

Douglas County Board of County Commissioners

AGENDA ACTION SHEET

Title: For possible action. Discussion to determine whether to uphold or reject the Bid Protest submitted by KG Walters Construction, which pertains to the staff's recommendation to award the North Valley Wastewater Treatment Plant Improvements project to Farr Construction Corporation, d.b.a. Resource Development Company. (Walt Johnson, KG Walters Construction)

Recommended Motion: Based upon the evidence and arguments presented:

(a) Uphold the Bid Protest filed by KG Walters Construction, because KG Walters Construction *has* demonstrated that Farr Construction Corporation, d.b.a. Resource Development Company, was not properly licensed at the time of the bid *and* that Farr Construction Corporation was required to be properly licensed at the time of the bid.

OR

(b) Reject the Bid Protest submitted by KG Walters Construction, because KG Walters Construction *has not* demonstrated that Farr Construction Corporation, d.b.a. Resource Development Company, was improperly licensed at the time of the bid and was required to be properly licensed at the time of the bid.

Financial Impact: None

Prepared by: Nicholas Charles, Civil Engineer

Meeting Date: January 18, 2018 **Time Required:** 20 Minutes

Agenda: Administrative

Background Information: Douglas County Public Works originally posted the advertisement for bids for the North Valley Wastewater Treatment Plant Improvement Project on October 4, 2017, and the Bid Opening took place on November 17, 2017. After reviewing the bids, the Public Works Department identified Farr Construction Corporation d.b.a. Resource Development Company ("RDC") as having submitted the lowest responsive bid by a responsible Bidder. As a result, and in accordance with the requirements of Section 19.02 of the Instructions to Bidders, which were included in the Bid Documents, the Public Works Department issued a recommendation to award the Contract to RDC in a letter dated December 12, 2017 (Exhibit A).

Pursuant to NRS 338.142 and Section 22 of the Instructions to Bidders, a person who bids on the contract may file a protest regarding the award of the

contract within 5 business days after the date of the recommendation to award. KG Walters Construction, the second lowest bidder, filed a protest regarding the recommendation to award the contract to RDC on December 12, 2017 (Exhibit B). In short, KG Walters Construction argues that RDC is not a qualified bidder because, as alleged by KG Walters Construction, RDC was not properly licensed at the time of the bid.

Pursuant to Section 22 of the Instructions to Bidders (Exhibit C), the County will initially respond to the protest in writing, and if the protestor is not satisfied with the response, they may then protest to the Douglas County Board of Commissioners. In accordance with this section, Public Works responded to the protest in writing in a letter dated December 18, 2017 (Exhibit D). In short, Public Works informed KG Walters Construction that KG Walters had provided insufficient supporting information to show that RDC was unqualified; Public Works further stated that it intended to reject the Bid Protest.

KG Walters subsequently informed the Public Works Department that it was not satisfied with the response and that they wished to protest to the Douglas County Board of Commissioners (Exhibit E). RDC has provided a written response for consideration (Exhibit F).

This matter is before the Board of Commissioners to make a determination on whether to uphold or reject KG Walters Construction's Bid Protest. The NRS provision pertaining to bid protests is included in Exhibit G.

Agenda Item # 8