



Office of the Borough Mayor

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2150 • (907) 714-2377 Fax

Charlie Pierce
Borough Mayor

May 18, 2022

D&L Construction
PO Box 810
Cooper Landing, AK 99669

Re: **Mayor's Decision on Appeal**
Roads Department, RFP22-044, Summer & Winter Road Maintenance
West Region, Unit 6

Dear Mr. Smith:

The Borough received your May 12, 2022, appeal of the Borough's Intent to Award a contract to Alaska Scrap and Recycling ("the Bidder") for the West Region, Unit 6 Summer and Winter Road Maintenance. The purpose of this letter is to provide my decision on your appeal.

You raised six reasons for the appeal which I have reviewed and which are summarized as follows:

1. That the Bidder committed a bid error by submitting their bid on page 2 of 2 of the bid form for Unit 5.
2. The instructions to bidders for item 10 states, in part, "only the amounts and information asked for on the Bid Schedule will be considered as the bid. Each bidder shall bid upon the work exactly as specified and as requested on the Bid Schedule" and because of this the Bidder did not bid the work exactly as specified.
3. The Bidder did not properly acknowledge the Addendums issued for this project.
4. Incorporation of Bid documents into the contract creates a dilemma for KPB: 1) KPB drafts a contract for West Region, Unit 6 using the Bidder's bid using a West Region, Unit 5 Bid form; or 2) KPB asks the Bidder to submit a revised bid using the West Region, Unit 6 Bid Form; or 3) KPB creates its own copy of West Region, Unit 6 Bid Form using the Bidder's numbers. Any of those choices would constitute falsification of documents and a fraudulent contract.
5. KPB failed to notify D&L Construction or any other contractors of the bid error.

6. Confusion regarding the Bidder's business license.

Summary of Decision on Appeal

Reason 1: References to Section 10 are noted and bidders should be aware of complications that may lead to a rejection of their bid. Section 13 Acceptance – Rejection of Bids, states that, "The Borough reserves the right to reject any or all bids, **to waive minor irregularities in any bids or in the bidding procedure, and to accept any bid presented which meets or exceeds said specifications and which is deemed to be in the best interest of the Borough.** Please see KPB Code of Ordinances, section 5.28.240 – Waiver of irregularities, emphasis added.

In this instance the Bidder mistakenly submitted sheet two of the bid form on the Unit 5 page 2 of 2. The signature page of this bid was appropriately submitted on sheet 1 of 2 for Unit 6. The Bidder's intention is clearly indicated by their submission and signature on the bid form for Unit 6, page 1 of 2. It is also important to note that the Bidder stated their intention to submit a bid for Unit 6 at the bid opening, immediately upon the reading of their bid.

Reason 2: The pages 2 of 2 in the ITB for all three Units' bid forms are identical with the exception of the noted Unit in the title block on each sheet. The Bid Schedule on the Unit 5 bid form page 2 of 2 is exactly the same as the bid schedule on the Unit 6 bid form page 2 of 2 and would not alter the values in any way.

Reason 3: Based on the recommendation of the Purchasing and Contracting Director, it is reasonable to assume that three check boxes on the Bid Form for Unit 6 serve to acknowledge the Bidder's acceptance of the three addendums issues for this ITB. All addenda will be included in the contract documents upon award.

Reason 4: This is acknowledged as a minor irregularity. Clarification of the intent will be addressed through the contract award process.

Reason 5: On May 6, 2022, at 2:44 pm, and prior to the intent to award, the Purchasing and Contracting Director responded to a request from D&L Construction about the ITB22-044 bid opening (attached). The body of the email stated the following;

"Upon further review of the bid documents the signature page of the bid was in fact for Unit 6. The error was in the use of the bid sheet for Unit 5. That bid sheet is identical to the Unit 6 sheet in format and does not alter the value provided. It was apparent through the signature page and the response from the contractor at the bid opening that the intent was to submit a bid for Unit 6. This is a minor irregularity and is not cause for finding Alaska Scrap and Recycling's bid nonresponsive."

This email also included a copy of the Bid Form pages 1 of 2 and 2 of 2, for reference.


As such, the Borough did respond to D&L regarding the minor irregularity in the bid process. All other claims under this Section are addressed in the explanations above.

Reason 6: The Bidder currently operates three other Roads Service Area Winter and Summer Maintenance contracts under the licensing provided in the bid tab. No discrepancies with that existing licensing status are known to exist at this time.

Therefore, for the reasons stated, your appeal is denied. The decision to award this contract to Alaska Scrap and Recycling is upheld pending inspection and ability to fully comply with the requirements of the contract. March 18, 2022.

This denial constitutes a final action by the Mayor and is appealable to the Borough assembly pursuant to KPB 5.28.320(G). A copy of KPB 5.28.320 is attached to this decision. Pursuant to KPB 5.28.320(G), if you decide to appeal this decision to the assembly you must submit your appeal to the borough clerk in writing within three (3) business days of the date of this decision.

Sincerely,


Charlie Pierce
Borough Mayor

MAY 12 PM 12:24

D & L Construction Co., Inc.
P. O. BOX 810
Cooper Landing, Alaska 99572
(907) 262-6160
(907) 262-6163
dlconst.smith@gmail.com

Received
pl

May 12, 2022

Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, Alaska 99669

Attn: Charlie Pierce, Mayor

Re: Appeal of **INTENT TO AWARD** dated May 9, 2022
Invitation to Bid – ITB22-044 Summer & Winter Maintenance, West Region, Unit 6

Dear Mayor Pierce,

In accordance with the KPB Code of Ordinances 5.28.320 we hereby appeal the **INTENT TO AWARD** dated May 9, 2022 to Alaska Scrap & Recycling for the Invitation to Bid – ITB 22-044 Summer & Winter Maintenance, West Region, Unit 6.

D & L Construction Co., Inc. was the lowest, qualified, responsive and responsible bidder for this project and should be awarded the contract for the following reasons:

- 1) Alaska Scrap & Recycling did not submit a bid for West Region, Unit 6 regardless of their stated intent after the bid opening. Page 2 of 2 as evidenced by their bid was for West Region, Unit 5 (see attached). They committed a bid error and should not have been declared the low bidder for West Region, Unit 6. Alaska Scrap & Recycling should not be allowed to benefit from their bid error at the expense of other bidders. The Instructions to Bidders, Item 10, states, in part, "Bids may be rejected if they show any omissions, alteration of the forms, additions not called for, conditional or alternate bids not called for, qualified bids, or irregularities of any kind." The Alaska Scrap & Recycling bid omitted the proper Bid Form, page 2 of 2 and therefore constituted an irregularity of the magnitude such that their bid should have been (be) declared nonresponsive for West Region, Unit 6. This contract should be awarded to D & L Construction Co., Inc.
- 2) The Instructions to Bidders, Item 10, states, in part, "Only the amounts and information asked for on the Bid Schedule will be considered as the bid. Each bidder shall bid upon the work exactly as specified and as requested on the Bid Schedule ..." Alaska Scrap & Recycling did not submit a bid with the amounts and information asked for on the Bid Schedule for West Region, Unit 6. Alaska Scrap & Recycling did not bid upon the work exactly as specified and as requested on the Bid Schedule for West Region, Unit 6 therefore their bid is nonresponsive and should have been (be) declared as such. This contract should be awarded to D & L Construction Co., Inc.

- 3) Alaska Scrap & Recycling did not properly acknowledge the Addendums issued for this project. Three Addendums were issued (see attached) prior to bid opening and they should have been acknowledged on the Bid Form, page 1 of 2, as such; i.e., 1, 2 & 3. Instead they appear to have been acknowledged as X X X (see attached). There were no X X X Addendums. Any subsequent contract entered into after award that changes the X X X Addendums to 1, 2 & 3 will not represent the bid as submitted and any changes to reflect the actual Addendums 1, 2 and 3 will constitute the falsification of documents and be fraudulent. This contract should be awarded to D & L Construction Co., Inc.
- 4) Any contract awarded pursuant to the KPB INTENT TO AWARD dated May 9, 2022 to Alaska Scrap & Recycling creates a dilemma for the KPB. One of two things will have to take place. The KPB may draft a contract using the Alaska Scrap & Recycling bid, in which case, a contract will be awarded for West Region, Unit 6 using a West Region, Unit 5 Bid Form. This will in effect create a fraudulent contract. On the other hand the KPB could request Alaska Scrap & Recycling to submit a revised bid using the West Region, Unit 6 Bid Form or the KPB could simply create their own copy of the West Region, Unit 6 Bid Form using the Alaska Scrap & Recycling numbers. In either case, this will constitute not only the falsification of documents but will again create a fraudulent contract. D & L submitted the lowest responsive bid and no falsification of documents or fraud would be involved in awarding them the contract for West Region, Unit 6.
- 5) The construction industry standard requires a fair and open competitive bidding process. The KPB failed in their duty to formally disclose the Alaska Scrap & Recycling bid error for West Region, Unit 6. The KPB did not notify D & L or, to the best of our knowledge, any other contractors, of the bid error. D & L was informed of the bid error by another bidder who was present at the bid opening. This conduct on behalf of the KPB is totally unacceptable and creates a very dangerous precedent for the KPB and all contractors who bid on KPB projects in the future. There appears to be a total lack of integrity on the part of the KPB when it comes to bid openings. KPB Purchasing & Contracting published a false and fraudulent bid tabulation for the West Region, Unit 4, 5 and 6 when they posted the Alaska Scrap & Recycling bid as being for West Region, Unit 6 when it was submitted on the Bid Form for West Region, Unit 5. Withdrawing the INTENT TO AWARD to Alaska Scrap & Recycling for the West Region, Unit 6 contract and awarding the contract to D & L will restore the integrity to this bid opening.
- 6) And finally, there is some question as to whom the KPB would be contracting with if they award this contract to Alaska Scrap & Recycling. Alaska Scrap & Recycling, LLC (1008882) does have a business license (982866) with an address of 720 E Whitney Road Anchorage, Alaska 99501 and a contractor's license (CONE38698) DBA S & R Enterprises (an involuntarily dissolved Alaska business corporation) with an Anchorage, Alaska address. However, the bid submitted by Alaska Scrap & Recycling for West Region, Unit 5 contains two different addresses. The Bid Form, page 1 of 2, has an address of 42462 K Beach Road (which according to KPB records is owned by SAS LLC) Soldotna, Alaska 99669 and the Tax Compliance Certification submitted has an address of 720 E Whitney Road Anchorage, Alaska 99501. The address at 42462 K Beach Road Soldotna, Alaska 99669 shows Alaska Scrap and Recycling as well as Peninsula Scrap & Salvage Co (another involuntary dissolved Alaska business corporation). This contract should be awarded to D & L Construction Co., Inc. who has maintained the same address in the KPB for nearly forty years.

Based upon all the reasons stated above we hereby request that the NOTICE OF AWARD to Alaska Scrap & Recycling for the Invitation to Bid – ITB22-044 Summer & Winter Maintenance West Region, Unit 6 be withdrawn and that the contract be awarded to D & L Construction Co., Inc.

Sincerely,
D & L CONSTRUCTION CO., INC.

A handwritten signature in blue ink, appearing to read "Larry L. Smith".

Larry L. Smith
President

Attachments – 10 pages



Purchasing & Contracting Department

47140 E. Poppy Lane, Soldotna, Alaska 99669 • (907) 714-2260 • (907) 714-2373 Fax

Charlie Pierce
Borough Mayor

INTENT TO AWARD

TO: Distribution

DATE: May 9, 2022

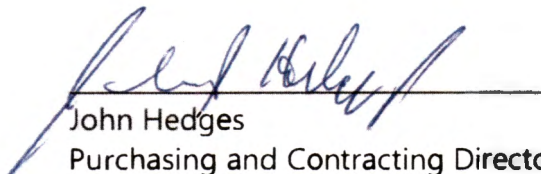
PROJECT: Invitation to Bid – ITB22-044 Summer & Winter Maintenance
West Region, Unit 6

This letter is to formally notify you of the Kenai Peninsula Borough's intent to award the contract for the aforementioned project to the low bidder, Alaska Scrap and Recycling. Attached is a copy of the bid tabulation sheet.

Please understand that this notice of intent to award a contract pursuant to the invitation to bid does not create a contract and that a contract shall not be formed and no rights shall exist under a contract for the subject work unless and until a contract is fully executed by all parties and filed with the Kenai Peninsula Borough Clerk. It is further understood that performance will not commence until a contract is fully executed and filed with the Borough Clerk.

If you have any questions regarding this notice of intent to award, please contact the Purchasing & Contracting office at (907) 714-2260.

We appreciate your interest in doing business with the Kenai Peninsula Borough


John Hedges
Purchasing and Contracting Director

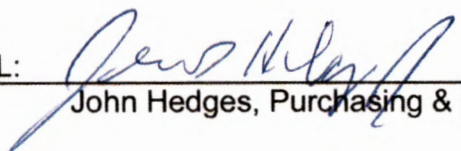
Attachment (1)

**KENAI PENINSULA BOROUGH
PURCHASING & CONTRACTING****BID TAB FOR: ITB22-044 SUMMER & WINTER MAINTENANCE - WEST REGION, UNITS 4, 5, & 6**

CONTRACTOR	LOCATION	UNIT 4	UNIT 5	UNIT 6
Mountain Vista Estates dba Captain Cook Construction	Clam Gulch, Alaska	\$168,000.00	\$120,000.00	
Alaska Scrap and Recycling	Soldotna, Alaska		←	\$155,599.20
D & L Construction Co., Inc.	Cooper Landing, Alaska			\$169,125.00
River City Construction	Soldotna, Alaska			\$170,280.00

*This bid
was for
Unit 5*

DUE DATE: May 4, 2022

KPB OFFICIAL: 
John Hedges, Purchasing & Contracting Director

BID FORM
ITB22-044 Summer & Winter Maintenance
West Region Unit 6
Page 1 of 2

BIDDER ACKNOWLEDGEMENT

1. To accept the provisions of the Instructions to Bidders.
2. To furnish all labor and materials and to accomplish the works and/or services in accordance with the Bid Documents.
3. The undersigned declares, under penalty of perjury under the laws of the United States, that neither he/she nor the firm, association or corporation of which he/she is a member, has, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this bid.

By signing below, the Bidder is hereby certifying to the following:

ADDENDA ACKNOWLEDGEMENT

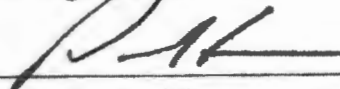
In submitting this bid, I certify that I have examined the Bid and Specification documents, have received Addenda Nos.

☒ ☒ ☒ ☐ ☐ , and have included their provisions in my bid.

SIGNATURE REQUIREMENT

Firm Name Alaska Scrap and Recycling
 Address 42462 K BEACH RD
 City Soldotna State AK Zip 99669
 Representative Paul Keen Title Soldotna Operations Manager
 Email Address pkeen@alaska-scrap.com
 Telephone 907-398-6954 Fax N/A

The undersigned has read the foregoing and hereby agrees to the conditions stated therein by affixing his/her signature below:



S-4-22

Signature of Authorized Company Representative

Date

Bidder Checklist:

Bid Form: ☐
 Bid Schedule (if applicable) ☐
 Tax Compliance Form ☐
 Bid Bond (if applicable) ☐

Enter Licensing Information:

Alaska Business License # 982866
 Contractor License (if applicable) # Core 28698
 Specialty Contractor License # (if applicable) ☐

10008852

BID FORM**ITB22-044 Summer & Winter Maintenance****West Region Unit 5****Page 2 of 2****BID SCHEDULE**

Pay Item No.	Pay Item Description	Pay Unit/ UOM	Quantity	Unit Bid Price	Bid Amount
BASE BID					
1	SUMMER & WINTER MAINTENANCE	MONTHLY	12	12,966.00	155,599.20
TOTAL EXTENDED BID				\$ 155,599.20	

AK Seran
Company Name

Tax Compliance Certification

Kenai Peninsula Borough

Finance Department

144 N. Binkley Street
Soldotna, Alaska 99669-7599
www.kpb.us

Phone: (907) 714-2197
or: (907) 714-2175
Fax: (907) 714-2376

1.) Fill in all information requested. 2.) Sign and date. 3.) Submit with solicitation, or other.

For Official Use Only

Reason for Certificate: <input checked="" type="checkbox"/> Solicitation <input type="checkbox"/> Other:		For Department:	
		Dept. Contact:	
Business Name:	Alaska Scrap & recycling, LLC		
Business Type:	<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Other: LLC		
Owner Name(s):	RSP, Inc. Southcentral Metal Recycling, LLC ASR Acquisition, Inc. Scrap Investor, LLC. Scrap Funding, LLC.		
Business Mailing Address:	720 E Whitney Rd, Anchorage, AK 99501		
Business Telephone:	907-398-6954	Business Fax:	
Email:	PKeen@alaskascrap.com		

As a business or individual, have you ever conducted business or owned real or personal property within the Kenai Peninsula Borough? If yes, please supply the following information and sign below. If no, please sign below.

☐ Yes ☒ No Kenai Peninsula Borough Code of Ordinances Chapter 1.10.10.1 states that businesses and individuals contracting to do business with the Kenai Peninsula Borough be in compliance with local tax payments. No contract will be awarded to any individual or business who is found to be in violation of the Borough Code of Ordinances in the section of taxation.

REAL/PERSONAL/BUSINESS PROPERTY ACCOUNTS	
ACCT. NO.	ACCT. NAME
95865	Alaska Scrap & Recycling

KPB Finance Department (signature required)

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
TO BE COMPLETED BY KPB	TO BE COMPLETED BY KPB

☐ In Compliance ☐ Not In Compliance

Date _____

SALES TAX ACCOUNTS	
ACCT. NO.	ACCT. NAME
105483	Alaska Scrap & Recycling

KPB Sales Tax Division (signature required)

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
TO BE COMPLETED BY KPB	TO BE COMPLETED BY KPB

☐ In Compliance ☐ Not In Compliance

Date _____

CERTIFICATION: I, Paul Keen
(Name of Applicant)

best of my knowledge, the above information is correct as of 4-4-22
(Date)

Soldotna Operations Manager
the _____ hereby certify that, to the
(Title)

Signature of Applicant (Required)

IF ANY QUESTIONS OR CONCERNS, THE KENAI PENINSULA BOROUGH FINANCE DEPARTMENT CAN BE REACHED BY (907) 714-2197



alaska scrap and recycling soldotna alaska

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SafeSearch on

About 80,900 results (0.63 seconds)

<https://alaskascrap.com>

Alaska Scrap & Recycling | We buy scrap metal Anchorage ...

Free **metal** drop-off for anchorage residents! We PAY for non-ferrous **metal** (non-magnetic) such as copper, brass, lead, aluminum, and stainless ...

<https://alaskascrap.com/about>

ABOUT US | Alaska Scrap & Recycling

We have two convenient locations in Anchorage and **Soldotna, Alaska**. We PAY for non-ferrous **metal** (non magnetic), such as copper, brass, lead, aluminum and ...

<http://www.alaskarecyclingcenter.com>

Alaska's #1 Scrap Metal Recycling Co. - Alaska Scrap Metal ...

We buy, process and **recycle** ALL types of **scrap metal** for **recycling** from the public.

<https://www.recyclingmonster.com/recycling-center/alaska>

Alaska Scrap Metal and Recycling

Alaska Scrap Metal and Recycling Recycling Centers · 42462 Kalifornsky Beach Rd **Soldotna, Alaska** United States ZIP: 99669. DIRECTIONS · CALL · (907) 262-7258. NS

<https://www.mapquest.com/.../Alaska/Soldotna>

Alaska Scrap & Recycling - Soldotna - MapQuest

Get directions, reviews and information for **Alaska Scrap & Recycling** in **Soldotna, AK**. ... **Scrap & Recycling**. 42462 Kalifornsky Beach Rd, **Soldotna, AK** 99669.

<https://www.mapquest.com/.../Alaska/Soldotna>

Alaska Scrap - Soldotna - MapQuest

Get directions, reviews and information for **Alaska Scrap** in **Soldotna, AK**. ... **Alaska Scrap**. 42462 Kalifornsky Beach Rd, **Soldotna, AK** 99669. (907) 262-7258.

<https://www.scrapregister.com/scrap-yard/alaska-scr...>

Alaska Scrap & Recycling

What does **Alaska Scrap Metal and Recycling** actually do? **Metal Recycling** in **Alaska** is our game. We **recycle** ALL types of metals including copper, bronze, ...

<https://www.facebook.com/category/Recycling-Center>

Alaska Scrap and Recycling - Home | Facebook

Alaska Scrap and Recycling is an **Alaskan** owned and operated **metal recycling** business. We **recycle**... 720 E Whitney Rd, Anchorage, **AK** 99501.

Rating: 5 · 1 vote · Price range: \$

Missing: **soldotna** | Must include: **soldotna**

<https://crrrecycle.com/rates>

Rates - The Largest Metal Recycling Center in Alaska

May 2, 2022 — **C & R Metal Recycling** is a full-service **recycling** center for ferrous and nonferrous **scrap metal**, servicing the **Alaskan** interior for the past ...

[https://compacom.com/.../Alaska Scrap & Recycling](https://compacom.com/.../Alaska%20Scrap%20&%20Recycling)

Alaska Scrap & Recycling in Soldotna, AK - COMPACOM

Find information or Apply for any service **Alaska Scrap & Recycling** offers in **Soldotna, Alaska**: **Scrap Metals**, **Demolition Contractors**, **Recycling Centers**, ...



See outside

Peninsula Scrap & Salvage Co

[Website](#)[Directions](#)[Save](#)[Call](#)

3.3

4 Google reviews

Metal supplier in the Kalifornsky, Alaska

Address: 42462 Kalifornsky Beach Rd, Soldotna, AK 99669

Hours: Open · Closes 4:30PM ▾

Confirmed by this business 4 weeks ago

Phone: (907) 262-7258

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Garbage
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Carquest
Auto Parts
Auto parts
store

Alaska
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Kenai
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- alaska recycling center
- recycling soldotna, ak
- anchorage recycling center
- anchorage scrap metal prices
- metal recycling near me
- alaska recycling
- scrap metal prices fairbanks, alaska

Anchorage, Alaska - Based on your past activity - Update location

Help Send feedback Privacy Terms



Kenai Peninsula Borough GIS Division

PARCEL REPORT

5/12/2022 10:04

PARCEL ID: 05533123**Total Acreage: 1.83****LEGAL DESCRIPTION:**

T 5N R 11W SEC 23 SEWARD MERIDIAN KN 0840268 HALL SUB NO 10 LOT 3

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

42462 KALIFORNSKY BEACH RD

LAND VALUE: \$114,800**IMPROVEMENT VALUE:** \$35,900**ASSESSED VALUE:** \$150,700**TAXABLE VALUE:** \$150,700**OWNER:**

SAS LLC

44196 KALIFORNSKY BEACH RD

SOLDOTNA, AK 99669

The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.



Larry Smith <dlconst.smith@gmail.com>

Intents to Award & Bid Tab - West Region, Unit 6

Larry Smith <dlconst.smith@gmail.com>

Fri, May 6, 2022 at 10:09 AM

To: "Hartley, Patricia" <PHartley@kpb.us>, "Hedges, John" <JHedges@kpb.us>, "Uhlin, Dil" <duhlin@kpb.us>

John,

I understand that Alaska Scrap & Recycling did not actually submit a bid for West Region, Unit 6. They may have intended to bid on that Unit, but actually submitted their bid on the Bid Schedule for West Region, Unit 5. And I have been told that their representative at the bid opening indicated their intent to bid on West Region, Unit 6, but you showed them their Bid Schedule and that it was for West Region, Unit 5. All this leads me to believe that D & L is the lowest responsive bidder for the West Region, Unit 6. Do you intend to award this project to D & L?

[Quoted text hidden]

--

Larry Smith

President

D & L Construction Co., Inc.

(907) 262-6160

(907) 262-6163 Fax

(907) 398-4284 Cell



Larry Smith <dlconst.smith@gmail.com>

RE: <EXTERNAL-SENDER>Re: Intents to Award & Bid Tab - West Region, Unit 6**Hedges, John** <JHedges@kpb.us>

Fri, May 6, 2022 at 2:44 PM

To: Larry Smith <dlconst.smith@gmail.com>, "Hartley, Patricia" <PHartley@kpb.us>, "Uhlen, Dil" <duhlin@kpb.us>

Cc: "Steinhage, Walker" <wsteinhage@kpb.us>, "Kelley, Sean" <skelley@kpb.us>

Hi Larry,

Upon further review of the bid documents the signature page of the bid was in fact for Unit 6. The error was in the use of the bid sheet for Unit 5. That bid sheet is identical to the Unit 6 sheet in format and does not alter the value provided. It was apparent through the signature page and the response from the contractor at the bid opening that the intent was to submit a bid for Unit 6. This is a minor irregularity and is not cause for finding Alaska Scrap And Recycling's bid nonresponsive.

Thank you for bid on the services. I've attached a PDF of the bid documents for your review.

John Hedges, CHC

Purchasing & Contracting Director

(907) 262-2037

KENAI PENINSULA BOROUGH

47140 East Poppy Lane

Soldotna, Alaska 99669



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

From: Larry Smith <dlconst.smith@gmail.com>**Sent:** Friday, May 6, 2022 10:10 AM**To:** Hartley, Patricia <PHartley@kpb.us>; Hedges, John <JHedges@kpb.us>; Uhlin, Dil <duhlin@kpb.us>**Subject:** <EXTERNAL-SENDER>Re: Intents to Award & Bid Tab - West Region, Unit 6

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

John,

I understand that Alaska Scrap & Recycling did not actually submit a bid for West Region, Unit 6. They may have intended to bid on that Unit, but actually submitted their bid on the Bid Schedule for West Region, Unit 5. And I have been told that their representative at the bid opening indicated their intent to bid on West Region, Unit 6, but you showed them their Bid Schedule and that it was for West Region, Unit 5. All this leads me to believe that D & L is the lowest responsive bidder for the West Region, Unit 6. Do you intend to award this project to D & L?

On Thu, May 5, 2022 at 4:47 PM Hartley, Patricia <PHartley@kpb.us> wrote:

From: Hartley, Patricia

Sent: Thursday, May 05, 2022 4:46 PM

To: 'lwiley@gci.net' <lwiley@gci.net>

Cc: Uhlin, Dil <duhlin@kpb.us>; Painter, Jed <JPainter@kpb.us>; Agosti, Elaine <eagosti@kpb.us>; Fuller, Karen <KFuller@kpb.us>

Subject: Intents to Award & Bid Tab - West Region, Units 4 & 5

Good Afternoon,

Attached are the Intents to Award and Bid Tab for ITB22-044 Summer & Winter Maintenance – West Region, Units 4 & 5.

Thank you!

Patti Hartley

Purchasing Assistant

Ph: (907) 714-2262

KENAI PENINSULA BOROUGH

47140 East Poppy Lane

Soldotna, Alaska 99669



--
Larry Smith



Larry Smith <dlconst.smith@gmail.com>

Intent to Award & Bid Tab - West Region, Unit 6

shawn rivercityconstruction.us <shawn@rivercityconstruction.us>

Mon, May 9, 2022 at 1:24 PM

To: "Hartley, Patricia" <PHartley@kpb.us>, "pkeen@aslaskascrap.com" <pkeen@aslaskascrap.com>, Larry Smith <dlconst.smith@gmail.com>

Cc: "Uhlen, Dil" <duhlin@kpb.us>, "Painter, Jed" <JPainter@kpb.us>, "Agosti, Elaine" <eagosti@kpb.us>, "Fuller, Karen" <KFuller@kpb.us>

First off I want to say I have nothing against Paul or Alaska Scrap and this is not their fault. This decision on the part of the Borough does not affect me in any way at this point, however the precedent that it set affects every contractor in the Borough in the future. I am absolutely appalled at the Borough's lack of ethics in this matter. Any government organization should be above reproach when it comes to issuing contracts. Alaska Scrap did not bid on W6 at all. Their intention to bid on W6 is irrelevant. They bid on W5. There is no provision in the contract for a contractor or the Borough to switch which unit a bid is applied to after the fact. There can be no grey area in public bidding like that. There can be no preferential treatment given to one contractor, even if it financially benefits the Borough. The Borough cannot let its financial struggles affect its moral and ethical compass. What is even worse is if I had not been in the room during the bid opening the Borough would have been able to quietly and secretly sweep this under the rug with D&L, the real low bidder, being none the wiser. I feel for Alaska Scrap, I really do. Any contractor that has been doing this any length of time has made mistakes on bids and had to live with it. It is part of the business.

I really hope D&L does not let this precedent stand without a fight. I will gladly stand by their side in this and give my first hand testimony in court or to the media or however they see fit to pursue this. Regardless the public needs to know that this is how the Borough currently conducts business. I think most voters would be as appalled as I am.

Shawn Holly
River City Construction

From: Hartley, Patricia <PHartley@kpb.us>**Sent:** Monday, May 9, 2022 12:10 PM**To:** 'pkeen@aslaskascrap.com' <pkeen@aslaskascrap.com>; 'Larry Smith' <dlconst.smith@gmail.com>;

shawn rivercityconstruction.us <shawn@rivercityconstruction.us>

Cc: Uhlin, Dil <duhlin@kpb.us>; Painter, Jed <JPainter@kpb.us>; Agosti, Elaine <eagosti@kpb.us>; Fuller, Karen <KFuller@kpb.us>**Subject:** Intent to Award & Bid Tab - West Region, Unit 6

[Quoted text hidden]



D & L CONSTRUCTION CO., INC.

GENERAL CONTRACTOR AA 8930

P. O. BOX 810 PH. 907-262-6160

COOPER LANDING, AK 99572

33224

89-6/1252

DATE

5/12/2022

\$ 300.00

DOLLARS



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FOR

IB22-044 Appeal

Tanya L. Smith

MP

⑈033224⑈ ⑆125200060⑆ 2412 027 1⑈

From: [Larry Smith](#)
To: [Hedges, John](#)
Cc: [Hartley, Patricia](#); [Uhlin, Dil](#); [Steinhage, Walker](#); [Kelley, Sean](#)
Subject: Re: <EXTERNAL-SENDER>Re: Intents to Award & Bid Tab - West Region, Unit 6
Date: Friday, May 6, 2022 3:25:49 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Thank you for the clarification.

On Fri, May 6, 2022 at 2:44 PM Hedges, John <JHedges@kpb.us> wrote:

Hi Larry,

Upon further review of the bid documents the signature page of the bid was in fact for Unit 6. The error was in the use of the bid sheet for Unit 5. That bid sheet is identical to the Unit 6 sheet in format and does not alter the value provided. It was apparent through the signature page and the response from the contractor at the bid opening that the intent was to submit a bid for Unit 6. This is a minor irregularity and is not cause for finding Alaska Scrap And Recycling's bid nonresponsive.

Thank you for bid on the services. I've attached a PDF of the bid documents for your review.

John Hedges, CHC

Purchasing & Contracting Director

(907) 262-2037

Email Image - Poppy



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

From: Larry Smith <dlconst.smith@gmail.com>
Sent: Friday, May 6, 2022 10:10 AM
To: Hartley, Patricia <PHartley@kpb.us>; Hedges, John <JHedges@kpb.us>; Uhlin, Dil <duhlin@kpb.us>
Subject: <EXTERNAL-SENDER>Re: Intents to Award & Bid Tab - West Region, Unit 6

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

John,

I understand that Alaska Scrap & Recycling did not actually submit a bid for West Region, Unit 6. They may have intended to bid on that Unit, but actually submitted their bid on the Bid Schedule for West Region, Unit 5. And I have been told that their representative at the bid opening indicated their intent to bid on West Region, Unit 6, but you showed them their Bid Schedule and that it was for West Region, Unit 5. All this leads me to believe that D & L is the lowest responsive bidder for the West Region, Unit 6. Do you intend to award this project to D & L?

On Thu, May 5, 2022 at 4:47 PM Hartley, Patricia <PHartley@kpb.us> wrote:

From: Hartley, Patricia
Sent: Thursday, May 05, 2022 4:46 PM
To: 'lwiley@gci.net' <lwiley@gci.net>
Cc: Uhlin, Dil <duhlin@kpb.us>; Painter, Jed <JPainter@kpb.us>; Agosti, Elaine <eagosti@kpb.us>; Fuller, Karen <KFuller@kpb.us>
Subject: Intents to Award & Bid Tab - West Region, Units 4 & 5

Good Afternoon,

Attached are the Intents to Award and Bid Tab for ITB22-044 Summer & Winter Maintenance – West Region, Units 4 & 5.

Thank you!

Patti Hartley

Purchasing Assistant

Ph: (907) 714-2262

Email Image - Poppy



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Larry Smith

President

D & L Construction Co., Inc.

(907) 262-6160

(907) 262-6163 Fax

(907) 398-4284 Cell

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Larry Smith

President

D & L Construction Co., Inc.

(907) 262-6160

(907) 262-6163 Fax

(907) 398-4284 Cell

BID FORM
ITB22-044 Summer & Winter Maintenance
West Region Unit 6
Page 1 of 2

BIDDER ACKNOWLEDGEMENT

1. To accept the provisions of the Instructions to Bidders.
2. To furnish all labor and materials and to accomplish the works and/or services in accordance with the Bid Documents.
3. The undersigned declares, under penalty of perjury under the laws of the United States, that neither he/she nor the firm, association or corporation of which he/she is a member, has, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this bid.

By signing below, the Bidder is hereby certifying to the following:

ADDENDA ACKNOWLEDGEMENT

In submitting this bid, I certify that I have examined the Bid and Specification documents, have received Addenda Nos.

☒ ☒ ☒ ☐ ☐, and have included their provisions in my bid.

SIGNATURE REQUIREMENT

Firm Name Alaska Scrap and Recycling

Address 42462 K BEACH RD

City Soldotna State AK Zip 99669

Representative Paul Keen Title Soldotna Operations Manager

Email Address pkeen @ alaska scrap.com

Telephone 907-398-6954 Fax N/A

The undersigned has read the foregoing and hereby agrees to the conditions stated therein by affixing his/her signature below:


Signature of Authorized Company Representative

S-4-22

Date

Bidder Checklist:

Bid Form: _____
 Bid Schedule (if applicable) _____
 Tax Compliance Form _____
 Bid Bond (if applicable) _____

Enter Licensing Information:

Alaska Business License # 982866
 Contractor License (if applicable) # CON 38698
 Specialty Contractor License # (if applicable) _____

BID FORM
ITB22-044 Summer & Winter Maintenance
West Region Unit 5
Page 2 of 2

BID SCHEDULE

Pay Item No.	Pay Item Description	Pay Unit/ UOM	Quantity	Unit Bid Price	Bid Amount
BASE BID					
1	SUMMER & WINTER MAINTENANCE	MONTHLY	12	12,966.60	155,599.20
TOTAL EXTENDED BID				\$ 155,599.20	

AK Serap
Company Name

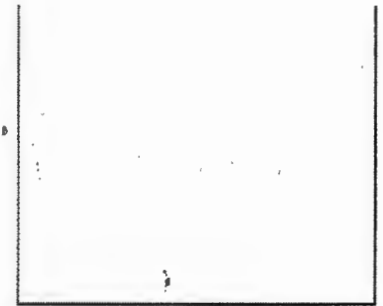
Tax Compliance Certification

Kenai Peninsula Borough

Finance Department

144 N. Binkley Street
Soldotna, Alaska 99669-7599
www.kpb.us

Phone: (907) 714-2197
or: (907) 714-2175
Fax: (907) 714-2376



1.) Fill in all information requested. 2.) Sign and date. 3.) Submit with solicitation, or other.

For Official Use Only

Reason for Certificate:		For Department:	
<input checked="" type="checkbox"/> Solicitation <input type="checkbox"/> Other:		Dept. Contact:	
Business Name:	Alaska Scrap & recycling, LLC		
Business Type:	<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Other: LLC		
Owner Name(s):	RSP, Inc. Southcentral Metal Recycling, LLC ASR Acquisition, Inc. Scrap Investor, LLC. Scrap Funding, LLC.		
Business Mailing Address:	720 E Whitney Rd, Anchorage, AK 99501		
Business Telephone:	907-398-6954	Business Fax:	
Email:	PKeen@alaskascrap.com		

As a business or individual, have you ever conducted business or owned real or personal property within the Kenai Peninsula Borough? If yes, please supply the following account number and sign below. If no, please sign below.

☐ Yes ☐ No. Kenai Peninsula Borough Code of Ordinances, Chapter 5.28.140, requires that businesses/individuals contracting to do business with the Kenai Peninsula Borough be in compliance with Borough tax provisions. No contract will be awarded to any individual or business who is found to be in violation of the Borough Code of Ordinances in the several areas of taxation.

REAL/PERSONAL/BUSINESS PROPERTY ACCOUNTS	
ACCT. NO.	ACCT. NAME
95865	Alaska Scrap & Recycling

KPB Finance Department (signature required)

SALES TAX ACCOUNTS	
ACCT. NO.	ACCT. NAME
105483	Alaska Scrap & Recycling

KPB Sales Tax Division (signature required)

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
YEAR/STATUS	BALANCE DUE

Date ☐ In Compliance ☐ Not In Compliance

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)		
FILED THRU	W/P'S	BALANCE DUE

Date ☐ In Compliance ☐ Not In Compliance

CERTIFICATION: I, Paul Keen the Soldotna Operations Manager hereby certify that, to the best of my knowledge, the above information is correct as of 4-4-22

(Name of Applicant)

(Title)

(Date)

Signature of Applicant (Required)

IF ANY BUSINESS IS CONDUCTED OR IS AWARDED A BID WITHIN THE KENAI PENINSULA BOROUGH YOU MUST BE REGISTERED TO COLLECT SALES TAX. THE SALES TAX DEPARTMENT CAN BE REACHED AT (907) 714-2175.