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February 8, 2011

Ms. Janel Gifford
Office Engineer
County of El Dorado
Department of Transportation
2441 Headington Road
Placerville, CA 95667

Re: Protest Letter for Proposal for Access Control/CCTV/Intrusion Alarm System for the Human Services/Child Support Services/Health Services Departments Placerville and South Lake Tahoe Contract No. PW 10-30566, CIP No. 90400

Dear Ms. Gifford:

We wish to protest the award of the above mentioned project to Sonitrol on the basis that our bid was not accepted even though our bid package was delivered to the proper location well before the deadline. In addition, the bid forms have been altered by Sonitrol. Such alteration is a clear and direct violation of the requirements of the bid documents. Under the circumstances the Sonitrol bid should be rejected and the contract awarded to 3D DATACOM.

As per the e-mail which was submitted to you on February 4, 2011, Trisha Vanover of 3D DATACOM arrived at the appropriate address to deliver the bid package as specified in the RFP. She arrived at 1:30 PM, well before the 2:00 deadline. She spoke to Judy at the front counter and informed her that she had a bid package to drop off for the Access Control and CCTV Project and showed her the envelope containing the bid documents. Judy then helped Trisha tape the envelope containing the 3D DATACOM bid documents to ensure the seal. Trisha then asked Judy if this was the correct location to drop off the bid package. Judy said "Yes". At that point Judy typed something into the computer system, informing Trisha that she had input the fact that Trisha had arrived to deliver the bid package before the deadline and also to let Sherry know that Trisha was there to drop off the bid package. Judy then asked Trisha to take a seat and as soon as Sherry was available she would have Trisha go back to see her. At ten minutes before the 2:00 PM deadline Trisha informed Judy again her that the bid was due no later than 2:00 PM and that she needed to hand it over to someone before that time. Trisha asked Judy if she was sure that only Sherry and/or Shirley could accept the bid

package. Judy responded "Yes". Judy added that Shirley was still out to lunch and Sherry was still with another client but that because it had been noted in the computer system that Trisha had arrived to deliver the bid package at 1:35 PM Trisha would have no problem with the 2:00 deadline. Judy then wrote a note to Sherry on blue scratch paper to let her know that Trisha was there to drop off the bid package and was concerned about the time. Judy then went into the back and reportedly handed the note to Sherry. Judy then returned and informed Trisha that Sherry would still take her after 2:00 PM. At 2:04 pm Shirley finished her lunch and said that she would see Trisha. Trisha went into the back and tried to hand Shirley the bid package. Shirley said that she could not accept it and that Trisha instead needed to go to Building A and hand it to the Clerk of the Board there. Trish noted there was no building specified as the place for delivery in the bid documents and that Buildings A, B and C all had the same address. Trisha then ran over to the Building A and found the Clerk of the Board's reception desk. However, when asked if this was the location to turn in the bid package the Clerk had no idea what Trisha was talking about. There were no other Clerk's desks in that building. There were only hearing rooms. The Clerk then advised Trisha to go back to Building C and try upstairs. Trisha ran back to Building C and ran upstairs and spoke to Pam. Pam told Trisha that she was in the wrong building and she needed to go to Building A. Trisha responded that she just came from Building A. At this point it was 2:12 PM. Pam asked if Trisha arrived at Building A after 2:00 PM. Trish responded "Yes" because she was told to drop off the package to Sherry or Shirley downstairs (Building C). Pam then told Trisha that the people were waiting in a hallway of Building A to take the packages. Pam told Trisha that these people in the hallway left at 2:00 PM and that there was nothing she could do. Trisha told Pam that she had arrived to deliver the bid package and was input into the computer system at 1:35 pm, well before the deadline. Pam then tried to call a couple of people and then went into Janel's office. Pam then came out of Janel's office and said there was nothing she could do. Trisha asked if there was anyone else that she could talk to. She was told that there was no one. Trisha correctly stated that "this is not right". She noted that she arrived to deliver the bid package at the correct location well before the deadline only to be sent on a wild goose chase for 45 minutes. She properly did everything she could do to deliver the bid.

It is clear from the bid package that nowhere does it state within it at which building the bid package must be delivered. The cover, Page N-1, page IB-2, Page IB-3 all show the address without any building number whatsoever. Nowhere does it instruct bidders to deliver the bid package to Building A, B or C. No where does it say that there is some designated "hallway" within Building A which constitutes the correct location to deliver bids. Moreover, it is clear that Trisha did not just sit there without attempting to properly address the situation. She politely followed instructions. She was assured that she would be credited for the time at which she arrived. As it was getting close to 2:00 she made further inquiries. She was told that she need not worry. As soon as she learned that the person for whom she was instructed to wait for the last half hour could not help her she was bounced from one person to another as she ran from building to building at the instruction of County employees. It would be a manifest injustice to reject this bid as being submitted after 2:00 under these facts. Our employee Trisha was at the described location to deliver the bid package well before 2:00 pm and did everything she could do to deliver the bid package. We protest the treatment she received and the rejection of this bid. We ask that you reconsider your decision.

In summary, our employee arrived at the address given in the bid package and was on site a half hour before the bid deadline. We did everything we could do to deliver the bid, only to be thwarted in our efforts by County employees at the site. Moreover, Sonitrol altered the bid documents. Such alteration changes the terms of the bid documents and is contrary to the requirements of the bid documents. The Sonitrol bid must therefore be deemed nonresponsive. Lastly, awarding the contract based on the Sonitrol bid would cost the County a premium over 3D DATACOM's bid. This would be wasteful of taxpayer's resources.

The rejection of the 3D DATACOM bid under these circumstances would be a manifest injustice and well as a violation of the bid documents. We protest any decision to award the contract to Sonitrol and we ask that you reconsider your position. If you will not reconsider the matter we will have no choice but to turn it over to our attorney for further handling.

Sincerely,

Frank J. Pedersen
General Manager
Security Division

cc: William L. Porter, Esq.