

item# 4-3A

**City of Carson City
Agenda Report**

Date Submitted: July 24, 2007

Agenda Date Requested: August 2, 2007

Time Requested: Consent

To: Mayor and Supervisors

From: Purchasing & Contracts

Subject Title: Action to approve the award of Contract No. 0708-019 Water Treatment Plant Filter Media to EP Minerals LLC as the lowest responsive and responsible bidder pursuant to N.R.S. Chapter 332 and pursuant to the Board's findings that it is in the public's best interest to accept the bid exceptions to provide Eagle Picher (FW 12) at a cost of \$7.875 per fifty (50) pound bag plus freight and fuel surcharges from EP Minerals LLC's Lovelock, Nevada facility ordered on an as-needed basis through August 2, 2012 with the option to renew for five (5) additional years subject to negotiation

Staff Summary: Public Works – Water Operations anticipates the use of approximately one hundred fifty to two hundred (150-200) tons of Diatomaceous Earth (DE) filter media within each contract year, and an approximate total of seven hundred fifty to one thousand (750-1,000) tons for the five (5) year contract period delivered to the Quill Water Treatment Plant, 2900 Kings Canyon Road.

Type of Action Requested: (check one)
☐ Resolution ☐ Ordinance
☒ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to approve the award of Contract No. 0708-019 Water Treatment Plant Filter Media to EP Minerals LLC as the lowest responsive and responsible bidder pursuant to N.R.S. Chapter 332 and pursuant to the Board's findings that it is in the public's best interest to accept the bid exceptions to provide Eagle Picher (FW 12) at a cost of \$7.875 per fifty (50) pound bag plus freight and fuel surcharges from EP Minerals LLC's Lovelock, Nevada facility ordered on an as-needed basis through August 2, 2012 with the option to renew for five (5) additional years subject to negotiation

Explanation for Recommended Board Action: *NOTICE TO BIDDERS* were mailed on May 31, 2007 and the *NOTICE TO BIDDERS* was published in the Nevada Appeal on June 3, 2007.

The bid was opened at approximately 2:30 p.m. on June 27, 2007 at 201 North Carson Street, Carson City, Nevada 89701 by Cheryl Adams, Purchasing & Contracts Manager.

The proposal from EP Minerals LLC, 9785 Gateway Drive, Suite 1000, Reno, Nevada 89521 775-824-7600 FAX #775-824-7601 was reviewed for price and conformance to the specifications. EP Minerals LLC had two (2) exceptions: 1) Exception to Line 1222: Bidder guarantees pricing for a period of one (1) year from date of award, with right of renewal, subject to negotiation, for second through fifth year; and 2) Exception to Line 1245: Pricing per unit includes material and packaging. Freight and fuel surcharges are to Buyer's account. Bidder also reserves the right to initiate an energy surcharge to be applied monthly, if the Henry Hub spot price from the prior month exceeds \$10.00 per decatherm. For every \$1.00 per decatherm increment over \$10.00 per decatherm, the Bidder will adjust the surcharge price by \$7.50 per ton. The calculation will be done monthly, based on the prior month's average daily close of the Henry Hub spot price and invoiced as a separate line item. Public Works has advised that these exceptions are acceptable.

Staff recommends award to EP Minerals LLC as the lowest responsive and responsible bidder pursuant to N.R.S. Chapter 332.

Applicable Statute, Code, Policy, Rule or Regulation: N.R.S. Chapter 332 Purchasing: Local Governments.

Fiscal Impact: This product will be purchased on an as-needed basis.

Explanation of Impact: This product will be purchased on an as-needed basis.

Funding Source: \$81,000.00 has been budgeted in FY 07/08 in the Water Fund

Alternatives: Do not award contract.

Supporting Material: Bid Response from EP Minerals LLC

Prepared By: Cheryl Adams, Purchasing & Contracts Manager

Reviewed By:



(Public Works)



(City Manager)



(District Attorney)



(Finance Director)

Date: 7/24/07

Date: 7/24/07

Date: 7-24-07

Date: 7/24/07

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date

SE
6-22-07

BIDDER INFORMATION:

Company Name: EP Minerals LLC
Federal ID No.: 20-4605079
Mailing Address: 9785 Gateway Drive, Ste. 1000
City, State, Zip Code: Reno, Nevada 89521
Complete Telephone Number: (775) 824-7600
Complete Fax Number: (775) 824-7601

Contact Person/Title: Sheba Ellis, Regional Sales Manager
Mailing Address: 9785 Gateway Drive, Ste. 1000
City, State, Zip Code: Reno, Nevada 89521
Complete Telephone Number: (775) 246-8036 or (775) 846-1442
Complete Fax Number: (775) 246-8068
E-mail Address: sheba.ellis@eaglepicher.com

Carson City Municipal Code Section 4.04.010 requires that any business operating within Carson City is required to be in possession of a valid Carson City business license. Be advised that upon award of a contract by Carson City, you must either have a current business license or an exemption letter from the Carson City Treasurer's Office before commencing business. However, possession of said license is not a prerequisite for bidding.

If Bidder has a valid Carson City Business License, please provide number:

Bidder does not have a valid Carson City Business License. Bidder contacted a representative of the Treasurer's Office Business License Division at 775-887-2092 FAX #775-887-2102 and has been informed that Bidder does need a Carson City Business License for this **REQUEST FOR BID**. Bidder certifies that he will obtain a Carson City Business License if awarded this **REQUEST FOR BID**.

Signature _____ Date _____

Bidder does not have a valid Carson City Business License. Bidder certifies that he has spoken to Charline Duque a representative of the Treasurer's Office Business License Division at 775-887-2092 and has been informed that 887-2105

Bidder does not need a Carson City Business License for this **REQUEST FOR BID**.

Signature Sheba L. Ellis Date 6-22-07

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date SLE

6-22-07

DISCLOSURE OF PRINCIPALS:

Individual and/or Partnership:

Owner 1) Name: N/A
Address: _____
City, State, Zip Code: _____
Complete Telephone Number: _____

Owner 2) Name: _____
Address: _____
City, State, Zip Code: _____
Complete Telephone Number: _____

Other 1) Title: _____
Name: _____

Other 2) Title: _____
Name: _____

Corporation:

State in which Company is incorporated: Delaware -- limited liability
Date Incorporated: April 24, 2006 company authorized to do business in the
State of Nevada
Name of Corporation: EP Minerals LLC
Address: 9785 Gateway Drive, Ste. 1000
City, State, Zip Code: Reno, Nevada 89521
Complete Telephone Number: (775) 824-7600

President's Name: Mr. Dave Keselica

Vice-President's Name: Mr. Gregg Jones

Other 1) Name: Aaron Dorny
Title: VP of Finance

Other 2) Name: _____
Title: _____

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date

SLE
6-22-07

If Bidder responds NO to any of the following questions, Bidder must use the EXCEPTION SUMMARY document to record any deviations, modifications, and/or alternates proposed to this REQUEST FOR BID. Failure to do so may be justification for rejection of the BID RESPONSE. Bidder must indicate the title of document from the top of the page, the page number from the bottom of the page, the item number corresponding to the item, and a detailed description of the deviation, modification, and/or alternate. Failure to note deviations, modifications, and/or alternates on the EXCEPTION SUMMARY shall be interpreted to convey that Bidder will perform in the manner described and/or specified in this REQUEST FOR BID.

Bidder has read the SPECIFICATIONS and certifies that the product(s) and/or service(s) proposed meets or exceeds the requirements of this REQUEST FOR BID.

☒ Yes ☐ No

Bidder has provided "Exhibit A" – A certified testing report from an independent laboratory.

☒ Yes ☐ No

Bidder agrees to submit a Certificate of Analysis, signed by the Bidder's Quality Control Manager, with each shipment.

☒ Yes ☐ No

Bidder agrees that the Diatomaceous Earth (DE) filter media material shall be packaged in fifty (50) pound bags made of heavy weight paper.

☒ Yes ☐ No

Bidder agrees that the bagged DE material shall be placed on wooden pallets at the rate of at least thirty-six (36) bags per pallet.

☒ Yes ☐ No

Bidder agrees that each loaded pallet shall be wrapped with a plastic material for security.

☒ Yes ☐ No

Bidder agrees that the **CONTRACT TERM** shall be for five (5) years from date of award by the Board of Supervisors.

☒ Yes ☐ No

Bidder agrees that Carson City shall have the right to renew the Contract, for five (5) additional years, subject to negotiation.

☒ Yes ☐ No

Bidder guarantees the pricing for a period of five (5) years from the date of award.

☐ Yes ☒ No

See Page 37, Line 1383 "Exception Summary"
ending with Line 1386

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date

SLE
6-22-07

1224

1225 Bidder agrees that product(s) supplied pursuant to the provisions of this **REQUEST FOR**
1226 **BID** shall be subject to escalation and/or de-escalation of prices.

1227

☒ Yes ☐ No

1228

1229 Bidder agrees to provide delivery within fourteen (14) days of order placement **F.O.B. Quill**
1230 **Water Treatment Plant, 2900 Kings Canyon Road, Carson City, Nevada 89701, C/O Rit**
1231 **Palmer, Public Works Operations Chief Water or his designee.**

1232

☒ Yes ☐ No

1233

1234 Bidder agrees to deliver and place the DE filter media material as directed by Rit Palmer or
1235 his designee.

1236

☒ Yes ☐ No

1237

1238 Bidder agrees that the delivery of the DE filter media material shall be by "truck load" which
1239 shall consist of twenty-four (24) pallets.

1240

☒ Yes ☐ No

1241

1242 Bidder agrees that no guarantee is given that any specific quantity will be ordered.

1243

☒ Yes ☐ No

1244

1245 Bidder agrees that all prices shall be **F.O.B. Carson City**. No additional charges for freight,
1246 packaging, handling, insurance, etc., shall be allowed. Bidder shall be responsible for all
1247 shipping charges for items returned due to error and/or unacceptable condition.

1248

See Page 37, Lines 1393-1402 "Exception
Summary"

☐ Yes ☒ No

1249

1250 Bidder agrees that should he fail to deliver the product(s) and/or perform the service(s) bid
1251 in accordance with this **REQUEST FOR BID**, Carson City may declare Bidder in default
1252 of contract and recover all damages, costs and fees (including Attorney's fees) allowable by
1253 law.

1254

☒ Yes ☐ No

1255

1256 Bidder agrees that in the event of default by Bidder, Carson City may, at its option, pursue
1257 one or all of the following alternatives including: procure the product(s) and/or service(s)
1258 from another source and hold the defaulting Bidder responsible for an excess cost
1259 occasioned thereby, assess a penalty of 5% of the total awarded bid amount, commence
1260 with Surety and/or Performance Bond proceedings, debar the defaulting Bidder for not less
1261 than one year, or pursue other applicable legal remedies.

1262

☒ Yes ☐ No

1263

1264 Bidder agrees that if necessity requires the use of materials or supplies not conforming to
1265 the **SPECIFICATIONS**, they may be accepted and payment shall be made at a proper
1266 adjustment in price.

1267

☒ Yes ☐ No

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date

SLE
6-22-07

Bidder has read and agrees to abide by the **TERMS AND CONDITIONS** of this **REQUEST FOR BID**.

☒ Yes ☐ No

Bidder has provided "**Exhibit B**" - All addenda must be signed and placed in date and time order.

☐ Yes ☐ No ☒ Not Applicable

Bidder has provided "**Exhibit C**" - **BID RESPONSE** additional space on company letterhead.

☐ Yes ☐ No ☒ Not Applicable

Bidder has provided "**Exhibit D**" - Supplemental materials.

☐ Yes ☐ No ☒ Not Applicable

Bidder agrees that all billings for dates of service prior to July 1 must be submitted to Carson City no later than the first Friday in August of the same year; that a billing submitted after the first Friday in August will subject Bidder to an administrative fee not to exceed \$100.00; and that this amount will be deducted from the state claim payment due to Bidder.

☒ Yes ☐ No

CASH DISCOUNT of N/A % may be taken in addition to the price(s) stated for the terms of 30 days. Prompt payment discounts will be considered in award recommendation only if discount period is fifteen (15) or more calendar days. Discount period will be computed from the date Carson City acknowledges that the delivery and/or performance meets the requirements of this **REQUEST FOR BID** or from the date the correct invoice is received by the appropriate Carson City department/division accounts payable clerk, whichever is the latter date. *Payment is deemed to be made on the date payment is mailed to Bidder.*

Bidder has read and agrees to abide by the **INSURANCE REQUIREMENTS** for Commercial General Liability Insurance and Workers' Compensation and Employer's Liability Insurance for this **REQUEST FOR BID**.

☐ Yes ☒ No

Bidder has provided "**Exhibit E**" - **EXCEPTION SUMMARY** additional space on company letterhead.

☐ Yes ☐ No ☒ Not Applicable

MASTERCARD ACCEPTANCE. Bidder agrees to accept MasterCard as a form of payment under this contract at no additional cost to Carson City.

☐ Yes ☒ No

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date

SLE
6-22-07

1312 PRICING SUMMARY for Eagle Picher (FW 12), Celite Co. (Hyflo Super Cel), or
1313 approved equal in fifty (50) pound bags, placed on a wood pallets, and wrapped with
1314 plastic material for security.

1315
1316 Name of product: Eagle Picher (FW 12)

1317
1318 If approved equal, Bidder has provided "Exhibit AA" – written documentation of approval
1319 by Rit Palmer, Public Works Operations Chief Water, or his designee.

1320 ☐ Yes ☐ No ☒ Not Applicable

1321
1322 State UNIT PRICE per fifty (50) pound bag of DE in figures:

1323 \$ 7.875 FOB Bidder's Lovelock, NV facility

1324 Freight and Fuel Surcharges invoiced as separate line items

1325 State UNIT PRICE per fifty (50) pound bag of DE in words:

1326 Seven Dollars, eight seventy-five cents

**CARSON CITY PURCHASING & CONTRACTS
BID RESPONSE**

Bidder's initials & date

SLE
6-22-07

ACKNOWLEDGMENT AND EXECUTION:

STATE OF Nevada
COUNTY OF Carson City } SS

I, Sheba Ellis (Name of party signing this **BID RESPONSE**), being first duly sworn, do depose and say: That I am the Bidder and that I have read and agree to abide by this **REQUEST FOR BID** which includes the following documents: **NOTICE TO BIDDERS**, **SPECIFICATIONS**, **TERMS AND CONDITIONS**, and **BID RESPONSE**.

BIDDER:

PRINTED NAME OF BIDDER: Sheba Ellis
TITLE: Regional Sales Manager - Western Region
FIRM: EP Minerals LLC
Address: 9785 Gateway Drive, Ste. 1000
City: Reno
State / Zip Code: Nevada 89521
Telephone Number: (775) 824-7600
Fax Number: (775) 824-7601
E-mail address: sheba.ellis@eaglepicher.com

Sheba Ellis
(Signature of Bidder)

DATED this 22 day of June, 2007.

ATTEST:

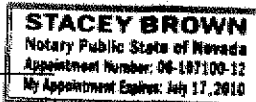
On this 22 day of June, in the year 2007, before me, Stacey Brown / Notary Public, personally appeared Sheba Lynn Ellis ~~personally known to me or~~ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he (she) executed it.

WITNESS my hand and official seal.

Stacey Brown
Notary's Signature

My Commission Expires: July 17, 2010

Stacey Brown Notary Public for the State of Nevada



L.S.

CARSON CITY PURCHASING & CONTRACTS

BID RESPONSE

Bidder's initials & date

ShE
6-22-07

EXCEPTION SUMMARY INSTRUCTIONS:

Use this document to record any deviations, modifications, and/or alternates proposed to this **REQUEST FOR BID**. Failure to do so may be justification for rejection of the **BID RESPONSE**. Bidder must indicate the line number corresponding to the item and a detailed description of the deviation, modification, and/or alternate. Failure to note deviations, modifications, and/or alternates on the **EXCEPTION SUMMARY** shall be interpreted to convey that Bidder will perform in the manner described and/or specified in this **REQUEST FOR BID**.

If additional space is required, use company letterhead and mark as "Exhibit E".

If there are no deviations, modifications, and/or alternates proposed to this **REQUEST FOR BID**, write "None".

Exception, Line 1222, Page 32: Bidder guarantees pricing for a period of one (1) year from date of award, with right of renewal, subject to negotiation, for second through fifth year.

Exception, Line 1245, Page 33: Pricing per unit includes material and packaging. Freight and fuel surcharges are to Buyer's account. Bidder also reserves the right to initiate an energy surcharge to be applied monthly, if the Henry Hub spot price from the prior month exceeds \$10.00 per decatherm. For every \$1.00 per decatherm increment over \$10.00 per decatherm, the Bidder will adjust the surcharge price by \$7.50 per ton. The calculation will be done monthly, based on the prior month's average daily close of the Henry Hub spot price and invoiced as a separate line item.

*** END OF BID RESPONSE ***



Live safer.™

Close window to
exit NSF Listings.

NSF Product and Service Listings "EXHIBIT A"

These Listings were Last Updated on **Friday, June 22, 2007** at 4:15 AM Eastern Time.
Please **contact NSF International** to confirm the status of any Listing, report errors, or make suggestions.

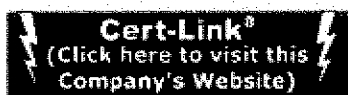
Warning: NSF is concerned about fraudulent downloading and manipulation of website text. If you have received this listing in hard copy, always confirm this certification/listing information by going directly to <http://www.nsf.org/Certified/PwsComponents/Listings.asp?TradeName=celatom&> for the latest most accurate information.

NSF/ANSI STANDARD 61 Drinking Water System Components - Health Effects

NOTE: Unless otherwise indicated for Materials, Certification is only for the Water Contact Material shown in the Listing. [Click here for a list of Abbreviations used in these Listings.](#)

EAGLE-PICHER FILTRATION & MINERALS, INC.

P.O. BOX 12130
RENO, NV 89510
775-824-7600



Facility : LOVELOCK, NV

Process Media

Trade Designation	Size	Water Contact Temp	Water Contact Material
Filtration Media			
Celatom Diatomaceous Earth[1]	13 µm - 77 µm	CLD 23	DE
Celatom Perlite[1]	32 µm - 70 µm	CLD 23	PERL

[1] Certified for a maximum use level of 1,000 mg/L. All Diatomaceous Earth and Perlite from this facility is NSF Certified, whether or not it bears the NSF Mark.

NOTE: Certified for water treatment plant applications.
This product has not been evaluated for point of use applications.

Facility : VALE, OR

Process Media

Trade Designation	Size	Water Contact Temp	Water Contact Material
-------------------	------	--------------------------	------------------------------

Filtration Media

Celatom Diatomaceous Earth[1]

13 µm - 77 µm

CLD 23

DE

[1] Certified for a maximum use level of 1,000 mg/L. All Diatomaceous Earth from this facility is NSF Certified, whether or not it bears the NSF Mark.

NOTE: Certified for water treatment plant applications.

This product has not been evaluated for point of use applications.

Number of matching Manufacturers is 1

Number of matching Products is 3

Processing time was 0 seconds

- [Search Listings](#) |
- [News Room](#) |
- [About NSF](#) |
- [Careers](#) |
- [NSF Mark](#) |
- [Client Log-In](#)

- [Privacy Policy](#) |
- [Site Map](#) |
- [Request Info](#) |
- [Contact Us](#) |
- [Copyright © 2004 NSF International.](#)