AGENDA ITEM DEVELOPMENT REPORT

OFFICE OF THE COUNTY MANAGER
CLARK COUNTY, NEVADA

Date: 02/20/09     Agenda Date: 03/03/09

AIDR No.: 3199

Originating Department: Finance/Purchasing & Contracts
Contact/Ext: Yolanda C. Jones/0243

Issue: SELECTION AND AUTHORIZATION TO PROCEED WITH AWARD FOR BID NO. 601318-08

Subject/Title:
Bid No. 601318-08; Annual Requirements Contract for LED Signal Indications and Pedestrian Indications

Recommended Action:
That the Board of County Commissioners approve the award of Bid No. 601318-08, Annual Requirements Contract for LED Signal Indications and Pedestrian Indications to Dialight, as the low responsive and responsible bidder; or take other action as appropriate.

Summary:
Six bids for Bid No. 601313-08 were received on October 30, 2008. The bid consisted of 2 lots, Lot 1 LED Traffic Signal Retrofit Modules, and Lot 2 Uniform Appearance LED Pedestrian Signal Face Countdown Modules. Neither lot has been awarded to date.

The technical specifications stipulate that all products’ bid for both Lot 1 and Lot 2 must be certified in the Intertek LED Traffic Signal Modules Certification Program. Manufacturers and model numbers must be listed on the Intertek program web site at the time of bid submittal.

Lot 1, the LED Traffic Signal Retrofit Modules, includes the 12” Red, Yellow, and Green Ball and Arrow. Lot 2, the Pedestrian Signal Module, includes three functions within the same housing: LED Hand, LED Person, and the Countdown Signal. Intertek currently certifies the LED Hand, and the LED Person according to the International Traffic Engineers (ITE) Specifications. The Countdown Signal is currently being considered for inclusion into the ITE specifications.

Intertek’s LED Traffic Signal Modules Certification Program provides manufactures with independent third-party test data and Intertek’s ETL verified product labeling for products that comply with the consensus ITE requirements. The ETL verified mark, is a signal of quality and performance, which gives manufacturers a means of differentiation in a competitive marketplace, and fortifies consumer confidence in product quality.

Public Works requires this certification as a means of limiting Clark County liability. Intertek tests each manufacturer’s products on a quarterly basis for both quality and performance. At the time of the bid submittals, two manufacturers were certified on the Intertek website. Those manufacturers are Dialight Corporation of Farmingdale, New Jersey and GE Lumination of Valley View, Ohio. Both of these manufacturers have been certified with Intertek for years.
In January 2009, Leoteck, also became certified, however, they were not certified at the time of bid submittals, and their bid was rejected as it did not meet the minimum requirements. The bid submitted by Tristar of Richardson, Texas was also recommended for rejection as they are not one of the manufacturer's certified on Intertek's website.

Attached is Trastars letter of protest and Clark County's response.

Neither TRASTAR, Inc. nor any of their model numbers are listed on the Intertek's certifications web site. While one of the three modules included in Lot 2 has yet to be included in the Intertek certification process, the other two modules could meet the Intertek certification criteria. The fact that Trastar's modules do not meet these specification criteria constitutes a substantial deviation to the bid and grounds for rejection of bid.

With regard to the previous purchase of similar units, these units were requested by the Public Works director to be purchased as quickly as possible, and therefore, were purchased utilizing a City of Las Vegas bid, as Clark County was in the process of developing specifications. In the above referenced bid, Clark County requested that any Manufacturers and products be certified by Intertek to avoid any future liability issues.

Staff recommends award to Dialight as the low responsive and responsible bidder.

VIRGINIA VALENTINE
County Manager
VV:dsu

Attachments: Trastar Inc. letter of Protest
             Purchasing and Contracts reply to Trastar Inc. Protest
February 5, 2009

Mr. Bob Bagwell, Sales Manager
TRASTAR, INC.
880 North Dorothy Drive, Suite 500
Richardson, Texas 75081

TELEPHONE NO. (972) 480-0888
FAX NO. (972) 480-8884

RE: BID NUMBER 601318-08; ANNUAL REQUIREMENTS CONTRACT FOR LED SIGNAL INDICATIONS AND PEDESTRIAN INDICATIONS

Dear Mr. Bagwell:

This letter is in response to your protest letter dated January 29, 2009, with regard to the above-referenced bid. I have consulted with the District Attorney’s office regarding the issues you have raised, and we have concluded that our position remains unchanged relative to the original evaluation of your bid submission.

The Pedestrian Signal Modules include three functions within the same housing: LED Hand, LED Person, and the Countdown Signal. Intertek currently certifies the LED Hand, and the LED Person according to the ITE Specifications. The Countdown Modules are currently being considered for inclusion into the ITE specifications.

The technical specifications stipulate that all products bid must be certificated in the Intertek LED Traffic Signal Modules Certification Program. Manufacturers and model numbers must be listed on the Intertek program web site at the time of bid submittal. TRASTAR, Inc. nor any of your model numbers are listed on the Intertek’s certifications web site. While one portion of the module currently has no specification for certification, it does not mean that the other two portions could not meet the certification criteria. The fact that your module does not meet the specification for the two portions of the module which could be certified constitutes a substantial deviation to the bid and grounds for rejection of bid.

With regard to the previous purchase of similar units, these units were requested by the Public Works director to be purchased as quickly as possible, and therefore, were purchased utilizing a City of Las Vegas bid, as Clark County was in the process of developing specifications. In the above referenced bid, Clark County requested that any Manufacturers and products be certified by Intertek to avoid any future liability issues.

Based on the above, I will be recommending the award of this bid to Dialight as the low responsive and responsible bidder.

Should you have any questions, you can call me at (702) 455-4424.

Sincerely,

Sandy Moody-Upton
Purchasing Analyst

Cc: Yolanda C. Jones, Purchasing Manager
    Elizabeth A. Vibert, Deputy District Attorney
    Jim Mulcahy, Purchasing Administrator
    Bill Sironen, Public Works
January 29, 2009

Sandy Moody-Upton
Purchasing & Contracts
Department of Finance
Clark County
500 S. Grand Central Pkwy., 4thFloor
Las Vegas, NV  89155-1217

Re: Protest - Notice of Intent to Award
     Bid No. 601318-08

Dear Sandy:

This is our official protest to your Notice of Intent to Award for Bid #601318-08 - Annual Requirements Contract for LED Signal Indications and Pedestrian Indications. Our protest is based on the following reasons:

1. The specification calls for ETL certification for both Lot 1 and Lot 2, LED Traffic Signal Modules and Pedestrian Signal Countdown Modules, respectively. Attached is a copy of the LED Traffic Signal certified products list downloaded from Intertek Testing Services website. The list clearly states that Pedestrian Countdown Modules are not certified (see the note at the end of the list). Consequently, the bid ETL certification requirement does not apply to Lot 2, which is for Pedestrian Countdown Modules.

2. Currently, there is no ITE specification for LED Pedestrian Countdown Modules for any independent testing laboratory to test the pedestrian countdown modules against. Therefore, the countdown module cannot be certified by any independent testing laboratory, including Intertek ETL Testing Services.

3. We have already supplied 500 pedestrian countdown units to Clark County. Before we bid on this project, we checked with your Engineering Department to see if the County has had any problems or issues with our products. The feedback we received from the Engineering Department was very positive. Since the County has already used our pedestrian countdown units, and our offer ($229,758.60) on this product is 27% lower than the price ($292,250.00) offered by the vendor (Dialight) the County intends to award, it would definitely be in the County’s best interest to award the pedestrian countdown units (Lot 2) to us.

www.trastarusa.com
Sandy Moody-Upton  
January 29, 2009  
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We understand the County’s decision on awarding Lot 1, LED Vehicular Traffic Signal Modules, to Dialight Corporation because of the ETL certification requirement specified in the bid. However, we totally disagree with the decision to award Lot 2 to the same company. We respectfully request that the County reconsider its decision on this intent to award and award Lot 2, LED Pedestrian Countdown Modules, to TraStar, Inc., who is the lowest bidder on this item.

Sincerely,

[Signature]

Bob Bagwell  
Sales Manager