

## **Elkhorn Sand & Gravel, LLC.**

PO Box 1000  
Atkinson, NE 68713

March 10, 2021

Doug Carlson  
Director of Administrative Services  
1526 K Street, Suite 250  
Lincoln, NE 68508

Dear Mr. Carlson:

Elkhorn Sand & Gravel LLC would like to set up a meeting to protest the award of Solicitation 6444OF (Armor Coat Gravel, Deicing Gravel, Windrow Gravel, And Surfacing Gravel).

Unfortunately, our bid was thrown out because we marked "No" on page 27, Section G where it asks if the gravel will be delivered to stockpiles in end dump trucks only. We provided an alternative just like the heading asks when you mark "NO". The reason we marked no is because we deliver the majority of our gravel with Side Dump trailers. In the past 10+ years it has never been an issue hauling to the State's locations in our area with these trailers.

If we had marked "YES" on that very same section of the bid and hauled it in Side Dumps, you more than likely wouldn't have known the difference. But I feel that we would be in breach of contract if the issue ever came up.

It seems contradictory when another contractor was awarded multiple locations and they neither marked "YES" or "NO" but provided alternatives. I understand they stated one of the trucks they provided was "End Dump". If they are required by the state to only haul in End Dumps and their alternatives are not accepted, we would have to be okay with that. But because they provide End Dumps shouldn't provide them the ability to use alternatives also.

We would be okay with being kicked out of the solicitation if there were no other alternatives accepted. At that point we would have to decide whether we wanted to do business with the state or not. In our opinion alternatives provide the best competition/prices for the state and our tax money. Thank you for your consideration on this matter.

Sincerely,

Tyler Mitchell  
Manager  
Ph: 402-340-1745  
[elkhornsand@gmail.com](mailto:elkhornsand@gmail.com)

Greg Vogel  
Owner  
Ph: 402-340-1871  
[romavogel@yahoo.com](mailto:romavogel@yahoo.com)