

ROADWAY ENGINEERING WORKS, INC
PO BOX 285
COBB, CA 95426
(707) 928-0147
FAX (707) 928- 0137

To: John McMillan	Company: Office Engineer Contract Awards and Services
Fax#: 1-916-227-6282	Contract#: 03-3F0404
Subject: Bid Protest (letter #1)	
From: Michael Lewine	Date: 10/20/2014
Total number of transmitted pages; 8.	

LETTER # BPRM-01 (CONTRACT #03-3F0404 BID PROTEST)

Dear Mr. McMillan,

Roadway Engineering Works, Inc. respectfully wishes to protest the award of the above referenced contract to Myers and Son's, LLC, the current apparent low bidder for this project. Please read below;

This protest is based upon a "Pass Through" of the equipment quote provided by Tesco Controls, Inc. and passed through AZCO Supply (DBE) in order to obtain additional DBE participation in an effort to make or exceed the required project DBE goal of 5%.

I would first draw your attention to attached exhibit A-1, A-2 & A-3, Tesco Controls quote number 14J33Q01. Next I would draw your attention to attached exhibit B-1, B-2 & B-3, AZCO Supply (DBE) quote number 14J33Q01.

And yes, deja vu, it is the same quote (Pass through) in order to obtain DBE participation. AZCO appears to have run TESCO's quote through Adobe Acrobat and altered and/or made some minor changes.

On Page 1 AZCO removed TESCO's company name, contact info and the quote number. Page 2 is a complete TESCO quote right down to TESCO's

quote/quote number not AZCO's. Page 3 is the same; TESCO's quote/quote number not AZCO's and AZCO appear to have removed "Andy Burris" Estimating/Sales Department (TESCO). I have indicated in yellow highlight changes or points of interest in an effort to save the department personal time on both Exhibit A & B.

In summary; AZCO DBE participation should be deemed a (pass through) and as such disallowed for serving absolutely no "Commercially Useful Function".

Thank You!!



Michael Lewine



8440 Florin Road
SACRAMENTO, CA 95828
(916) 395-8800 / 429-2817 (FAX)
aburris@tescocontrols.com

♦♦♦ Engineering • Manufacturing • Systems Design • Systems Integration • Service & Support ♦♦♦

DATE: 10/6/2014

TO: Bidding Contractors
ATTN: Estimator

Exhibit A-1

JOB NAME: Caltrans 03-3F0404 – "O" Street Pumping Plant

BID DATE: 10/08/2014

*TESCO QUOTE NO: 14J033Q01

*Dear Sir, Thank you for your interest in TESCO products.

Item	Qty.	Description
1	1	<p>Generator Room MCC to include:</p> <ul style="list-style-type: none"> • Freestanding 72" High NEMA 1 Galvanized Steel Enclosure • 400A Main Utility Disconnect Breaker • 400A Generator Disconnect Breaker • Mechanical Interlock • Distribution Breakers as required • Surge Protection Device • 400A Automatic Transfer Switch 'ATS' • Automatic Transfer Switch Interface • Digital Power Quality Meter • Lighting Panel 'A' • 10 KVA Transformer • 800 VA Uninterruptable Power Source 'UPS' • Terminal Blocks, Relays, and Nameplates as required
2	1	<p>Pump Control Room MCC to include:</p> <ul style="list-style-type: none"> • Freestanding 72" High NEMA 1 Galvanized Steel Enclosure • Two (2) Motor Circuit Protection 'MCP' Breakers • Two (2) 100HP NEMA Size 4 Starters • Two Sets of Pump Controls to include: <ul style="list-style-type: none"> ○ Elapsed Time Meters ○ HOA Switch ○ Push Buttons ○ Indicating Lights • Additional Controls as necessary • Tesco L3000 Programmable Logic Controller 'PLC' Including Pre-Configured Web Server (as specified in special provisions page 30) • Tesco L3000 LCD Operator Interface Terminal 'OIT' • Wireless Access Point Radio • 2000VA Uninterruptable Power Source 'UPS' • Submersible Level Transducer • 24 VDC Power Supply • Fiber Optic Float Power Supply • Two (2) Fiber Optic Float Transceiver • Panel Light With Switch • Panel Fan With Thermostat • Terminal Blocks, Relays, and Nameplates as required

Page 2

JOB NAME: Caltrans 03-3F0404 – "O" Street Pumping Plant

BID DATE: 10/08/2014

*TESCO QUOTE NO: 14J033Q01

Exhibit A-2

3	Lot	O Street Pump Plant Building Wireless Network Equipment (Ship Loose to be Installed By Contractor) to include: <ul style="list-style-type: none"> • Directional Antenna With Necessary Antenna Cables and Mounting Adapters • Antenna Surge Protector
4	Lot	Front Street Generator Building Wireless Network Equipment (Ship Loose to be Installed By Contractor) to include: <ul style="list-style-type: none"> • Wireless Access Point Radio • Omni Directional Antenna With Necessary Antenna Cables and Mounting Adapters • Antenna Surge Protector
5	Lot	Ship Loose Equipment (To Be mounted On Light Pole By Contractor) to include: <ul style="list-style-type: none"> • Alarm Horn • Intrusion Alarm Light (AL1) • Four (4) LED Indicator Lights (IL1, IL2, IL3, IL4) • All Associated Mounting Hardware
6	1	Submersible Level Transducer
7	3	Fiber Optic Float Switches (LS1, LS2, LS3)
8	2	Door Intrusion Switches (DS1, DS2)
9	Lot	TESCO Professional Services to include: <ul style="list-style-type: none"> • Submittals • PLC & OIT Programming • O&M Manuals • Guarantee • Startup, Calibration & Test of TESCO Supplied Equipment

TOTAL FOR ITEMS #1 thru #9:

* \$ 230,000.00

ALL APPLICABLE TAXES INCLUDED

FREIGHT ALLOWED

TERMS:

- SUBMITTAL: Approximately 4-6 weeks after receipt of purchase order.
- DELIVERY: Approximately 8-10 weeks after receipt of approved submittals.
- ADDENDUMS ACKNOWLEDGED: 0
- QUOTATION FIRM FOR 30 DAYS UNLESS OTHERWISE STATED.
- Final retention to be paid 10 days after the project notice of completion.
- * TESCO's price is FOB factory, full freight allowed.
- * TESCO warranties against defect in design workmanship and materials for a period of one year from date of installation, and does not exceed 18 months from the date of shipment from the factory.
- * TESCO carries liability insurance, with full workman's compensation coverage.
- Terms: Net 30 days on approved credit accounts.
- Interest will be applied on all past due invoices.
- All merchandise sold is subject to lien laws.

* See Next Page

Page 3

Exhibit A-3

JOB NAME: Caltrans 03-3F0404 – "O" Street Pumping Plant

BID DATE: 10/08/2014

* TESCO QUOTE NO: 14J033Q01

PROJECT BID CLARIFICATIONS:

- * TESCO's Price will be to furnish only, and does not include conduit, wire, tubing, termination, or installation.
- * Except where noted, the following is **not** furnished by TESCO:
 - Local control stations and/or field mounted disconnect.
 - Instrumentation mounting brackets, stanchions, and sunshields.
 - Fiber optic patch panels, cable, splicing or terminations.
 - Instrumentation defined in other sections of the specifications
 - 3rd party independent testing, harmonic studies, electrical coordination studies or Arc Flash Hazard Analysis.
 - Interconnection and loop diagrams.

If you have any questions, comments, or if we can be of further assistance, please contact us.

* Sincerely,

* Andy Burris
Estimating / Sales Department

* AZCO SUPPLY INC
 2250 STEWART ST, #9
 STOCKTON, CA 95205
 209-943-2452 PH
 209-943-0342 FAX
 Lauri@Azcosupply.com

DATE: 10/6/2014

Exhibit B-1

TO: Bidding Contractors
 ATTN: Estimator

JOB NAME: Caltrans 03-3F0404 - "O" Street Pumping Plant
 BID DATE: 10/08/2014

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* Dear Sir, Thank you for your interest in TESCO products.

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2	1	Pump Control Room MCC to include: <ul style="list-style-type: none"> • Freestanding 72" High NEMA 1 Galvanized Steel Enclosure • Two (2) Motor Circuit Protection 'MCP' Breakers • Two (2) 100HP NEMA Size 4 Starters • Two Sets of Pump Controls to include: <ul style="list-style-type: none"> ○ Elapsed Time Meters ○ HOA Switch ○ Push Buttons ○ Indicating Lights • Additional Controls as necessary * Tesco L3000 Programmable Logic Controller 'PLC' Including Pre-Configured Web Server (as specified in special provisions page 30) * Tesco L3000 LCD Operator Interface Terminal 'OIT' • Wireless Access Point Radio • 2000VA Uninterruptable Power Source 'UPS' • Submersible Level Transducer • 24 VDC Power Supply • Fiber Optic Float Power Supply • Two (2) Fiber Optic Float Transceiver • Panel Light With Switch • Panel Fan With Thermostat • Terminal Blocks, Relays, and Nameplates as required

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Exhibit B-2

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8	2	Door Intrusion Switches (DS1, DS2)
9	Lot	TESCO Professional Services to include: <ul style="list-style-type: none"> • Submittals • PLC & OIT Programming • O&M Manuals • Guarantee • Startup, Calibration & Test of TESCO Supplied Equipment

TOTAL FOR ITEMS #1 thru #9:
ALL APPLICABLE TAXES INCLUDED
 FREIGHT ALLOWED

* \$ 215,000.00

X 60%

 \$ 129,000.00
TERMS:

- SUBMITTAL: Approximately 4-6 weeks after receipt of purchase order.
- DELIVERY: Approximately 8-10 weeks after receipt of approved submittals.
- ADDENDUMS ACKNOWLEDGED: 0
- QUOTATION FIRM FOR 30 DAYS UNLESS OTHERWISE STATED.
- Final retention to be paid 10 days after the project notice of completion.
- * TESCO's price is FOB factory, full freight allowed.
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Exhibit B-3

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