



# *The County of El Dorado*

*Chief Administrative Office*

*Laura S. Gill, Chief Administrative Officer*

**Procurement & Contracts Division**

*Bonnie H. Rich, Manager of Procurement & Contracts*

*Phone (530)621-5830 Fax (530)295-2537*

Date: March 20, 2007  
To: All Bidders  
Re: Invitation to Bid #07-070-068  
New Vehicles  
Notice of Protest Received

In accordance with Board of Supervisors Policy C-17, Section 5.6.5, the Purchasing Agent is required to notify all bidders of an unresolved protest regarding the subject Invitation to Bid. This information will be presented to the Board of Supervisors for their consideration on March 27, 2007. All bidders may attend the Board meeting and address the Board at that time.

The facts surrounding the protest are attached for your review. In its discretion, the Board of Supervisors may determine to accept or reject any or all bids, to waive any informality or irregularities in a bid, or to make an award. The decision of the Board of Supervisors shall be final.

Contact me directly at (530)621-5940 should you have any questions regarding this matter.

Thank you.

Bonnie H. Rich  
Purchasing Agent

Cc: Rusty Dupray, District I  
Helen Baumann, District II, Chair  
James R. "Jack" Sweeney, District III  
Ron Briggs, District IV  
Norma Santiago, District V  
  
Laura S. Gill, Chief Administrative Officer

RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY

2007 MAR 22 PM 2:52



# *The County of El Dorado*

*Chief Administrative Office*

*Laura S. Gill, Chief Administrative Officer*

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*Procurement & Contracts Division*

*Bonnie H. Rich, Manager of Procurement & Contracts*

*Phone (530)621-5830 Fax (530)295-2537*

March 20, 2007

Broadway Ford  
2560 Webster Street  
Oakland, California 94612  
Attn: Dan Durigan

Re: Invitation to Bid #07-070-068  
New Vehicles

Dear Mr. Durigan:

The Procurement and Contracts Division is in receipt of your letter of protest dated March 16, 2007. The intent of this letter is to address the issue of protest you have presented to our office for the subject Invitation to Bid. While this letter represents our evaluation of the issue you have raised, this matter is scheduled to be heard, and awarded by the Board of Supervisors on March 27, 2007. The decision of the Board of Supervisors will be final in determining the successful bidders.

**Background:** The Procurement and Contracts Division issued Invitation to Bid #07-070-068 for the purchase of new vehicles. Bid responses were due in the office of the Purchasing Agent no later than February 12, 2007 at 3:00 p.m.

Broadway Ford responded to the subject bid. On February 27, 2007 you faxed a letter stating that you made an error in quoting the correct warranty for numerous vehicles. A copy of your letter is attached. After conferring with County Counsel regarding this matter, your options are to withdraw your bid, or perform in accordance with terms and conditions of the Invitation to Bid and Bid Response.

**Protest:** On March 19, 2007 the Purchasing Agent received a letter of protest from Broadway Ford requesting consideration of a modification to your response submitted in an effort to correct an error in stated warranty provided by Broadway Ford after the stated bid opening deadline date and time. A copy of your letter is attached.

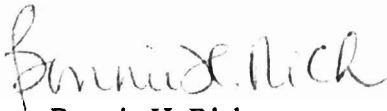
**Response:** In accordance with the General Conditions of the subject Invitation to Bid, Instructions to Bidders, item #10:

***“Bid modifications, corrections, or additions received beyond the bid deadline will NOT be considered.”***

Based on our evaluation of the responses received, the Purchasing Agent finds that the protest is without merit and will recommend award of the subject Invitation to Bid to the apparent, low qualified responsive bidders as outlined in the County's Notice to All Bidders posted March 9, 2007 on the Procurement and Contracts web site.

In accordance with Board of Supervisors Policy C-17, Section 5.6.5, your protest will be submitted to the Board of Supervisors for consideration and all bidders will be notified of the date on which the matter will be heard. This item is scheduled to be heard by the Board of Supervisors approval at their regularly scheduled meeting of March 27, 2007. The decision of the Board of Supervisors shall be final in determining the successful bidders.

Respectfully,

A handwritten signature in cursive script that reads "Bonnie H. Rich".

**Bonnie H. Rich**  
Manager of Procurement & Contracts

## **Broadway Ford**

2560 Webster Street

Oakland, Ca. 94612

Ph. 510-832-8800

Fax 510-839-5095

Feb. 27, 2007

County of El Dorado  
330 Fair Lane  
Placerville, Ca. 95667  
Ms. Donna Cademartori

Ms. Cademartori:

In reviewing and recapping the bid 07-070-068, I noticed I had stated the warranty as being 3 yrs. or 36,000 miles full coverage and a 5 yrs. or 100,000 mile power train warranty as being standard. I was in error. The standard for the power train part is 60,000 miles, not 100,000 miles. The 100,000 mile coverage is standard on diesel engines only.

Sorry for this error but I want you to be aware of the correct warranty incase it makes a difference in the awards. I am sending you a copy of Ford Motor Company's complete warranty information.

Sincerely

Dan Durigan  
Govt. Flt. Mgr.

PURCHASING RECEIVED

07 MAR 19 AM 11:34

**Broadway Ford**

2560 Webster Street  
Oakland, Ca. 94612  
Ph. 510-832-8800  
Fax 510-839-5095

March 16, 2007

County of El Dorado  
330 Fair Lane  
Placerville, Ca. 95667  
Ms. Bonnie H. Rich

Ms. Rich:

I am sending this letter to protest the disqualifying of Broadway Ford for the bid # 07-070-068 opened on 2-12-2007. I believe your interpretation that I modified my bid after the opening was in error. You have applied a very narrow interpretation of this term and have resulted in an additional cost to the County of approximately \$ 68,000.00 in additional expenditures.

The bid sheet did not ask for an extended warranty for the vehicles being bid. What it did ask for was the "warranty". If you did not ask for an extended warranty, then it is implied that you just want the standard factory warranty stated on the bid sheet.

It was my mistake in stating that the warranty would be 3 years or 36,000 miles full coverage with a 5 year or 100,000 mile power train warranty as standard. The standard warranty is 3 years or 36,000 miles full coverage with a 5 year 60,000 mile power train warranty.

Ford has changed the warranty program many times since June 2006 and the mistake was a complete oversight of the changes. I sent a letter to Ms. Donna Cademartori as soon as I discovered the error. I also provided a copy of the Ford Motor Company Warranty sheet.

The County was not harmed in any way buy the correction of the warranty to be provided. I did not change any of my vehicle specifications, equipment or vehicle pricing. I wrote the letter in good faith in time so that the County could evaluate it to see if it made a difference in the awarding of the vehicles.

This decision is only hurting the County of Eldorado. By disqualifying Broadway Ford, the decision is costing the County an additional \$ 68,000.00 of additional unnecessary expenses at a time when the budgets across the State are being stretched to the limit. I do not see how this decision will benefit the County at all.

Please reconsider your decision and reinstate our Company's bid and do what is in the best interest of El Dorado County.

Sincerely

A handwritten signature in black ink that reads "Dan Durigan". The signature is written in a cursive style with a large initial "D" and a long, sweeping tail.

Dan Durigan  
Govt. Fleet Manager