

Brenda Pape
Robert Thompson
State of Nebraska – Material Division
1526 K Street - Suite 130
Lincoln, NE 68508

11/19/2019

Subject: Protest of Intent to Award ITB 6135 for 12,000 Pound GVWR Trailer to Murphy Tractor

Ms. Pape and Robert Thompson,

On behalf of Duo Lift Mfg. Co. Inc., I am formally protesting the Pending Award of ITB Number 6135 for 12,000 Pound GVWR Trailer to Murphy Tractor. On 10/01/19, I was present in person at the Bid opening of ITB Number 6135 in Lincoln, NE. I inspected the Trailer Bid Submitted by Murphy Tractor and I pointed out to Buffy Meyer at that time in person and later the same day by email, that Page 1 of the Murphy Tractor Bid failed to list the Trailer Make and Trailer Model. I also noticed that there is a conflicting and inaccurate information on page 29 of the Murphy Tractor Bid Submittal regarding the 88" between the inside of the Fenders and the Trailer Specification. A distance of 88" between the inside of the Fenders of this Type of Trailer is not physically possible without the Trailer being over the 102" Legal Width.

How can a Bid for a Trailer Contract be awarded to a Trailer Dealer when there is no Trailer Make and Trailer Model listed on Page 1 and the inaccurate information submitted on page 29 of the required Written Bid Response?

The attached Notice of Award and Post Bid, Bid Award Tabulation doesn't list either the Make of the Trailer and Model of the Trailer being awarded. I have also attached a copy of my email about this matter on 10/01/19

It is obvious that Murphy Tractor made a mistake in their Written Bid Preparation and Bid Submittal by supplying incomplete and inaccurate information.

Based on those mistakes, Duo Lift Mfg. Co. is formally asking the State of Nebraska disallow or reject the Trailer Bid received by Murphy Tractor, reverse the Pending Bid Contract Award on the grounds that the Bid did not meet Bid Specifications on Page 1 and Page 29 of the Invitation Bid and to award the Trailer Contract to Duo Lift Mfg. Co., Inc.

We would appreciate your additional review of this matter and a response back. I can meet in person as well.

Paul Hottovy

Paul Hottovy
Director of Sales

Duo Lift Manufacturing Co., Inc.
2810 38th Street
Columbus, NE 68601
Phone: 402-564-8023
Cell: 402-219-1536
Fax: 402-564-5385
www.duolift.com

Attachments Included:

- Attachment A
- Attachment B
- Attachment C
- Attachment D

DATE: November 13, 2019
TO: All Vendors
FROM: Buffy Meyer, Buyer
State Purchasing Bureau
SUBJECT: ITB NUMBER 6135 (OF)

This is to notify all vendors who responded to the above-referenced Invitation to Bid that the State of Nebraska intends to award the contract for the 12,000 Pound GVWR Tandem Axle Trailer with Electric Brakes for 16 Foot Bed Length to Murphy Tractor & Equipment.

Thank you for your interest in doing business with the State of Nebraska.

Paul Hottovy

From: Meyer, Buffy <Buffy.Meyer@nebraska.gov>
Sent: Monday, November 18, 2019 4:27 PM
To: Paul Hottovy
Subject: RE: Duo Lift Mfg. Appealing/Contesting the Award of ITB Number 6135 for 12,000 Pound GVWR Trailer to Murphy Tractor

Mr. Hottovy,

Per our conversation, the link will take you to this page



Please click on Protest/Grievance Process under Vendors. This will give you the correct instructions, which are **not** filed with NDOT. After reviewing the directions, please call me should you have any further questions.

Thank you,

Buffy Meyer, C.L.S.S.Y.B.
Buyer II | MATERIEL-STATE PURCHASING BUREAU

Nebraska Department of Administrative Services
1526 K Street, Suite 130 Lincoln, NE 68508
OFFICE 402-471-8889
FAX 402-471-2089
buffy.meyer@nebraska.gov
das.nebraska.gov | [Facebook](#) | [Twitter](#)

From: Paul Hottovy <paulh@Duolift.com>
Sent: Monday, November 18, 2019 1:06 PM
To: Meyer, Buffy <Buffy.Meyer@nebraska.gov>

Subject: RE: Duo Lift Mfg. Appealing/Contesting the Award of ITB Number 6135 for 12,000 Pound GVWR Trailer to Murphy Tractor

Ms. Hottovy,

I will file a Grievance and Protest with NDOT as per the procedure list in the Web Link listed below.

Thank you for your response and direction on this matter.

Paul Hottovy
Director of Sales

Duo Lift Manufacturing Co., Inc.
2810 38th Street
Columbus, NE 68601
Phone: 402-564-8023
Cell: 402-219-1536
Fax: 402-564-5385
www.duolift.com

From: Meyer, Buffy <Buffey.Meyer@nebraska.gov>

Sent: Monday, November 18, 2019 12:48 PM

To: Paul Hottovy <paulh@Duolift.com>; Sands, Tom <Tom.Sands@nebraska.gov>

Cc: Piening, Dale <Dale.Piening@nebraska.gov>; Blacksher, Mike <Mike.Blacksher@nebraska.gov>; Jordan, Keith <keith.jordan@nebraska.gov>

Subject: RE: Duo Lift Mfg. Appealing/Contesting the Award of ITB Number 6135 for 12,000 Pound GVWR Trailer to Murphy Tractor

Importance: High

Mr. Hottovy,

RE: 6135 (OF) Invitation To Bid

In accordance with Section I.R. AWARD: *Any protests must be filed by a contractor within ten (10) business days after the intent to award decision is posted to the Internet. Grievance and protest procedure is available on the Internet at: <http://das.nebraska.gov/materiel/purchasing.html>*

Thank you,

Buffey Meyer, C.L.S.S.Y.B.

Buyer II | MATERIEL-STATE PURCHASING BUREAU

Nebraska Department of Administrative Services
1526 K Street, Suite 130 Lincoln, NE 68508

OFFICE 402-471-8889

FAX 402-471-2089

buffey.meyer@nebraska.gov

das.nebraska.gov | [Facebook](#) | [Twitter](#)

From: Paul Hottovy <paulh@Duolift.com>
Sent: Monday, November 18, 2019 9:00 AM
To: Meyer, Buffy <Buffy.Meyer@nebraska.gov>; Sands, Tom <Tom.Sands@nebraska.gov>
Cc: Piening, Dale <Dale.Piening@nebraska.gov>; Blacksher, Mike <Mike.Blacksher@nebraska.gov>; Jordan, Keith <keith.jordan@nebraska.gov>
Subject: Duo Lift Mfg. Appealing/Contesting the Award of ITB Number 6135 for 12,000 Pound GVWR Trailer to Murphy Tractor

To: Buffy Meyer e/o Nebraska State Purchasing Bureau in Lincoln, NE at Phone: 402-471-8889 and Tom Sands e/o NDOT Fleet Operations in Lincoln, NE

Ms. Meyer and Mr. Sands,

On behalf of Duo Lift Mfg. Co. Inc., I am contesting the Pending Award of ITB Number 6135 for 12,000 Pound GVWR Trailer to Murphy Tractor. On 10/01/19, I was present in person at the Bid opening of ITB Number 6135 in Lincoln, NE. I inspected the Trailer Bid Submitted by Murphy Tractor and I pointed out to you at that time in person and later the same day by email, that the Page 1 of the Murphy Tractor Bid failed to list the Trailer Make and Trailer Model. I also noticed that there is a conflicting information on page 29 of the Murphy Tractor Bid Submittal regarding the 88" between the inside of the Fenders and the Trailer Specification. A distance of 88" between the inside of the Fenders of this Type of Trailer is not physically possible.

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Based on those mistakes, Duo Lift Mfg. Co. is formally asking the State of Nebraska disallow or reject the Trailer Bid received by Murphy Tractor, reverse the Pending Bid Contract Award on the grounds that the Bid did not meet Bid Specifications on Page 1 and Page 29 of the Invitation Bid and to award the Trailer Contract to Duo Lift Mfg. Co., Inc.

We would appreciate your additional review of this matter and a response back.

Regards,

Paul Hottovy
Director of Sales

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2810 38th Street
Columbus, NE 68601
Phone: 402-564-8023
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Fax: 402-564-5385
www.duolift.com

Attachment
C

Paul Hottovy

From: Paul Hottovy
Sent: Tuesday, October 01, 2019 9:16 PM
To: Meyer, Buffy
Subject: Additional Duo Lift Mfg. Follow Up and In Person Observations during the Opening of Bid Solicitation Number 6135 OF on 10/01/19

Buffy,

I failed to mention an additional Observation and Comment I made during the Bid Opening:

The Bid Submitted from Murphy Tractor on Page 29 stated 88" between Fenders and the accompanying trailer specification sheet stated 82". This is conflicting information.

Regards,

Paul Hottovy
Director of Sales

Duo Lift Manufacturing
2810 38th Street
Columbus, NE 68601
Office: (402) 564-8023
Cell: (402) 219-1536
Fax: (402) 564-5385
paulh@duolift.com

From: Paul Hottovy
Sent: Tuesday, October 01, 2019 4:34 PM
To: Meyer, Buffy <Buffy.Meyer@nebraska.gov>
Subject: Duo Lift Mfg. Follow Up and In Person Observations during the Opening of Bid Solicitation Number 6135 OF on 10/01/19

Buffy,

As per my verbal comments that I made in person at the conclusion of the Opening of Trailer Bid Solicitation Number 6135 OF, today, 10/01/19, I feel it is relevant that I put those comments in writing for the benefits of Individuals from State of Nebraska Departments that will be reviewing the (3) Bids that were submitted:

In Person Bid Observations verbally shared by me:

- The Bid Submitted from Klute Truck Equipment & Trailer Sales was submitted in an **open, unsealed envelope**. As per the Bid Instructions, Page 4 Paragraph 8, "ITB is received in a sealed envelope or container". It is my experience that a ITB received unsealed is considered ineligible for award consideration.
- The Bid Submitted from Murphy Tractor on **Page 1 of 1 did not State the Make and Model of Trailer(s)** Bid on the ITB. It is my experience that a ITB received without the Written Make or Model of Trailer is considered ineligible for award consideration.

Thank you again for this Trailer ITB Opportunity # 6135 OF.

Regards,

Paul Hottovy
Director of Sales

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2810 38th Street
Columbus, NE 68601
Office: (402) 564-8023
Cell: (402) 219-1536
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NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES MATERIEL DIVISION - STATE PURCHASING BUREAU

STANDARD PROTEST/GRIEVANCE PROCEDURES FOR VENDORS

This policy is used to protest a commodity or service contract awarded through AS Materiel Division-State Purchasing Bureau. If a contract is bid directly through an agency, the Director of that agency is responsible for handling protests. All protests/grievances are to be forwarded to the Director of that agency.

Grievances/Protests are only accepted from vendors who have submitted a timely bid response in connection with the award in question. Administrative procedures, if processed through the AS State Purchasing Bureau, for grievances/protests are as follows:

1. Grievances/protests must be expressed in writing, directed to: Materiel Division Administrator, Administrative Services, 1526 K Street, Suite 130, Lincoln, NE 68508 and shall: (1) reference the bid number; (2) include specific issues that are disputed; and (3) provide a point of contact and mailing address to which a response can be sent. All grievances/protests must be received within ten (10) business days of the posting of the intent to award, in order to be considered a valid grievance/protest.
2. A response will be made in writing to the point of contact provided in the grievance/protest by the Materiel Division Administrator, generally within ten (10) business days of receipt of the grievance/protest by the Materiel Division Administrator.
3. **If the response from the Materiel Division Administrator has not satisfied the grievance**, the vendor may make a written request for a meeting with the Materiel Division Administrator and the Director of Administrative Services, or designee of the Director's choosing, to: Director of Administrative Services, 1526 K Street, Suite 250, Lincoln, NE 68508. Such request shall: (1) reference the bid number; (2) include the specific issues disputed; (3) provide a point of contact and mailing address, and (4) must be received within ten (10) business days of the date of the Materiel Division Administrator's response in order to be considered a valid meeting request.
4. A meeting will be scheduled and held with the vendor, Materiel Division Administrator, and Director of Administrative Services or the Director's designee for the vendor to present their issues.
5. A written final decision will be sent to the vendor, generally within ten (10) business days, unless additional time is necessary to fully examine the issues presented.
6. If desired, a vendor may opt to skip Steps 1 & 2, and grieve simultaneously to the Materiel Division Administrator and the Director of Administrative Services (begin with Step 3 above).