



Techno Coatings

Painting/Coatings/Blasting MAINTENANCE - PETRO CHEMICAL - TANKS - FOOD PLANTS
POWER GENERATION - INDUSTRIAL - OFFSHORE - RECYCLATION - HOTELS - OFFICES

CALIF. LIC. NO. 886617
NEVADA LIC. NO. 18666

1391 ALLEC STREET • ANAHEIM, CALIFORNIA 92803 • (714) 635-1130 • FAX (714) 635-6357

September 23, 2015

Department of Transportation
Division of Engineering Services
Office Engineer
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041

Fax: 916-227-6282

Att: John McMillan
Deputy Division Chief

Re: 06-0N9604
Subject: Funding Protest

Dear Mr. McMillan,

Techno Coatings Inc. (TCI) is protesting Caltrans funding for 06-0N9604. CalTrans has not responded to TCI's prior protest or given a reason why TCI should not be given the award being the low bidder.

Without cause, TCI should be awarded contract 06-0N9604.

CalTrans to date has not responded to all TCI's letters (list as follows):

- 1) August 27, 2015- Extension of Time
- 2) August 25, 2015- Bid Protest
- 3) August 20, 2015-TCI letter of rebuttal to CalTrans letter of TCI's non-responsiveness.
- 4) August 20, 2015-TCI letter to extend bid to resolve alleged non-responsiveness.

TCI is requesting response by CalTrans to all TCI letters.

TCI is requesting a meeting to resolve this award.

Please contact Tom Puett at 951-805-4954 to set a meeting place and time.

Sincerely,

Thomas Puett
Nace Coating Inspector Level 3-Certified
CIP Certification #7993

Attachments <letters 1-4>



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CALIF. LIC. NO. 898517
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August 27, 2015

4)

Department of Transportation
Division of Engineering Services
Office Engineer
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041

Fax: 916-227-6282

Att: John McMillan
Deputy Division Chief

Re: 06-0N9604
Extension of Time

Dear Mr. McMillan,

Techno submitted the low bid on Contract 06-0N9604 on July 28, 2015. The current time allotted for award of this contract is about to expire. Since our bid protest has not been resolved at this time; we herein extend our bid offer for an additional 30 days and again request the bid award be extended.

Sincerely,

Thomas Puett
Nace Coating Inspector Level 3-Certified
CIP Certification #7993

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CALIF. LIC. NO. 296517
NEVADA LIC. NO. 12989

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2)

August 25, 2015

Department of Transportation
Division of Engineering Services
Office Engineer
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041

Fax: 916-227-6282

Att: John McMillan
Deputy Division Chief

Re: 08-0N9604
Letter received 8.20.15
Bid Protest

Dear Mr. McMillan,

Techno Coatings Inc. is in receipt of your letter dated August 20, 2015 regarding Techno's bid for Contract #08-0N9604. We take exception to your finding our bid nonresponsive and herein protest an award to any bidder other than Techno Coatings Inc.

Caltrans bases their finding on the rationale that Techno made a change in the listing of work for Austin Enterprise that is not consistent with the subcontracting listing form. Our response begins with a time line of the actions taken in compiling and submitting our bid and subsequent submittals.

Prior to bid time, Techno as well as other bidders received a quote from Austin Enterprise. The Austin quote contained an inaccurate listing for the Construction Area Signs by listing as Item 2 instead of the more accurate Item 4. Techno accepted Austin's bid for Construction Area Signs however in filling out the electronic bid form used the inaccurate Item number 2 and the actual description for item 2 of Progress Schedule. Techno proceeded to submit the lowest bid.

2)

On July 29, Techno became aware of this inaccuracy and was unsure how to correct the information or proceed with all post bid submittals consistent with the subcontractor listing. Techno decided to contact Office Engineer personnel.

Techno made contact with Irene Beckham from the Office Engineer and explained the situation. After consulting with her supervisor, Irene indicated that correcting the Item number and description was allowable and would not create any problems or jeopardize the responsiveness of the bid. This direction was consistent with Caltrans recent determination that post bid minor corrections to bid items and descriptions are immaterial and do not warrant a nonresponsive determination (11-288814). Had Techno not received confirmation from Caltrans that this correction was acceptable; Techno would have never made any correction or revision.

Techno submitted its DBE information and submittals that was received by Caltrans on 7/31/15. The information included the corrections to the Austin listing of Item 4 Construction Area Signs. Techno contacted Irene Beckham with Caltrans on Monday, August 3, 2015 at 8:20 a.m. to confirm receipt of the documentation and to confirm that the listings were consistent with the direction received from Irene on 7/29. Irene confirmed both receipt of the submittal and that the corrections were consistent with the directions given on 7/29. This contact was well in advance of the deadline for submittal with the full intention that should revisions be required, there was ample time.

As you can see, the actions taken by Techno were the direct result of discussions with Caltrans and conforming to those actions Caltrans personnel indicated were acceptable. The value and scope of Austin's work did not change from their original pre-bid quote as verified by Griffith Company's DBE documentation. We find it highly inequitable that Techno followed erroneous direction from Caltrans and finds its otherwise compliant bid to be nonresponsive.

We request Caltrans reverse its determination that Techno's bid is nonresponsive and proceed to award this contract to Techno as the lowest responsible and responsive bidder.

Your cooperation in an equitable resolution in this matter is greatly appreciated

Sincerely,



Thomas Puett
Nace Coating Inspector Level 3-Certified
CIP Certification #7993



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CALIF. LIC. NO. 200617
NEVADA LIC. NO. 12689

1591 ALLEC STREET - ANAHEIM, CALIFORNIA 92608 - (714) 635-1190 - FAX (714) 635-6357

August 20, 2015

3) Faxed & sent via
Fed Ex

Department of Transportation
Division of Engineering Services
Office Engineer
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041

Fax: 916-227-6282

Att: John McMillan
Deputy Division Chief

Re: 06-0N9604
Letter received 8.20.15

Dear Mr. McMillan,

Techno Coatings Inc. is in receipt of your letter dated August 20, 2015 regarding Techno's bid for Contract #06-0N9604. We take exception to your finding our bid nonresponsive and herein protest an award to any bidder other than Techno Coatings Inc. We would also like to take this opportunity to request our bid and any award be extended while we refute this nonresponsive finding.

We are in the process of compiling a response to your alleged deficiencies which will be transmitted to you in a timely manner. It should be noted that our actions regarding the submitted documentation in question were a result of the direction given to us by the Office Engineer staff.

Your cooperation in an equitable resolution in this matter is greatly appreciated.

Sincerely,

Tom Puett

Thomas Puett
Nace Coating Inspector Level 3-Certified
CIP Certification #7993



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CALIF. LIC. NO. 280317
NEVADA LIC. NO. 12000

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4) Faxed & sent via
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August 20, 2015

Department of Transportation
Division of Engineering Services
Office Engineer
P.O. Box 168041, MS-43
Sacramento, CA 95816-8041

Fax: 916-227-6282

Att: John McMillan
Deputy Division Chief

Re: 06-0N9604
Letter received 8.20.15

Dear Mr. McMillan,

Techno Coatings Inc. is requesting bid extension to allow resolution to Cal Trans alleged non responsiveness letter dated August 20, 2015 for contract 06-0N9604.

Techno Coatings Inc. changed bid item numbers based on directions of CalTrans staff, confirmed by CalTrans supervisor.

Sincerely,

Tom Puett

Thomas Puett
Nace Coating Inspector Level 3-Certified
CIP Certification #7993