



September 13, 2018

Nueces County Purchasing
C/O Mrs. Elsa Saenz
901 Leopard Street, Room 106
Corpus Christi, TX 78401

Sent via email to: elsa.saenz@nuecesco.com

RE: IFB No. 3082-18 Solid Waste Collection & Disposal Service (Dumpsters) for County Properties

Dear Elsa:

Please find this letter as our official protest within 10 days of the above-mentioned bid, 3082-18, which was awarded on September 5, 2018 in Commissioner's Court. We are protesting the award on grounds that the awarded vendor – CC Disposal Services of Corpus Christi – did not bid item #20 as requested and in fact admitted this in court that day.

Item 20 on the RFP specifically dealt with a compactor unit at the Nueces County Courthouse. The bid item called for, "One 40 cubic yard self-contained compactor" even though the current compactor at the site is a 36-yard self-contained compactor. We were aware of this proposed switch and in fact asked the County about it in an email (copy attached) dated 8/21/18 from Matt Eckstrom to your office. Your response stated that indeed that was correct and "we need the sized noted in the RFP" so we began locating this type of unit. It turned out to be a special build and therefore our cost was increased.

After reviewing the bid tabs prior to the 9/5 court date, it became apparent to us that the lowest bidder (and current hauler) CC Disposal, might not have been factoring in this new unit in their bids. We decided we would address that at the meeting on 9/5.

A review of the meeting video (<http://nuecescountytexas.new.swagit.com/videos/13063>) from that day details the following sequence of events over about a 10 minute period beginning at the 1:01:00 point of the meeting:

- 1:01:00 After the bid tabs and staff recommendation is read to the Court, I address the court and ask that for the record, we want to make sure that the awarded vendor will be providing a "40-yard self-contained packer per the bid specs" within a reasonable amount of time, and that the current self-contained packer that they are utilizing will be switched out.
- 1:02:00 When asked by Commissioners why this larger compactor is in the bid, they are informed because "maintenance requested a bigger dumpster" as the reason.

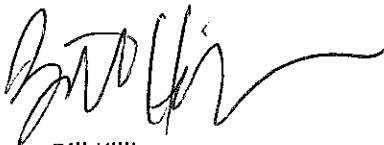
- 1:03:00 Commissioner Vaughn then asks if the awarded contractor is indeed going to offer the self-contained compactor as in bid specs, and mentions that I (Frontier) “have a good point.”
- 1:03:45 Jason Rowe – CC Disposal Service site manager – then addresses the court and during his comments states the new compactor will be a “stationary compactor” – this is the crux of our protest.
- 1:05:00 I then address the court again and mention that a “stationary” compactor is not a “self-contained” compactor. I turn to the audience and motion in an asking fashion to Mr. Rowe and he agrees with me, that a stationary compactor is not a self-contained compactor.
- 1:06:00 Judge Neal then comments, “What we want is compliance with the specs.”
- 1:06:30 At this point, you are asked by the Commissioners if the suggested awardee will comply with the bid specs or is there a misunderstanding to which you reply that there might be some confusion as you don’t have extensive knowledge of compactors and state, “I suppose there is.”
- 1:07:00 This prompts Mr. Rowe to address the court again, and he states that after being asked about a 40-yard self-contained compactor, he spoke with a manufacturer (WasteQuip) and they told him they “didn’t recommend a self-contained compactor” and so “we went with the manufacturer” and would be installing a stationary compactor.
- 1:08:00 After that, regardless of this admission of RFB non-compliance, the motion to approve CC Disposal Service is seconded and approved.

As my remarks to court that day attested – a stationary compactor will be a complete failure for the jail/court building. The waste stream of that compactor consists of much cafeteria waste. This is a wet waste and that is exactly why a self-contained compactor has been utilized there for years. I have attached some pictures to illustrate how this unit will most assuredly fail the County, especially the prison’s waste stream.

That is why the bid, item 20, called for a self-contained compactor and not a stationary. We bid a special built 40-yard self-contained compactor as the IFB requested. The current awardee did not bid it as spec’d and admitted this several times in Court. If we had bid a non-specialty built, 40-yard stationary compactor, we are most certain our bid would be at least 10% lower, making us the low bidder and the awardee of this contract.

Due to this fact, we respectfully request that this decision rescinded, and our firm awarded IFB 3082-18, with an October 24th start date.

Sincerely,



Bill Killian

Vice President, Frontier Waste

Fw: IFB NO. 3082-18

Matt Eckstrom

Wed 8/29/2018 5:04 PM

To: Bill Killian <bk@bkillian.net>;

here you go

From: Elsa Saenz <elsa.saenz@nuecesco.com>
Sent: Wednesday, August 29, 2018 4:52 PM
To: Matt Eckstrom
Cc: Annette Mendoza
Subject: RE: IFB NO. 3082-18

The 40 cy container was requested this go around because there is a need.

Elsa N. Saenz, CPM
Purchasing Agent
Nueces County Purchasing
1001 Leopard St., Rm. 106
Corpus Christi, Texas 78401
O: 361-888-0426
F: 361-888-0458
E: elsa.saenz@nuecesco.com

From: Matt Eckstrom [mailto:me@kcdisposal.net]
Sent: Wednesday, August 29, 2018 3:22 PM
To: Elsa Saenz
Subject: Re: IFB NO. 3082-18

Thanks Elsa, I appreciate that. I imagine if they don't install the 40-yard self-contained packer that would be a big problem as that is what the spec called for, correct?

The ratio is of the packer is on page 2 of the specs under Ratio.

Thank you, ME

From: Elsa Saenz <elsa.saenz@nuecesco.com>
Sent: Wednesday, August 29, 2018 1:37 PM
To: Matt Eckstrom
Subject: RE: IFB NO. 3082-18

Yes the compactor will be 40cy. This was a change in this year's bid document. That is what was bid by all bidders.

I was unable to find the ratio in your bid. If provided, where can it be found. I did see the specs on the compactor but it did not include the ratio.

The bid language does not provide for a split award.

Elsa N. Saenz, CPM
Purchasing Agent
Nueces County Purchasing
901 Leopard St., Rm. 106
Corpus Christi, Texas 78401
O: 361-888-0426
F: 361-888-0458
E: elsa.saenz@nuecesco.com

From: Matt Eckstrom [<mailto:me@kcdisposal.net>]
Sent: Wednesday, August 29, 2018 7:10 AM
To: Elsa Saenz
Subject: IFB NO. 3082-18

Mrs. Saenz,

Does the current hauler – whose bid numbers are slightly lower than ours – have plans to convert the current 35-yard packers they have on site to new 40-yard packers as called for in the bid? Where the specs and compaction ratios included in the bid specs per the IFB? If not, that would lead us to ask for a re-bid as we bid on installing 40's, not the current 35's?

Also, would the County consider splitting the bid and award us our lower bid Front Load dumpster work and awarding the compactor work to the lower bidder in that category?

Thanks,
Matt
Killian Calderon Disposal
361-944-9860

PICTURES BELOW ARE OF THE BID REQUEST, A "SELF-CONTAINED COMPACTOR."

NOTE HOW THE ENTIRE UNIT IS PICKED UP BY TRUCK AND TAKEN TO LANDFILL AS ONE WHOLE UNIT. NO HOLES, OR DISCONNECTING. SAFER AND MUCH, MUCH CLEANER.

THIS IS THE TYPE OF PACKER CURRENTLY UTILIZED BY THE COUNTY COURTHOUSE AND HAS BEEN FOR YEARS.



HERE ARE EXAMPLES OF A "STATIONARY COMPACTOR" OF WHICH THE KEY WORD IS "STATIONARY" AS THE COMPACTOR UNIT NEVER MOVES. INSTEAD, THE "RECEIVER BOX" BREAKS AWAY FROM THE PACKER UNIT AND IS TAKEN TO THE LANDFILL.

THIS MACHINE IS COMPLETELY DIFFERENT TO WHAT THE COURTHOUSE USES NOW AND IS COMPLETELY DIFFERENT FROM THE IFB REQUIREMENT OF A "SELF-CONTAINED COMPACTOR" AND THEREFORE WHY WE ARE PROTESTING THIS AWARD.

BIAS ASIDE, THE COUNTY WILL BE COMPLETELY UNHAPPY WITH A STATIONARY COMPACTOR. NOTICE THE DEBRIS THAT IS COMING OUT OF THE OPEN SIDE OF RECEIVER BOX IN PICTURE BELOW. IMAGINE THAT DEBRIS WITH THE WET WASTE COMPONENT THAT COMES FROM THE JAIL. IT WOULD BE A MAINTENANCE CLEAN-UP NIGHTMARE.

EVERY JAIL WE HAUL FOR TDCJ IS A SELF-CONTAINED PACKER, NONE ARE STATIONARY UNITS. THEY ARE ENTIRELY DIFFERENT TYPES OF MACHINES.



Frontier West
PO BOX 260119
CLTX 78426

Nueces Co Purchasing
c/o Mrs. ELSA SAENT
901 LEOPARD ST.
CORPUS CHRISTI - TX

NUECES COUNTY PURCHASING

2018 SEP 14 PM 2:27