



# *The County of El Dorado*

*Chief Administrative Office*

*Gayle Erbe-Hamlin, Chief Administrative Officer*

---

*Procurement & Contracts Division*

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

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

Date: October 16, 2008  
To: All Bidders  
Re: Invitation to Bid #09-863-038  
Truck Tires – West Slope  
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 November 4, 2008. 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, Chair  
Helen Baumann, District II  
James R. "Jack" Sweeney, District III  
Ron Briggs, District IV  
Norma Santiago, District V

Gayle Erbe-Hamlin, Chief Administrative Officer

From: nancewinters@gcrtires.com  
Subject: truck tire bid #09-863-038  
Date: Thu, September 25, 2008 12:04 pm  
To: eric.vanleeuwen@cdc.gov.us

This is to inform you that G C R Tire is formally filing a protest on the award of this bid to Brannon tire.

This is based on Schedule P: Discount

He did list a single discount but then qualified it with a statement that it was the minimum discount and the manufactures discount vary on net state billing. This amount to nothing more then a back door way for a multiple discount structure. His bid should therefore be disallowed and awarded to the next qualified bidder. thank you for your consideration

Nance Winters

**QUOTATION SCHEDULE**

**SCHEDULE O: SERVICES**

<u>Service Call at County Yard location</u>		<u>Quantity</u>
Dismount, Mount, & Repairs (per hr.)	\$ <u>55<sup>00</sup></u>	(Note 1)
Alignment (per vehicle)	\$ <u>49<sup>95</sup></u>	1
Toe Set (per vehicle)	\$ <u>25<sup>00</sup></u>	1
Foam Fill Tires (per lb.)	\$ <u>1<sup>00</sup></u>	1
Tractor Tire Sealant (per lb.)	\$ <u>2<sup>10</sup></u>	1
Disposal Fees:		
Light Truck Tires	\$ <u>2.<sup>50</sup></u>	10
Semi-Truck Tires	\$ <u>7<sup>50</sup></u>	40
Backhoe Tires	\$ <u>35<sup>00</sup></u>	10
Grader Tires	\$ <u>35<sup>00</sup></u>	40
Snow-blower Tires	\$ <u>35<sup>00</sup></u>	10
Emergency Service Call – locations other than County Yard (per hour)	\$ <u>55<sup>00</sup></u>	1

Note 1: 300 combined service hours for the one (1) year period will be used for the basis of evaluation

**SCHEDULE P: DISCOUNT\***

PERCENTAGE OFF MANUFACTURER'S SUGGESTED RETAIL PRICING: % 28  
(Multiple discount structures not allowed)

\* Pricing for additional tire purchases not included on quotation schedule.

MINIMUM DISCOUNT - Larger Discounts on SOME ITEMS up to 55% - MANUFACTURERS VARY DISCOUNTS on NET STATE Billing

**Erasures, overwrites, and the use of correction fluid/tape are NOT acceptable.  
Refer to #3 of the General Conditions for specific instructions.**



# The County of El Dorado

**Chief Administrative Office**

Gayle Erbe-Hamlin, Chief Administrative Officer

---

**Procurement & Contracts Division**

Bonnie H. Rich, Manager of Procurement & Contracts

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

October 10, 2008

GCR Tire Centers  
1401 Richards Boulevard  
Sacramento, California 95814  
Attn: Robert Koerner

Re: Protest to Bid #09-863-038  
Truck tires - West Slope

Dear Mr. Winters:

The Procurement and Contracts Division is in receipt of your letter of protest dated September 25, 2008, attached hereto. This letter addresses the issue of protest you have presented to our office for the subject Invitation to Bid. This response represents our evaluation of the issue you have raised. Award of the subject Invitation to Bid does not require Board of Supervisors approval. However, in the event the protest remains unresolved, Board of Supervisors Policy C-17, Section 5.6.5 (d) provides that the Purchasing Agent shall submit the protest to the Board of Supervisors for consideration. The procedure is detailed as follows:

5.6.5 Protest Procedure

*The protest procedure is an extension of the formal bid process that provides recourse to bidders that wish to protest bid results or the method by which a bid request was processed. This procedure shall be utilized only after all informal methods have failed to reach a solution. A protestor must exhaust all administrative remedies with the County of El Dorado before pursuing any civil or administrative action with any other public agency.*

*If a bidder wishes to protest the award, the procedure shall be as follows:*

- (a) Within ten (10) business days from the date of public posting of the bid results on the procurement and contracts internet website, the protesting bidder shall submit a letter of protest to the Purchasing Agent, signed by an authorized representative of the bidder, specifically stating the reason(s) for the protest. The bidder must provide all relevant facts to support the protest, such as the law, rule, regulation or criteria on which the protest is based.*

- (b) If the Purchasing Agent finds the protest has merit, the Purchasing Agent may modify the award recommendation and notify all bidders of the decision.*
- (c) Where a protest has been resolved or withdrawn the contract may be awarded in accordance with the Purchasing Agent's original recommendation.*
- (d) In the event protest remains unresolved, the protest shall be submitted to the Board of Supervisors for consideration as a regular agenda item. All bidders shall be notified of the date on which the matter will be heard by the Board of Supervisors. All bidders may attend the Board meeting and address the Board at that time. 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.*

**Background:** At the request of the Department of Transportation, the Procurement and Contracts Division issued an Invitation to Bid and Bid for Truck Tires and Related Services for the West Slope. The bid was structured with a quotation schedule listing various truck tires and related services. Additionally, the Invitation to Bid called for a single percentage off manufacturer's suggested retail pricing for tire purchases not included on the quotation schedule.

Three (3) qualified responses were received:

Brannon Tire of Stockton, California  
GCR Tire Center of Sacramento, California  
Sierra Nevada Tire and Wheel of Placerville, California

After evaluation of the responses received, Brannon Tire of Stockton, California was determined to be the lowest responsive, responsible bidder.

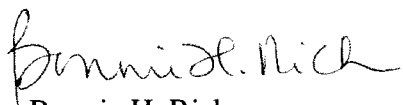
**Protest:** "Brannon tire did list a single discount but then qualified it with a statement that it was the minimum discount and the manufacturer's discount vary on net state billing. This would amount to nothing more than a back door way for allowing a multiple discount structure and therefore should be disallowed".

**Response to Protest:** Upon receipt of your letter dated September 25, 2008, the Purchasing Agent reviewed the letter with County Counsel. We concluded that although the low bidder, Brannon Tire did indicate on its bid that larger discounts are available, Brannon Tire did comply with the requirements of the bid by quoting a single discount structure for all products. Therefore is a responsive bidder.

Based on our evaluation of all the information received, the Purchasing Agent has determined that the protest is without merit, and recommends that the award be made to the low qualified respondent, Brannon Tire of Stockton, California, in accordance with the above analysis.

If GCR Tire Centers disagrees with the findings above, a written response to this letter must be received by the Purchasing Agent no later than Tuesday, October 16, 2008. Your response can be submitted electronically to brich@co.el-dorado.ca.us.

Respectfully,

A handwritten signature in black ink that reads "Bonnie H. Rich". The signature is written in a cursive style with a large initial 'B'.

Bonnie H. Rich  
Manager of Procurement & Contracts

Cc: Gayle Erbe-Hamlin, Chief Administrative Officer  
Patricia Beck, Principal Assistant County Counsel  
David Livingston, Deputy County Counsel

>

>

>

>TO: Bonnie H. Rich, Mgr of Procurement & Contracts

> El Dorado County

> Chief Administrative Office

> Procurement and Contracts Division

> (530)621-5940

> --

>

> Bonnie we do not agree with your conclusion concerning the multiply discount used in Brannon tires bid. I have done a review of previous tire bids and found where you also accepted multiply discount from qualified bidders see(bid #08863066), and yet rejected them on the last tire bid. Lets be reasonable you can't have it both ways. We will pursue this as far as necessary, based on the inconsistency in your departments review process. We have not ruled out the possibility of requesting the State Attorney Generals office to look at you competitive bidding procedures.

--

This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.