

From: [Philip Kreitlein](mailto:Philip.Kreitlein@kreitleinlaw.com)
To: [Marran, Dan](mailto:Marran.Dan@cityofsparks.com)
Cc: jsander@westcoastpaving.net
Subject: Bid Protest - 2012 Permanent Patch Program - Bid #11/12-004
Date: Thursday, October 06, 2011 5:16:36 PM

Mr. Marran,

Please be advised the undersigned is the attorney for West Coast Paving, Inc.

This communication shall constitute formal notice of protest pursuant to NRS 338.142 of the Recommendation to Award of the 2012 Permanent Patch Program – Bid #11/12-004 to Q & D Construction, Inc.

The basis of this protest is the fact that Q & D Construction, Inc.'s bid for the subject project was defective and should have been deemed nonresponsive by the City of Sparks. As the next lowest bidder, the project should be awarded to West Coast Paving, Inc.

Specifically, NRS 338.141(1)(b) mandates that Q & D Construction, Inc. include itself as a subcontractor on the 1% list supplied within 2 hours after bid opening. The Bid Packet supplied by the City of Sparks clearly pointed out on page 10 that Q & D Construction, Inc. was required to list itself if it intended to self-perform over 1% of the work. It is my client's understanding that Q & D Construction, Inc. failed to list itself.

As a result, Q & D's bid is nonresponsive and should have been rejected. As the next lowest bidder, the job should be awarded to West Coast Paving, Inc.

I trust that after the City of Sparks reviews NRS 338.141 it will come to a similar conclusion.

Please contact the undersigned regarding any requirement of West Coast Paving, Inc. to supply a Bid Protest Bond.

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