



CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

June 25, 2014

David R. Baxmeyer
1034 Floraville Road
Waterloo, Illinois 62298

Re: Protest of Bid Item #284 from the June 13th Letting

Dear Mr. Baxmeyer:

The Illinois Procurement Code provides the Chief Procurement Officer shall establish rules to be followed in resolving protested solicitations and awards and contract controversies. 30 ILCS 500/20-75. All protests shall be in writing and filed with the CPO within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. Protests filed after the 7 calendar day period will not be considered. 44 ILL. ADMIN. CODE §6.420(a). The protest will be sustained only if it is determined by the CPO that the protest conclusively demonstrates by the preponderance of relevant information submitted that fraud, corruption or illegal acts have occurred that undermine the integrity of the procurement process. 44 ILL. ADMIN. CODE §6.440(b). If the protest is sustained, the remedies available are limited to cancellation or revision of the solicitation, or readvertisement of the solicitation. Relief available does not include award of the contract to the protester. 44 ILL. ADMIN. CODE §6.440(b). The decision of the CPO is final and conclusive unless clearly erroneous, arbitrary, capricious or contrary to law. 44 ILL. ADMIN. CODE §6.440(b).

Baxmeyer Construction, Inc. submitted a protest on the above-referenced procurement on June 18, 2014. That protest was received by my office on June 19, 2014. I have reviewed the protest and the facts surrounding the issue with your bid submission. At 9:43 on June 13, 2014, your firm attempted to submit an EBid and that submission was rejected because "Form A" (Financial Disclosures) was incomplete. Unfortunately Baxmeyer Construction, Inc. neglected to correct this error and **no bid was received**. After careful consideration, denial of the protest is warranted.

The protest submitted by Baxmeyer Construction, Inc. is DENIED.

Sincerely,

Bill Grunloh
Chief Procurement Officer

cc: Gretchen Tucka, State Purchasing Officer
Michael Forti, Chief Counsel, IDOT