

In the matter of Appeal of )  
MAYOR'S DECISION ON APPEAL )  
DATED OCTOBER 19, 2022 REGARDING )  
RFP 23-001 MASS NOTIFICATION )  
SYSTEM )  
INTEGRATED NOTIFICATIONS SYSTEMS, )  
LLC., )  
Appellant )

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KENAI PENINSULA BOROUGH

Case No. 2022-02-BAA

## NOTICE OF APPEAL HEARING

Notice is hereby given that Luke Miller, Director of Operations for Integrated Notifications Systems, LLC. has filed an appeal of the Mayor's decision to uphold the award of contract for RFP 23-001 Mass Notification System.

**Appeal Date and Time:** This appeal will be heard by the Kenai Peninsula Borough Assembly on **Tuesday, November 15, 2022**, at the Borough Administration Building in the Betty J. Glick Borough Assembly Chambers located at 144 N. Binkley Street in Soldotna, beginning at **10:00 a.m.** All interested parties will be given an opportunity to address the assembly at this hearing in accordance with the rules set forth in KPB 5.28.320(K). *A copy of KPB 5.28.320 is attached herewith.*

**Party Participation:** You have been sent this notice because you have been identified as a party of interest in this matter. If you wish to participate in this appeal, you must submit your name, mailing address, telephone number and fax number to the Office of the Borough Clerk no later than **5:00 p.m., Wednesday, November 2, 2022**. This information may be faxed to (907) 714-2388 or e-mailed to [assemblyclerk@kpb.us](mailto:assemblyclerk@kpb.us). All eligible parties submitting this information will be mailed an appeal packet prior to the hearing date. Failure to submit the requested information by the deadline will result in your dismissal as a party to this appeal.

**Written Arguments:** All written arguments, exhibits, evidence and affidavits supporting a party's position must be received in the Office of the Borough Clerk on or before **5:00 p.m., Tuesday, November 8, 2022**. This information may be faxed to (907) 714-2388 or e-mailed to [assemblyclerk@kpb.us](mailto:assemblyclerk@kpb.us). Please review KPB 5.28.320 for more details.

October 26, 2022  
Date

  
John Blankenship, MMC  
Kenai Peninsula Borough Clerk

**CERTIFICATE OF SERVICE**

I, John Blankenship, Clerk of the Kenai Peninsula Borough, do hereby certify that on October 26, 2022, a true and correct copy of this document was served on the following by email, to the following listed below:

X

Signature

Integrated Notifications Systems, LLC Luke Miller lmiller@westshoresservices.com jdupilka@westshoresservices.com	John Hedges KPB Purchasing & Contracting Director jhedges@kpb.us
Jeffrey Duplika West Shores Services jdupilka@westshoreservices.com	Brenda Ahlberg KPB Office of Emergency Management, Manager bahlberg@kpb.us
Tarek Bassiouni Acoustic Technology Inc., dba ATI Systems tarek@atisystem.com	Sean Kelley KPB Attorney skelley@kpb.us
Stephen O'Hara Northern Support Services sohara@aknss.com	Andrea Gilbert Arcticom LLC / Bering Straits Native Association agilbert@beringstraits.com
Eric Amissah Ascension Associates Consulting ekamissah@aac-tech.com	Qais Alkurdi HQE Systems, Inc. bd@hqesystems.com



**Integrated Notifications Systems, LLC.**  
**A West Shore Services Company**

Michigan Office - 6620 Lake Michigan Drive Allendale MI 49401  
Alaska Office - 3062 North Circle Anchorage AK 99507

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October 21, 2022

Borough Clerk  
Attn: Johni Blankenship  
144 N. Binkley Street  
Soldotna, AK 99669

By Fax: 907-714-2388

RE: Appeal to the Assembly - Office of Emergency Management RFP 23-001 Mass  
Notification System

Dear Mr. Blankenship,

Integrated Notification Systems, LLC, owned by West Shore Services, Inc., received the Mayor's final decision on the contract award for RFP 23-001 Mass Notification System.

Integrated Notification Systems, LLC requests the right to Appeal to the Assembly, in accordance with KPB 5.28.320(G). This appeal to the Assembly is being submitted in accordance with the above ordinance. This correspondence is timely within 3 business days of the date of Mayor Navarre letter to Integrated Notification Systems, LLC/West Shore Services Inc. A fax copy of this letter is hereby submitted.

If you have any questions, please contact us in writing via fax at 616-895-7158 or email [lmiller@westshoreservices.com](mailto:lmiller@westshoreservices.com) and [jdupilka@westshoreservices.com](mailto:jdupilka@westshoreservices.com) or through the US Mail, 6620 Lake Michigan Dr., Allendale, MI 49401.

Respectfully,

Luke Miller  
Director of Operations



## Office of the Borough Mayor

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

Mike Navarre  
Borough Mayor

October 19, 2022

West Shore Services  
Attention: Jeffery Dupilka  
6620 Lake Michigan Dr.  
Allendale, MI 49401-9257

Re: Mayor's Decision on Appeal – Office of Emergency Management, RFP23-001 Mass Notification System

Dear Mr. Dupilka:

The Borough received your October 6, 2022, appeal of the Borough's Intent to Award a contract to HQE Systems Inc. for the Borough Mass Notification System. 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 are listed below with my response and decision;

### Summary of Decision on Appeal

**Reason #1:** The awarded vendor influenced RFP23-001 Mass Notification System specifications during the design phase.

We strenuously object to the fact that the consultant HQE hired by the Kenai Borough Peninsula was allowed to provide a proposal on this project. We consider that to be a serious conflict of interest, one which provided a distinct advantage to HQE in responding to this RFP.

It is also very apparent that the consultant either wrote or contributed to the Borough specifications that is plainly clear in the request for a certain siren output which we deemed to be only possibly obtainable in a strict aniconic [*sic*] chamber environment. It is our opinion that this resulted in HQE being the only compliant responder since, at least speaking for Integrated Notification Systems, our experience tells us that we should not provide a proposal that agrees to this requirement.

**Response to Reason #1:** The consultant, HQE, was contracted to conduct an assessment and gap analysis of the current system, which has been documented as grossly inadequate. HQE did not write nor contribute to RFP23-001. The Borough wrote the RFP in its entirety, using excerpts from its previous iteration RFP07-006 (pg. 17) used in 2007 for the original system development.

#### inspections and tests.

#### 5.04 Siren and Speaker Array

- A. The Contractor shall furnish and install siren/speaker units capable of emitting a variety of warning tones and signals. The units shall also be capable of clear and intelligible broadcast of voice messages. The Contractor shall ensure that public address speech intelligibility at each site has a Speech Transmission Index (STI) rating of at least 0.5 at 4,500 feet distance from the equipment. STI shall be measured in accordance with Appendix A of NFPA 72.
- B. Audio coverage at each site shall be delivery of an intelligible voice message and audio sound level of at least 80 decibels (dB) at 4,500 feet in all directions from the siren/PA equipment.

The Contractor shall select the combination of siren/speaker pole height and output power for each individual AHAB site to ensure a measured sound level of at least 80 db (70 db above assumed 10 db seaside background noise level) at 4,500 feet in all directions from the siren/PA equipment. The contractor shall conduct the measurements in accordance with the FEMA Guide to Outdoor Warning Systems, CPG 1-17. The audio output capacity of the units may vary, as required to achieve the audio coverage specified.

As part of Reason #1, the claim that the specification for siren output is too strict is not a reason for an appeal and would have been addressed in the question period of the RFP should it have been brought forward as a question. It is important to note that none of the proposers were credited or penalized based on their response to this specification during the evaluation process.

**Reason #2:** Another serious issue is the fact that the Boroughs consultant HQE, in their consulting capacity with the Borough, had months of opportunity to become intimately familiar with the Borough's existing infrastructure along with the infrastructure available in the surrounding Kenai Borough area. Therefore, putting other vendors who only had thirty days to respond at a significant disadvantage.

We also ask you to consider the fact that HQE was paid by the Borough to accumulate the information that they were able to use in developing and submitting their response to their RFP. This created a significant and unfair advantage compared to the opportunities allowed to the other proposers. The RFP specifications, which we alleged were developed by HQE or influenced by HQE, significantly reduced the



ability of the proposer to provide creative solutions, which may have included utilizing the Boroughs existing infrastructure, along with other opportunities which prevented Kenai Borough from receiving proposals that would provide the best, most cost-effective solution for the Kenai Borough tsunami warning system both now and in the future.

**Response to Reason #2:** A pre-proposal meeting was provided to all proposers. A question period that allowed for requests, questions, and substitution requests was provided to all proposers. All questions and requests from proposers in that time period were responded to by addendum. West Shore Services Company did not make the request to expand the existing site inspection prior to the deadline for questions.

Arguably, there is an inherent advantage for a Consultant/Contractor to have performed previous work for the Kenai Peninsula Borough. However, to limit that advantage by denying a consultant/contractor an opportunity to propose/bid on any similar work in the future would not be in the best interest of the Borough and would cause redundant expenditures in the delivery of service. Ultimately, the process is designed to do what is best for the Borough, and not to do what is best for an individual contractor. The policy of not limiting consultants/contractors due to previous experience with the Borough is well established in the Borough and in the industry. Any other policy would - over time - lead to a severely reduced pool of contractors, resulting in less choice and higher costs for the Borough; an illogical outcome that is clearly not in the best interest of the Borough.

**Reason #3:** Page 19, section 5.1 of the original RFP states that there is [sic] 100 possible points available to be earned during the RFP review process. Page 20, section 5.2 of the original RFP qualitative rating factor only the maximum for outstanding is 1. So the possible total points earned during the review process is 100. Yet, when we received the intent to award dated October 3, 2022, it stated that HQE Systems Inc earned 369 points. Please provide a written explanation within five (5) business days of how the discrepancy in the point system exists.

**Response to Reason #3:** 100 points are available from each evaluator. (There were 4 evaluators.  $4 \times 100 = 400$  total possible points). The total score is measured by the sum of 400 possible points using the factors provided to all proposers in the RFP.

**Reason #4:** Furthermore, under criteria 5.1.1 experience/qualifications/references were 35 points. Integrated Notifications Systems has confirmed with one of our primary references they were not contacted during the RFP review process. Please explain how this item is weighted the evaluation of proposals.

**Response to Reason #4:** In accordance with Section 4.2 Experience / Qualifications / References, third paragraph, "Borough reserves the right to revise qualifications

requirements as determined to be in the best interest of the Borough". The Borough elected *not* to contact references for any of the proposers. References were *not* used as a factor in the evaluation of *any* of the proposals received by the Borough.

**Reason #5:** Addendum 1, Question #4: Are site visits acceptable and supported?

Answer: Contractors are welcome and encouraged to make site visits at their own expense. The owner will be glad to meet with contractors at the OEM offices in Soldotna Alaska to review any and all questions.

When we indicated, we were making a site visit at our own expense, after we requested a meeting, were denied proper access and support to help with our response to the RFP. Please see the attached email.

It is obvious that potential bidders were not provided the same access to information as available to Borough consultant HQE.

Also, we are concerned with the changes in the Borough's own response, not only to the discussion in the Prebid conference but also the change in policy as identified in addendum 1.

**Response to Reason #5:** Section 2.12 Oral Exchange / Interpretation of the RFP states that, "No oral change or interpretation of any provision contained in this RFP is valid whether issued at a pre-proposal conference or otherwise". The deadline for questions was provided in the RFP under Section 1.3 Questions and established on August 12, 2022. All requests for an additional pre-proposal meeting came *after* the deadline for questions, specifically, the attached emails were received on August 16<sup>th</sup>, 2022. Addendum #1 was provided to proposers on August 10, 2022.

West Shore Services Company was not denied access to the publicly accessible sites. The interpretation that a site visit would include a Borough representative was not the intent of the response and is not reflected in the language used in the response.

RFP23-001, Section 1.3 Questions (page 6) states: "Verbal Requests for information will not be accepted. Questions or requests for clarification directed at any employee or elected official of the Borough other than the Purchasing and Contracting Director may be grounds for disqualification from the process. All questions will be complied, answered, and distributed to all proposers." In accordance to the RFP, no individual questions and answer sessions could be provided. Due to the timing of the request, an explanation detailing beyond the information provided in the RFP was not appropriate or in the best interest of the Borough.

**Reason #6:** Addendum 3

Question #2: Question 6, addendum 2- You mention that the Borough completed a radio communications study in 2020. Could you please provide a copy of that study for review?

Answer: The appropriate sections have been attached.

No sections of the radio communication study in 2020 were attached to addendum 3 or any other correspondence or RFP documents. If this study provided essential information that would have assisted with the preparation of the vendor response to the RFP that is serious oversight.

**Response to Reason #6:** The radio study information was mistakenly not provided in Addendum #3 to any proposer and therefore *none* of the proposers had access to the information and thus it was not relevant to the outcome of the proposal evaluation.

**Therefore, for the reasons stated, I uphold the decision to award this contract to HQE Systems Inc., and DENY the appeal filed by West Shore Services October 6, 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,



Mike Navarre  
Borough Mayor

Cc: John Hedges, Purchasing & Contracting Director  
Todd Sherwood, Deputy Borough Attorney  
Brenda Ahlberg, Office of Emergency Management Manager



## 5.28.320 APPEAL

### 5.28.320. - Appeal.

A. *Appeal to mayor.* Any party bidding or submitting a proposal for a contract with the borough adversely affected by the provisions of this chapter, or regulations promulgated hereunder, or by any acts of the borough in connection with the award of a borough contract, may appeal to the mayor in a writing personally received at the office of the borough purchasing officer within 3 business days of the date of notice of intent to award a contract. The appeal may be hand delivered, delivered by mail, or by facsimile and must comply with the requirements of this section.

B. *Contents of appeal.* A written appeal shall, at a minimum, contain the following:

1. The name, address, and telephone number of the interested party filing the appeal;
2. The signature of the interested party or the interested party's authorized representative;
3. Identification of the proposed award at issue;
4. A statement of the legal or factual grounds for the appeal;
5. Copies of all relevant documents; and
6. A fee of \$300.00 shall be paid to the borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

C. *Rejection of appeal.* The purchasing officer shall reject an untimely or incomplete appeal or an appeal filed without timely payment of the required fee. Such rejection shall be final and may be appealed to the superior court pursuant to Part VI of the Rules of Appellate Procedure.

D. *Stay of award.* If a timely and complete appeal is filed with the fee, the award of the contract shall be stayed until all administrative remedies have been exhausted, unless the mayor determines in writing that award of the contract pending resolution of the appeal is in the best interests of the borough.

E. *Notice and response.* Notice of the stay and appeal shall be delivered to any party who may be adversely affected by the mayor's decision by facsimile, first class mail or in person within 3 business days of receipt of a properly filed appeal.

F. *Mayor's decision.* The mayor shall issue a written decision to the appellant within 10 business days of the date the appeal is filed. If multiple appeals have been filed, they may be consolidated for purposes of the decision. Copies of the appeal and decision shall be provided to any interested party requesting one. The decision may include any lawful action, including without limitation an amendment of all or any part of the recommended award. For good cause shown the mayor may extend the date for the decision for such additional period as may be necessary.

G. *Appeal to assembly.* The mayor's decision may be appealed to the assembly by filing a notice of appeal to the assembly and requesting the mayor to forward the written appeal and the mayor's response to the assembly. The assembly shall conduct a de novo review of the issue appealed. The request to appeal to the assembly must be submitted in writing or by facsimile copy of a writing to the borough clerk within 3 business days of the mayor's decision. Any appeal not timely filed shall be rejected by the clerk and the appeal forever barred. Appeals to the assembly will be heard at the date and time established by the assembly president, not less than 12 nor more than 35 days after receipt of the appeal. For good cause the assembly president may shorten or extend the hearing date.

H. *Notice and record on appeal.*

1. The clerk shall provide all interested parties as defined in paragraph A. above including the appellant, the borough administration, and any other parties who submitted or bid or proposal who may be adversely affected by a decision of the assembly, notice of the appeal and scheduled hearing date within 3 business days of receipt of the notice of appeal. Such notice shall also advise the parties of their right to appear and be heard at the appeal, and shall also set forth a schedule for written statements and submission of evidence.

2. The purchasing officer shall submit to the clerk the record of the bid or proposal process including the invitation to bid or request for proposal, any amendments thereto, all correspondence to or from all parties, the appeal filed to the mayor and supporting documentation, and the decision issued by the mayor. The clerk shall prepare the record on appeal, to include written statements and all evidence submitted, and provide copies to interested parties upon payment of appropriate copying fees. Prior to the scheduled hearing the clerk shall distribute copies of the record to all assembly members, the purchasing officer and the mayor.

I. *Quasi-judicial process.* The borough assembly shall act in its quasi-judicial capacity when considering an appeal under this section and shall accordingly remain impartial and refrain from ex parte contact with any interested party regarding a specific invitation to bid or request for proposals from the time it has been issued. Any assembly member found to have violated this provision shall be recused from participation in the appeal.

J. *Written arguments and evidence.* Written arguments and submittals of evidence shall be filed in the following manner:

1. *Written arguments due.* Written arguments shall be filed by the parties on a date set by the clerk no later than 5 business days prior to the hearing. All exhibits, evidence, and affidavits supporting a party's position shall be filed on the date written arguments are due.

2. *Party participation.* Any eligible party wishing to participate in the appeal must submit its mailing address, telephone and facsimile numbers, if any, to the clerk, in writing, within 5 business days of the clerk issuing notice of the appeal. The clerk shall provide the parties, the mayor and assembly with written submittals before the hearing date.

K. *Hearing.* The following procedures shall be followed by the assembly for conduct of the hearing:

1. *No new evidence.* Evidence not submitted to the clerk 5 business days prior to the hearing, may not be considered by the assembly unless good cause is shown. Good cause may include, but is not limited to, evidence that was not available to the party presenting the evidence at the time it was due to the clerk. Any objection to new evidence by any party shall be made at the time of the hearing before the assembly.

2. The following order and time limitations shall be followed for the hearing, unless for good cause shown the assembly permits a change:

- a. Appellant's Opening Presentation;
- b. Administration's Opening Presentation;
- c. Opening Presentation by any other Party;
- d. Rebuttal by the Appellant;
- e. Rebuttal and closing by the Administration;

- f. Rebuttal by any other interested party; and
- g. Sur-Rebuttal and closing by the Appellant.

3. If the appellant or representative is not present when called, the assembly shall consider any written presentation, evidence, and documents presented to it pursuant to and thereafter proceed according to the remaining applicable provisions of this chapter.

4. All persons presenting evidence shall do so under oath, administered by the borough clerk.

5. The hearing shall be conducted informally with respect to the introduction of evidence. Irrelevant evidence may be excluded by the presiding officer. Each interested party shall have a total of no more than 30 minutes to present their case. Each party shall be responsible for dividing their 30 minutes between oral presentation, argument, testimony (including witness testimony), and rebuttal. The board may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings. Cross-examination will not be permitted during presentation of the case. If a witness testifies during presentation of either the appellant's or any other parties' case, unless excused by the board with the concurrence of the appellant and all other parties, the witness must remain available in the assembly room to be called to testify during rebuttal by the appellant and the administration or other interested party. Assembly questions and parties' responses shall not be included in the time limitation.

L. *Decision.*

1. The assembly may either uphold the mayor's decision, remand the matter back to the mayor or order a rejection of all bids or proposals. The assembly shall make written findings of fact which are supported by the substantial evidence in the record, written conclusions and an order. The assembly member chairing the hearing shall execute the order. If the matter is remanded to the mayor, any further appeals of the mayor's decision shall be to the superior court pursuant to Part VI of the Alaska Rules of Appellate Procedure.

2. "Substantial evidence" means relevant evidence a reasonable mind might accept to support a conclusion.

3. The clerk shall serve the written decision on the parties in person or by mail within 10 business days after the oral decision. If facsimile service is requested by a party, service by U.S. mail shall follow.

M. *Appeal to superior court.* Appeals may be taken from the written decision of the assembly within 30 days of the date of the decision pursuant to Part VI of the Alaska Rules of Appellate Procedure.

(Ord. No. 2010-32, §§ 1—3, 10-12-10; Ord. No. 2003-10, § 1, 4-15-03; Ord. No. 96-07, § 1, 1996; Ord. No. 87-29, § 1(part), 1987)



# **Integrated Notifications Systems, LLC.**

## **A West Shore Services Company**

**Michigan Office - 6620 Lake Michigan Drive Allendale MI 49401**

**Alaska Office - 3062 North Circle Anchorage AK 99507**

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October 6, 2022

Purchasing & Contracting Department  
Attn: John Hedges, Purchasing and Contracting Director  
47140 E. Poppy Lane  
Soldotna, AK 99669

RE: Appeal of RFP23-001 Mass Notification System

Dear Director Hodges,

In accordance with Kenai Borough chapter 5.28 of the KPB code, we hereby officially appeal/protest the award for RFP 23-001 Mass Notification System, released by the Kenai Peninsula Borough on August 2, 2022. Our appeal/protest complies with the requirement of KPB 5.28.32 of the Borough code, and is being hand-delivered with the required \$300.00 fee as of this date.

As outlined in section B in contents of appeal, we have provided the requested information for our appeal under the six requirements listed.

B.

Contents of appeal. A written appeal shall, at a minimum, contain the following:

1.

The name, address, and telephone number of the interested party filing the appeal;

**Integrated Notification Systems, L.L.C- A company owned by West Shore Services, Inc**

a. **Primary Contacts:**

i. **Jeff DuPilka – O: 616-895-4347ext. 112, C: 616-291-0769**

ii. **Luke Miller – O: 616-895-4347 ext. 171, C: 616-262-0082**

b. **Principle Address for Main Office**

i. **6620 Lake Michigan Dr., PO Box 188, Allendale, MI 49401**

2.

The signature of the interested party or the interested party's authorized representative;

**Signature line below**

3.

Identification of the proposed award at issue;

**Notice of Intent to Award HQE Systems Inc. dated October 3, 2022 subject request for proposal- RFP23-001 Mass Notification System**

4.

A statement of the legal or factual grounds for the appeal;

**The awarded vendor influenced RFP23-001 Mass Notification System specifications during the design phase.**

**We strenuously object to the fact that the consultant HQE hired by the Kenai Borough Peninsula was allowed to provide a proposal on this project. We consider that to be a serious conflict of interest, one which provided a distinct advantage to HQE in responding to this RFP.**

**It is also very apparent that the consultant either wrote or contributed to the Borough specifications that is plainly clear in the request for a certain siren output which we deemed to be only possibly obtainable in a strict aniconic chamber environment. It is our opinion that this resulted in HQE being the only compliant responder since, at least speaking for Integrated Notification Systems, our experience tells us that we should not provide a proposal that agrees to this requirement.**

**Another serious issue is the fact that the Boroughs consultant HQE, in their consulting capacity with the Borough, had months of opportunity to become intimately familiar with the Borough's existing infrastructure along with the infrastructure available in the surrounding Kenai Borough area. Therefore putting other vendors who only had thirty days to respond at a significant disadvantage.**

**We also ask you to consider the fact that HQE was paid by the Borough to accumulate the information that they were able to use in developing and submitting their response to their RFP. This created a significant and unfair advantage compared to the opportunities allowed to the other proposers. The RFP specifications, which we alleged were developed by HQE or influenced by HQE, significantly reduced the ability of the proposer to provide creative solutions, which may have included utilizing the Boroughs**



existing infrastructure, along with other opportunities which prevented Kenai Borough from receiving proposals that would provide the best, most cost-effective solution for the Kenai Borough tsunami warning system both now and in the future.

Page 19, section 5.1 of the original RFP states that there is 100 possible points available to be earned during the RFP review process. Page 20, section 5.2 of the original RFP qualitative rating factor only the maximum for outstanding is 1. So the possible total points earned during the review process is 100. Yet, when we received the intent to award dated October 3, 2022, it stated that HQE Systems Inc earned 369 points. Please provide a written explanation within five (5) business days of how the discrepancy in the point system exists.

Furthermore, under criteria 5.1.1 experience/qualifications/references were 35 points. Integrated Notifications Systems has confirmed with one of our primary references they were not contacted during the RFP review process. Please explain how this item is weighted the evaluation of proposals.

#### **Addendum 1**

**Question #4: Are site visits acceptable and supported?**

**Answer:** Contractors are welcome and encouraged to make site visits at their own expense. The owner will be glad to meet with contractors at the OEM offices ,in Soldotna Alaska to review any and all questions.

When we indicated, we were making a site visit at our own expense, after we requested a meeting, were denied proper access and support to help with our response to the RFP. Please see the attached email.

It is obvious that potential bidders were not provided the same access to information as available to Borough consultant HQE.

Also, we are concerned with the changes in the Borough's own response, not only to the discussion in the prebid conference but also the change in policy as identified in addendum 1.

#### **Addendum 3**

**Question #2: Question 6, addendum 2- You mention that the Borough completed a radio communications study in 2020. Could you please provide a copy of that study for review?**

**Answer:** The appropriate sections have been attached.

No sections of the radio communication study in 2020 were attached to addendum 3 or any other correspondence or RFP documents.

If this study provided essential information that would have assisted with the preparation of the vendor response to the RFP that is serious oversight.

5.

Copies of all relevant documents; and

HQE's Mass Notification Survey in Addendum No. 2

6.

A fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall be paid to the borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

A fee of \$300.00 is enclosed with this correspondence.

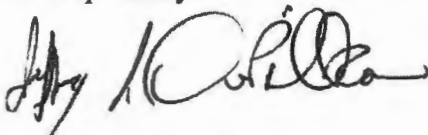
In conclusion, please consider this letter to be a formal protest against any award of this contract RFP23-001 Mass Notification System. We reserve the right to supplement this protest with additional facts when we receive the actual RFPs from other vendors through the Freedom of Information Act.

We also request notice to have all meeting notes, evaluation sheets, emails, and correspondences between Borough staff regarding the award of this contract. We ask those to be faxed or emailed to our 616-895-7158 or [jdupilka@westshoreservices.com](mailto:jdupilka@westshoreservices.com), concerning this project as soon as possible and are available for our review.

If in the event this letter is insufficient to accomplish the above-mentioned task and purposes of the appeal process, please notify us in writing within five business days of receiving this correspondence, and we will immediately comply with any additional requests.

We respectfully request that the Borough set aside the proposed award for this project to HQE, revise the specifications to eliminate misleading information provided in the bid, which in our opinion, specifically relates to siren output and SPL and also review the inaccurate information that was provided on the Boroughs existing system performance, which was not only inaccurate and would be misleading to vendors when considering solutions that would be in the best interest of the Borough.

Respectfully,



Jeffrey DuPilka  
President

JD/Tk

**From:** [Jeff DuPilka](#)  
**To:** ["Purchasing Dept"; tkluuw@westshoreservices.com; lmiller@westshoreservices.com](#)  
**Cc:** ["Jeff DuPika"](#)  
**Subject:** RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System  
**Date:** Tuesday, August 16, 2022 8:39:50 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Hi Patti,

It was my understanding from the discussion during the pre-proposal conference that anyone who wanted to make a site visit was welcomed and would be accommodated. That included, I believe, something along the lines of feel free to come down, and someone will be available to meet with you.

This complex project requires extra effort to gain information to allow the best possible proposal for the long-term warning system for the Borough.

As far as fairness goes, it seems like anyone else who is interested would also have the same opportunity to review the Borough's current system. Just for clarification, I fully understand that the review of the remote siren sites would be on my own.

I would ask that you reconsider my request to meet to review the control points, etc, as I asked in my original requests. I would also like to know if the consultant you hired to provide recommendations will be allowed to submit a proposal as I asked in my second round of questions.

I look forward to hearing back from you.

Enjoy your evening.

Best Regards,



**Jeff DuPilka | President**  
**West Shore Services, Inc.** | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401  
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



**From:** Purchasing Dept [mailto:Purchasing@kpb.us]  
**Sent:** Tuesday, August 16, 2022 7:23 PM  
**To:** 'jdupilka@westshoreservices.com' <jdupilka@westshoreservices.com>;  
'tkluuw@westshoreservices.com' <tkluuw@westshoreservices.com>;  
'lmiller@westshoreservices.com' <lmiller@westshoreservices.com>

**Subject:** RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System  
**Importance:** High

Good afternoon Jeff and thank you for your question regarding a site visit.

During the bid process we are unable to meet with you or answer questions outside of the BidExpress or [Purchasing@kpb.us](mailto:Purchasing@kpb.us) email process. This practice preserves fairness and integrity of the bid process. The Q&A Period for the subject project has been extended to 8/22/2022 4:00PM and we welcome your questions.

In terms of the proposed site visit, the sites are all publically accessible except for Lowell Point Siren which is located inside a fenced enclosure. You are welcome to visit them. As I explained earlier we cannot accompany you in person or provide an in person overview of the working system operation.

Thank you for your interest in Borough Projects.

**Patti Hartley**  
Purchasing Assistant  
Ph: (907) 714-2262

KENAI PENINSULA BOROUGH  
47140 East Poppy Lane  
Soldotna, Alaska 99669



**From:** Jeff Dupilka <[jdupilka@westshoreservices.com](mailto:jdupilka@westshoreservices.com)>  
**Sent:** Tuesday, August 16, 2022 10:02 AM  
**To:** Purchasing Dept <[Purchasing@kpb.us](mailto:Purchasing@kpb.us)>  
**Cc:** 'Jeff DuPika' <[jdupilka@westshoreservices.com](mailto:jdupilka@westshoreservices.com)>; 'Thereasa Klouw' <[tklouw@westshoreservices.com](mailto:tklouw@westshoreservices.com)>; 'Luke Miller' <[lmiller@westshoreservices.com](mailto:lmiller@westshoreservices.com)>  
**Subject:** <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

**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.

Good Morning,

I would appreciate it if you could confirm a site visit request for me to meet with the Kenai Peninsula Borough staff to review the existing tsunami warning system.

During my onsite visit, I would like to review the control points and current system activation methods.

I want to visit some existing remote warning sites and discuss current system performance and maintenance.

My current schedule has me flying into Kenai at 11 am Thursday, August 25<sup>th</sup>. I plan on renting a car to drive to your facility to begin the review.

I would appreciate it if you could confirm this meeting.

I look forward to hearing back from you.

Regards,



Jeff DuPilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401  
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769

