

#19



Orange County Board of Supervisors Meeting

1. I am Kenny Muhaw representing ACT1's subcontractor Paragon Tactical.
2. Paragon is a Service Disabled Veteran Owned Small Business located in Corona, CA. Specializing in Shooting Range Construction.
3. Paragon's Owner is an Orange County resident

SUMMARY

4. In the appeal letter it was stated by Orange County's Sheriff's Department representative that during the bid process, a request for an equivalent determination was received by the County.

After the Addendum #3 was released there was neither another clarification released nor statement notifying any bidders or sub-contracting bidders of an approval for equivalent product submitted or submitted and approved.

For Addendum #3 - It was my belief and understanding by reading the questions and answers provided that there was not another manufacture approved as an equivalent at this point of time for any product other than maybe the target system. The answer AD-3 to Q-37 stated the following:

AD-3, Q-37

Question:

RE: 11 48 90 SHOOTING RANGE BULLET TRAP

Vendor request approval as an Approved Equivalent per 11 48 90-2.01-2

Since it is not possible to submit attachments or other technical data to this Q&A format, vendor provides website information:

<https://inveristraining.com/live-fire-training/law-enforcement-commercial-live-fire/bullet-traps/>

Vendor statement:

We would like our bullet trap submitted to be an acceptable alternate. Below is our datasheet as well as the datasheet for flame seal that meets the Class A fire code. Could you please submit InVeris (Meggitt) Bullet trap, so that could be listed as an acceptable substitute? Some advantages of our trap are that we do not need a trench in the concrete at the toe (front) of the trap, due to our patent step bed design. Also, water source is not required to hydrate the flame seal material like is needed for Gel Core. Our Trap is easier to maintain and requires less maintenance down time.
Meets Class A Fire Rating requirement.

Answer:
With regard to 'brand' references 'Meggitt Training', Meggitt was sold to Inveris Training so the new company as a 'brand', is acceptable as an equivalent. Note: the existing overhead targets installed last year were Meggitt.

Links to websites are not an acceptable method for reviews of proposed alternates. Reference Contract Documents, Specification Section 11 48 90 Shooting Range Rubber Bullet Trap, paragraph 2.01.A.2 "Manufacturers", alternates are acceptable under the noted requirements:

2. Approved Equivalent:

- a. Proposed alternates shall be submitted for review and consideration prior to the bid date. No substitutions will be reviewed later than five (5) working days prior to the bid date.

- b. Alternate proposal shall include samples of proposed product. Samples shall be working models of the exact dimensions proposed.

- c. All alternate proposals shall list equipment proposed and an item-by-item comparison stating why the items are equal to the specified item. Proposals shall include the manufacturer's specifications, cut sheets, and other data needed to demonstrate compliance with the specified requirements.

Proposed alternates with information meeting this criteria can be sent to:

Mindi Brawner, Sr. PM
OCSD Research and Development, Facilities Planning
431 The City Drive South
Orange, CA 92868

In my belief the answer above does not appear to be an approval at all. If it were an approval than why would it be necessary for direction on on how the submittal process should be completed and is to take place if another equivalent is to be submitted or considered for approval? This statement and direction was not only given to InVeris' Q&A but it was repeated two additional times (AD-3 Q-38 and AD-3 Q-39) by another company asking for their specific product to be submitted as an equivalent and also other substitution materials. The same answer was given. During the bid process myself representing Paragon Tactical, submitted to other General Contractors and had many conversations about the specifications released and on whether another vendor was approved or not. I spoke in depth with multiple GCs about this subject and they also did not think that the answer and response received was an approval notification. As a result of this the GCs specifically requested a break out of our equipment in order to insure that they remain compliant and bid per the specifications and per the only approved bullet trap manufacturer. Why would the other GCs also request this if it was clear that InVeris's product was

approved as an equal? Paragon Tactical chose to not break out any one individual component due to the fact that another equal bullet trap system was NOT approved as an equal.

5. In the first paragraph of the Orange County's Sheriff's Dept response it states, "A basic rule of competitive bidding is that bids must conform to specifications; if a bid does not so conform, it may not be accepted".

The bullet trap system that was approved does not meet the specifications that were released as the "minimal" basis of design. These four (4) major elements of the trap system were outlined in a letter from Mr. Ed Fransen with Paragon Tactical and submitted to ACT1 in support of the protest process. The current approved bullet trap system does not meet, nor exceed or is an equal to the following requirements released within the specification for the back stop system.

1. The bullet trap does not meet the OCSD spec - Protective Plate.

There is no evidence of a fail-safe 3/8" AR500 Fail Safe plate that the PTI Super Trap® contains and per the spec. Spec reference below with supporting info. This makes the risk of a "shoot thru" at the "throat" at the back of the trap where the slope meets the back vertical portion. This is where a rubber trap is at its weakest point where the rubber can become thin much less than the allowable amount where rounds can penetrate. Without a "fail-safe" plate, this trap is inferior. The drawings and proposal depicted or described nothing to meet this spec.

11-48-90> 2.02 Materials > A. > 7.

The infrastructure of the backstop system shall be constructed in a manner that it will have a "fail safe" rear plate constructed of **3/8" AR500 steel** approximately 30" tall and 42" wide mounted in each section of the backstop system. This feature shall be included to prevent shoot through situations, in the event the system were to be improperly maintained by maintenance personnel.

2. The bullet trap does not meet the OCSD spec - Class A Fire Rated Complete System.

The Class A fire rated material is not Gel-Cor® that is required within the spec. The Flame Seal product that they are proposing is not a gel polymer where hydration is required to fully mix the Gel-Cor® deep within the trap making the entire trap media mass and overall system a Class A fire rated structure. The Flame Seal is a spray applicant that is only sprayed onto the surface of the trap's rubber media. Coverage is only achieved on one layer of rubber media where it makes contact and dries. The rest of the media is not covered. Their spec states that this application is applied on every 6" of media. That means that about 5" x 4 times is NOT covered by the Flame Seal. 20" inches of media is does not have any FlameSeal on it only about 4" in total.

The PTI Gel-Cor® process is proven and tested by the Army Corps of Engineers. The integral design of the Gel-Cor® system infrastructure means the whole bullet trap system passed a Class A fire test, not just one component that is added to many other flammable materials.

11-48-90>1.04 QUALITY ASSURANCE > F.

The rubber media shall be capable of passing a Class A fire test of a seventy (70) minute time frame.

11-48-90>2.02 Materials > B. > 1.

The rubber media used shall be GEL-COR® **fireproof bullet-trapping media** that accepts bullets fired from any angle, producing little or no lead dust and reducing both fire risk and range noise.

3. The proposed alternate bullet trap does not meet the OCSD spec - Lead

immobilization.
The PTI Super Trap® is also treated with ELIXIR®, which is a lead immobilizer. This is part of the make-up of the Gel-Cor®. There is reference within the spec of "anti-lead additive and dry lubricant additive" Spec ref below. There is no evidence of a lead immobilizer or inhibitor in the their proposal what-so-ever. See cut sht / spec of PTI's BRM (Ballistic Rubber Media).

11-48-90>2.02 Materials > B. > 3-4

The rubber material shall be treated with a fire retardant, hydrated gel polymers, anti-lead additive and dry lubricant material; each component being non-toxic and integral to the overall ballistic and environmental performance of the bullet trap system.

The Ballistic Rubber Media shall be treated with non-hazardous chemical materials, including gel polymers, capable of preventing the loss of lead into the surrounding environment and / or contacting liquids

4. The bullet trap does not meet the OCSD spec - Height of Bullet Trap System.
The proposed bullet trap is 9' high versus the clear stated minimum requirement of being 10' high. This represents effectively 10% less materials that the owner would be getting.

11-48-90>2.02 Materials > A. > 1.

The primary impact area of the bullet trap shall extend to minimum height of 10'-10" above the finish floor surface, and shall have a maximum footprint depth of 15'-0".

These represent some of the numerous characteristics and performance criteria within the Katella range equipment specification for the shooting range rubber bullet trap that are not met by the proposed and approved range equipment. Subsequently, no approval for the range equipment alternative was publicly announced prior to bid time or submitted per the substitution and approved as equivalent process.