

Pat Drosten

From: Justin Lusk <justin@cobraenvironmental.com>
Sent: Tuesday, December 16, 2025 5:27 PM
To: Pat Drosten
Subject: Re: ITB No. ITB 26-PW-01 Rehabilitation of Sanitary Sewer Lines and Manholes (CDBG 23DB-N33)

Good afternoon Mr. Drosten,

Thank you for the City's response and for the review conducted by staff, the Grant Administrator, and the City Attorney. I respectfully submit the following clarification for inclusion in the record and for Council's consideration.

The Specifications governing bid evaluation are set forth in Section 1.14 – Basis of Award. Section 1.14(C) states:

“The lowest Bid will be determined by comparison of the ‘Lump Sum Price’ stipulated on the Bid Form, plus any combination of Additive or Deductive Alternate Bid Items of the Owner’s choosing.”

This language expressly authorizes deductive alternates and confirms that such alternates are evaluated in addition to, and separate from, the base lump sum price.

Cobra Environmental's base pricing for the specified scope was fully and properly submitted on the OpenGov Total Pricing Form, in compliance with Section 8.1. The alternate manufacturer (Vortex Structure Guard) was disclosed on the Major Manufacturers or Suppliers form, which is a required form under the solicitation. The associated cost differential reflects a deductive alternate contemplated by Section 1.14(C), not a modification of the base bid.

Importantly, the Specifications do not identify any required format or designated location for pricing deductive alternates, nor does the OpenGov pricing interface provide a field to enter such alternates. Additionally, Section 1.15 – Responsiveness Requirements is expressly noted as “NOT USED”, leaving no stated basis for deeming a bid non-responsive on the grounds cited.

Accordingly, Cobra Environmental respectfully maintains that:

- No post-bid price change was requested,
- All base pricing requirements were satisfied,
- The deductive alternate was disclosed in accordance with the bid documents, and
- The determination of non-responsiveness is not supported by the Specifications.

Thank you for ensuring this clarification is included in the agenda materials. I remain available to provide any additional documentation the City may find helpful.

Best Regards,

Justin Lusk
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On Dec 16, 2025, at 2:29 PM, Pat Drosten <pdrosten@CITYOFEDGEWATER.ORG> wrote:

Mr. Lusk,

After review by city staff, our Grant Administrator and City Attorney, it has been determined that since the bid instructions stated in in Section 8 Submittal Requirements - 8.1 " All cost associated with delivering the requested services shall be detailed in format requested on the Total Pricing Form in OpenGov" that we are not able to consider the deductive pricing that was included in your bid submittal in the Major Manufacturers or Suppliers form, and have deemed that portion of the submittal as non-responsive.

It should be noted that the agenda request to Council will include your correspondence as well as the City Attorney and Grant Administrator responses.

Thank you,

Pat

Pat Drosten
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The views expressed in this message may not necessarily reflect those of the City of Edgewater. Thank you.

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