

BID PROTEST
BACC IFB No. 13-2026 – Sodium Hypochlorite 12.5%

Protesting Party Information

Pur Water, LLC
Jesse Kerr
2781 Napa Valley Corporate Dr. Napa, CA 94558
(530) 949-8224
Jkerr@purwaterllc.com

Protest Statement

I am submitting this protest pursuant to Section 4.2 (Bid Protests) of BACC IFB No. 13-2026 – Sodium Hypochlorite 12.5%. This protest is submitted in good faith to ensure compliance with the IFB requirements and equal evaluation of all bids.

At bid opening, at least one bidder included the statement “All pricing is on a quarterly basis” within the bid pricing schedule for multiple regions. This language constitutes a material pricing condition and renders the bid non-responsive for the following reasons:

1. **Section 2.4 – Bid Pricing** requires firm, all-inclusive unit pricing and expressly prohibits conditional or qualified pricing. Time-based pricing, including quarterly pricing, is a pricing condition and functions as an impermissible escalator.
2. **Section 3.5 – Purchase Orders / Contracts** states that the awarded unit price is the contracted price and may not change during the contract term absent mutual written agreement. Quarterly pricing conflicts directly with this requirement.
3. **Section 2.14 – Rejection of Bids** authorizes rejection of bids that are conditional, include unrequested additional terms, or otherwise fail to conform to the solicitation requirements.

Because this pricing language conditions the bid and prevents equal evaluation against firm, fixed-price bids, the bid is non-responsive and cannot be waived as a minor or immaterial irregularity.

Accordingly, I respectfully request that BACC determine bids containing time-based or quarterly pricing language to be non-responsive and exclude them from award consideration, consistent with the IFB requirements.

Submitted by:



Jesse Kerr
Pur Water, LLC
Date: 2/21/2026

Bid Protest Response Letter

February 24, 2026
Pur Water, LLC
Jesse Kerr
2781 Napa Valley Corporate Dr.
Napa, CA 94558
(530) 949-8224
Jkerr@purwaterllc.com

RE: Decision on Protest – Solicitation # **BACC IFB No. 13-2026 – Sodium Hypochlorite 12.5%**

Dear Jesse,

This letter serves as the final decision regarding your protest submitted on February 21, 2026 concerning the above-referenced solicitation. We have reviewed your arguments regarding Comments left by Durrani Investment & Corp DBA California Chemical on the Bid Results form in planetbids.com.

Background

Durrani Investment & Corp DBA California Chemical left Comments on the Bid Results form in planetbids.com indicating that their prices were “All pricing is on a quarterly basis”.

Decision

After careful consideration of the facts, the solicitation requirements, and the submitted proposals, we have decided to uphold your protest.

BACC 13-2026 Sodium Hypochlorite 12.5% pricing is annual and this is indicated in planetbids.com e-bidding notes. BACC 13-2026 Sodium Hypochlorite 12.5% contract term is July 1, 2026 to June 30, 2027. See section 4.9 Term of Contract in the bid document.

Conclusion

Based on the above, the bid Durrani Investment & Corp DBA California Chemical submitted is non-responsive. This constitutes the final administrative decision of BACC.

Sincerely,

Jennifer Dyment
BACC Coordinator