



Techno Coatings

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

CALIF. LIC. NO. 398817
NEVADA LIC. NO. 18869

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September 24, 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: Bid Protest

Dear Mr. McMillan,

We are in receipt of your letter of this day September 24, 2015 and take great exception to your interpretation of the facts on which you base your continued determination that Techno Coatings, Inc.'s bid on Contract 06-0N9604 is non-responsive.

We reiterate the facts as follows. Techno contacted Irene Beckham from your office by telephone on July 29th, prior to transmitting the DBE Submittal to the Office Engineer. We asked Irene if we could correct the Bid Item # 2 Progress Schedule to Bid Item #4 Construction Area Signs. Irene checked with her supervisor and indicated to Techno, on the phone that we could make the corrections and that it would not jeopardize the bid. Techno made the correction consistent with the conversation with Irene and transmitted the original and only DBE Submittal. This DBE Submittal is date stamped by the Office Engineer 02:49 PM on 7/31/15, three days after the bid opening. Techno then contacted Irene as a follow up on August 3, 2015 well before the 4:00 PM 4th Day deadline. Techno inquired if the submittal had been received to which Irene confirmed receipt. Techno inquired if the corrections were satisfactory to which Irene indicated they were. There was no "revised post submittal" ever tendered therefore the DBE Submittal was timely. The basis for the August 3 follow up phone call was to verify the corrections were satisfactory, and since Techno was informed they were satisfactory no "revised post submittal" was required. Had Techno been advised that the corrections were not satisfactory, Techno would have had the time to make such a "revised post submittal".

In summary, Techno provided the DBE Submittal in a timely manner. The submittal contained the correction agreeable to the Department. No "revised post submittal" was offered. As we have indicated all along, since Techno relied on the conversations and approval by the Office Engineer, the Department is estopped from finding the bid non-responsive due to this detrimental reliance.

We again request a meeting or hearing with legal counsel from both Techno and the Department prior to any award of this contract. We feel it is in the best interest of all concerned to discuss and provide any required explanation prior to an award rather than compelling this conversation in a different forum.

Sincerely,

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