mesa·az
PURCHASING DEPARTMENT
mesaaz.gov

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August 18, 2016

Ms. Zina Brooks,
Flint Trading Inc.
115 Todd Court
Thomasville, NC 27360
Fax: (336) 475-7900
Email: zbrooks@ennisflint.com

RE: City of Mesa Response to Protest of Award
Request for Bid #2016125 Pavement Marking Materials ("RFB")

Dear Ms. Brooks,

This letter will serve as the City of Mesa's ("City") response to your letter received by email on August 16, 2016 in which Flint Trading Inc. ("Flint") protests the Award of the RFB referenced above ("Protest"). This letter is submitted to you in accordance with the City of Mesa Procurement Rules ("Procurement Rule(s)") Section 6.3. After reading your letter, reviewing the claims in the Protest with staff from the Transportation department and the Procurement Officer for the RFB, I have made the decision that Flint's Protest is denied; the City replies as set forth below to the arguments set forth in the Protest.

1. **Flint's Claim:** The award of Group 1 preformed thermoplastic pavement markings to Centerline Supply West ("Centerline") "does not comply with the listed specifications. It is our understanding that Centerline Supply West's submission includes a manufacturer's preformed thermoplastic product that requires the road surface to be preheated to a specific temperature prior to application." "According to Section 6.7.1 of the specification contained within Bid 2016125, 'the material must be able to be applied with no preheating of the pavement to a specific temperature'. If the product submitted by Centerline Supply West is a 'preheat' type of material, it is not in compliance with this requirement because it requires the substrate to be preheated to a specific temperature prior to application."

   **City's Response:** Transportation department staff received written confirmation from Centerline that the product submitted in Centerline's response to the RFB, does not require the road surface to be preheated to a specific temperature prior to application. As Centerline is using a thermoplastic pavement marking that does not require preheating, Flint's claim is unfounded.

2. **Flint's Claim:** That the product Centerline submitted states that "manufacturers' application instructions for 'preheat' methods include temperature restrictions for ambient and surface temperatures to be 32°F and rising. This is in opposition to Section 6.1.3 of the specification contained within Bid 2016125 stating '*the markings must be able to be applied with no minimum ambient or surface temperature requirements.*'"

**City Response:** The City reviewed your claim and found that the product Centerline submitted in response to the RFB, does not require the product to be applied at ambient and surface temperatures of 32°F and rising; this was verified through Centerline as well as through the manufacturers' application instructions. Therefore, Flint's claim is unfounded.

3. **Flint's Claim:** "Consideration should be given to verify that submitted products have been installed on the National Transportation Product Evaluation Program (NTPEP) test deck based on the specific application method for either a 'preheat' or a 'no preheat' type of material."

   **City's Response:** The City appreciates Flint's input on the product to be used, however the City did not identify or require in its solicitation that products submitted in response to the RFB must be verified as having been installed on the National Transportation Product Evaluation Program (NTPEP) test deck. Therefore, Flint's claim is denied.

4. **Flint's Claim:** "Ennis-Flint's preformed thermoplastic, PreMark®, is a 'no preheat' product which meets and exceeds the product specifications contained within Bid 2016125."

   **City's Response:** Ennis-Flint's preformed thermoplastic pavement markings being a "no preheat" product is not a relevant reason for protest. As per section 4.3 of the City's Procurement Rules, the City is intending to award Group 1 Preformed Thermoplastic Pavement Markings to the lowest priced, responsive, responsible respondent. Therefore, Flint's claim is denied.

For all of the aforementioned reasons, Flint's Protest is denied. Pursuant to Procurement Rule Section 6.4, you may appeal this decision within seven (7) calendar days to the Chief Procurement Officer.

The City of Mesa Procurement Rules are available at http://www.mesaaz.gov/business/purchasing under Policy Documents.

Please address all correspondence to:

Chief Procurement Officer
City of Mesa
20 E. Main Street, Suite 450
Mesa, AZ 85122-1466

Sincerely,

Matthew Bauer
Procurement Administrator