



## Agenda Report

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**File #:** 2021-1785, **Version:** 1

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**FROM:** James D. Herberg, General Manager  
Originator: Kathy Millea, Director of Engineering

**SUBJECT:**

**SECONDARY TREATMENT VFD REPLACEMENTS AT PLANT NO. 2, PROJECT NO. FE19-08**

### **GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Receive and file Bid Tabulation and Recommendation for Secondary Treatment VFD Replacements at Plant No. 2, Project No. FE19-08;
- B. Receive and file Orange County Sanitation District's Notice of Intent to Award dated January 27, 2022;
- C. Receive and file Award Protest from LEED Electric, Inc. dated February 2, 2022, concerning the award to ACS Engineering;
- D. Receive and file Orange County Sanitation District's determination letter dated February 10, 2022 to LEED Electric, Inc. responding to award protest;
- E. Award a Construction Contract to ACS Engineering for Secondary Treatment VFD Replacements at Plant No. 2, Project No. FE19-08, for an amount not to exceed \$1,433,000; and
- F. Approve a contingency of \$143,300 (10%).

### **BACKGROUND**

The Activated Sludge Plant at Plant No. 2 is one of two parallel biological treatment processes at Plant No. 2. The facility was built in 1983 and includes pumps of various sizes, many of which have variable frequency drives (VFDs) to control the output of the pumps.

### **RELEVANT STANDARDS**

- Comply with California Public Contract Code Section 20103.8, award construction contract to lowest responsive, responsible bidder
- 24/7/365 treatment plant reliability

## PROBLEM

Fourteen pumps in the Activated Sludge Plant ranging in size from 50 to 300 horsepower have VFDs installed between 2004 and 2007 that are at the end of their useful life. Replacement parts and manufacturer support services are no longer available. The pumps driven by these VFDs are critical to operations and permit compliance.

## PROPOSED SOLUTION

Award a construction contract for Secondary Treatment VFD Replacements at Plant No. 2, Project No. FE19-08, to replace fourteen VFDs at the end of their useful life.

## TIMING CONCERNS

Delaying replacement of these VFDs increases the risk for reduced secondary capacity if the VFDs cannot be repaired because parts or vendor support are not available.

## RAMIFICATIONS OF NOT TAKING ACTION

Not replacing these VFDs increases the risk that critical pumps would not be available for service, leading to a reduction in treatment capacity.

## PRIOR COMMITTEE/BOARD ACTIONS

N/A

## ADDITIONAL INFORMATION

OC San advertised for bids on November 4, 2021 and eleven sealed bids were received on January 11, 2022. A summary of the bid opening follows:

Engineer's Estimate	\$ 1,632,000
<u>Bidder</u>	<u>Amount of Bid</u>
ACS Engineering	\$ 1,433,000
LEED Electric, Inc.	\$ 1,557,000
Inter-Pacific, Inc.	\$ 1,629,073
Spark Power Corp.	\$ 1,671,425
Helix Electric, Inc.	\$ 1,943,000
Mass. Electric Construction Co.	\$ 1,975,600
Houalla Enterprises, Ltd.	\$ 2,379,100
Vellutini Corp.	\$ 2,444,000
Baker Electric, Inc.	\$ 2,493,925
Shimmick Construction Company, Inc.	\$ 2,716,182
CSI Electrical Contractors, Inc.	\$ 3,719,000

The bids were evaluated in accordance with OC San's policies and procedures. On January 18, 2022, the Orange County Sanitation District (OC San) issued a Clarification Request No. 1 to the low bidder concerning reference projects listed in form BF-4 (List of Completed Projects and Experience Requirements). On January 20, 2022, the low bidder submitted a response that satisfied the listed requirements.

A notice was sent to all bidders on January 27, 2022, informing them of the intent of OC San to recommend award of the Construction Contract to ACS Engineering.

LEED Electric, Inc., the second low bidder, submitted a formal Protest of the award recommendation to OC San on February 2, 2022, alleging deficiencies in the ACS Engineering bid due to reference projects listed in form BF-4.

Staff reviewed the Bid Protest and the Clarification Response and found that it does not merit a change to the award recommendation for the following reasons:

1. The Low Bidder's Clarification Response included information that satisfied the requirements of form BF-4, List of Completed Projects and Experience Requirements.

Based on the above, staff, in consultation with OC San's General Counsel, determined the protest had no merit.

Staff recommends awarding a Construction Contract to the lowest responsive and responsible bidder, ACS Engineering, for a total amount not to exceed \$1,433,000.

## **CEQA**

The project is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Sections 15301. A Notice of Exemption will be filed with the OC Clerk-Recorder after OC San Board of Directors approval of the construction contract.

## **FINANCIAL CONSIDERATIONS**

This request complies with the authority levels of OC San's Purchasing Ordinance. This item has been budgeted (Budget Update, Fiscal Year 2021-2022, Appendix A, Page A-8, Support Facilities - Small Construction Projects Program) and the budget is sufficient for the recommended action.

## **ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Notice of Intent to Award Dated January 27, 2022
- Award Protest from LEED Electric, Inc. Dated February 2, 2022
- OC San's Determination Letter Dated February 10, 2022
- Construction Contract

TW: jw