

P.O. Box 387
Astoria, OR 97103
Office 503-325-7130
Fax 503-325-0174
24 Hour Service



TIN # 93-0600594
OR CCB# 63328
WA CC01 BERGECI 1210H
info@bergerson-const.com
www.bergerson-const.com

October 3, 2024

Port of Ilwaco
ATTN: Tracy Lofstrom
165 Howerton Way SE
Ilwaco, WA 98624

RE: Port of Ilwaco Bulkhead Resilience Project; (Contract Number Not Available)
SUBJECT: Protest of Apparent Low Bidder
DELIVERY: VIA Email & Hard Copy Via Courier

Ms. Lofstrom,

In accordance with RCW 39.04.105, to the extent it applies, Bergerson Construction, Inc. ("Bergerson") hereby formally requests that the bid submitted by Advanced American Construction ("ACC") for the Port of Ilwaco Bulkhead Resilience Project be deemed non-responsive for the reasons described in the following paragraphs, and that Bergerson be awarded the contract for the project.

1. AAC did not provide a signed Debarment Certification as the Prime Contractor as required in Exhibit G. Bergerson submitted this certification with its bid. The Invitation to Bid makes submission of the Debarment Certification mandatory at the time of bid submission:

BIDDERS' CHECKLIST

The bidder's attention is especially called to the following forms which must be completed in full as required and submitted collectively as the bid proposal package

2. AAC did not provide signed Debarment Certifications from any of the subcontractors listed in their bid. This also was required by Exhibit G. They did, however, provide a subcontractor debarment certification, but it was signed by AAC. Bergerson correctly provided this certification, signed by its listed subcontractor.
3. AAC provided a price for Mobilization/Demobilization that far exceeds the 5% cap listed in Section 01 20 00, par. 1.05.A.1.b. Bergerson's price for mobilization is under the 5% cap. A bidder cannot change its price after bid submission.
4. AAC did not disclose its proposed rock source for the rock protection stone. This is mandatory at the time of bid in accordance with Section 31 35 16, par. 2.01. Bergerson is the only bidder that met this requirement at the time of bid. The Bid Solicitation provides:

2.01 STONE SOURCES

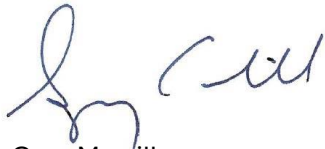
The name and location of the stone source the Contractor proposes for supplier of the Products shall be submitted to the Owner at time of bid.

In light of these items, AAC's bid should be rendered non-responsive and it cannot be awarded the project. We respectfully request that the contract be awarded to Bergerson Construction, Inc., who is the only responsive bidder.

Bergerson requests the opportunity to supplement this letter of protest beyond the 48 hour protest period, if necessary to expand on the merits the protest bases summarized above.

The Bid Solicitation contains no protest procedures or protest requirements. If the Port has identified any such procedures or requirements, or intends to apply any such requirements, we request that you notify Bergerson and provide an opportunity for us to address those provisions in a supplemental letter.

Very Respectfully,

A handwritten signature in blue ink, appearing to read 'Greg Morrill', is written over a horizontal line.

Greg Morrill
President

Cc: Eric Grasberger, Stoel Rives