205 S. Willowbrook Ave.. Compton, CA 90220 Mr. Kavous Emami (714) 401-4695 | \$ 1,200,000.00 (TOTAL) \$ \$ 320,000.00 (ELECTRICAL) | August 2017 |
| | <input type="checkbox"/> Prime <input type="checkbox"/> Sub | | | \$ | |
| | <input type="checkbox"/> Prime <input type="checkbox"/> Sub | | | \$ | |

BF-4 PERFORMANCE HISTORY AND FINANCIAL RESOURCES (Continued)

B. BUSINESS OPERATIONS

For the questions herein, the term "Firm" shall refer to the individual or the entity submitting the Bid to perform the Work under the Contract, and if the Firm is a Joint Venture, it shall include all joint venture partners.

1. In the past five (5) years, has a public agency, governmental or private entity or individual terminated your Firm's contract (or performance under a contract) for default prior to completion of the contract?

Yes No

If yes, explain on Attachment A the circumstances surrounding each termination.

2. In the past five (5) years, has your Firm been assessed liquidated damages on a construction contract with either a public or private owner?

Yes No

If yes, explain on Attachment A the circumstances surrounding each instance, and identify all such projects, the value of the contract on which liquidated damages were assessed, the amount assessed and paid, the name and address of the project owner, and the name and telephone number of a contact person with the project owner.

If any initial assessment of liquidated damages was determined by a court (jury decision or bench trial) or an arbitrator to be improperly assessed, then the liquidated damages will not be considered "assessed" for purposes of this question.

3. At any time during the past five (5) years, has any surety company made any payments or performed any work on your Firm's behalf as a result of a default to satisfy any claims made against a performance or payment bond issued on your firm's behalf in connection with a construction project, either public or private?

Yes No

If yes, explain on Attachment A the circumstances surrounding each issue, including the amount of each such payment or activity.

4. In the past five (5) years, has your Firm been prevented from bidding on any government agency or public works project because of debarment or for any other reason?

Yes No

If yes, explain on Attachment A the circumstances surrounding each instance, the terms of each such instance, whether an appeal was taken, and the status and/or result of each such appeal. The description should include the grounds on which the public entity debarred or otherwise prevented your Firm from bidding (e.g., applicable law, code, regulation, etc.), including but not limited to whether your Firm was debarred under Labor Code section 1770 et seq.

5. In the past five (5) years, has your Firm been convicted or found liable in a civil suit for making false claims or material misrepresentations to any governmental entity or public utility?

Yes No

If yes, explain on Attachment A the circumstances surrounding each instance.

6. In the past five (5) years, has your Firm or any of its owners or officers been convicted of a crime involving the bidding of a public contract, the awarding of a public contract, the performance of a public contract, or the crime of fraud, theft, embezzlement, perjury or bribery in any context? For this question, the term "owner" does not include those who own stock in a publicly traded corporation.

Yes No

If yes, explain on Attachment A the circumstances surrounding each instance.

BF-4 PERFORMANCE HISTORY AND FINANCIAL RESOURCES (Continued)

C. FINANCIAL INFORMATION

Insert the following information concerning your Firm’s financial information, and indicate the fiscal year-end date applicable to the same. “Year 1” refers to the most recent fiscal year in time, etc. Reflect the financial situation of the Bidder or partner to a Joint Venture, and not a sister or parent company. Information and representations provided by Joint Venture Bidders shall be made consistent with General Conditions, section entitled “Joint and Several Liability”.

| | Year 1 <u>2021</u> to <u>2022</u> | Year 2 <u>2020</u> to <u>2021</u> | Year 3 <u>2019</u> to <u>2020</u> |
|----------------------------------|--------------------------------------|--------------------------------------|---|
| 1. Net Worth* | \$ 4,500,000 | \$ 3,800,000 | \$ 3,700,000 |
| 2. Working Capital* ¹ | \$ 1,500,000 | \$ 1,900,000 | \$ 1,600,000 |

*If required by OC SAN during the evaluation period, Bidder shall bring in for review by OC SAN requested documentation to substantiate information provided with its Bid as noted below.

Upon request from OC SAN, Bidder must bring in for OC SAN’s inspection and review balance sheets, including all related notes, and income statements for the last three years, complying with the following conditions:

- All such documents reflect the financial situation of the Bidder or partner to a Joint Venture, and not a sister or parent company. Information and representations provided by Joint Venture Bidders shall be made consistent with General Conditions, section entitled “Joint and Several Liability”
- Provide a reviewed or audited financial statement for the past three years.
- Financial statements must be complete, including all notes to the financial statements.
- Financial statements must correspond to accounting periods already completed and/or audited (no statements for partial periods shall be requested or accepted).

If, during or after the review of the requested documents, OC SAN determines that copies of some or all of the requested documents are needed to aid further evaluation by OC SAN of the Bidder’s Responsibility or ability to perform the Contract, OC SAN staff may, in its sole discretion, make copies of some or all of the documents and materials, or may request Bidder to supply copies of documents and materials.

¹ Includes any available lines of credit.

BF-4 PERFORMANCE HISTORY AND FINANCIAL RESOURCES (Continued)

D. FINANCIAL HISTORY

For the questions herein, the term "Firm" shall refer to the individual or the entity submitting the Bid to perform the Work under the Contract, and if the Firm is a Joint Venture, it shall include all joint venture partners.

If the answer to any of the following questions is "Yes," explain on Attachment B the circumstances surrounding each instance.

1. Is your Firm now the debtor in a bankruptcy case?

Yes No

2. Is your Firm's working capital for the most recent completed fiscal year less than 5% of your Total Amount of Bid as set forth in the Schedule of Prices herein.

Yes No

3. Is your Firm's net worth for the most recent completed fiscal year less than 20% of your Total Amount of Bid as set forth in the Schedule of Prices herein?

Yes No

