



April 19, 2024

## NOTICE OF PROTEST

Reichhardt & Ebe Engineering Inc.  
423 Front Street.  
Lynden, WA 98264

Attention: Tyler Buys, Principal & Project Manager

RE: Jim Kaemingk Sr. Trail Depot Road to 8<sup>th</sup> Street Phase 3 Project, Construction Documents prepared by Reichhardt & Ebe Engineering Inc.

Mr. Buys.

Pursuant to Washington State RCW39.04.105, Western Refinery Services does protest the bid of Ritter Dirt & Asphalt for the referenced project. This letter shall serve as written notice in accordance with the conditions of that section.

Ritter Dirt & Asphalt failed to provide a complete bid. Within the owner provided bid documents the owner retains the right to reject contractor bids that are incomplete. The Ritter Dirt & Asphalt bid must be considered incomplete and therefore non-responsive.

WSDOT 1-02.13 section D states that a proposal is considered irregular if "The Proposal form is not properly executed." WSDOT 1-02.6 outlines how a proposal is properly executed when they write, "All prices shall be in legible figures (not words) written in ink or typed and expressed in U.S. dollars and cents." Ritter Dirt & Asphalt's bid proposal does not follow 1-02.6 for the following reasons:

- a. Bid Items 1, 2, 4, 5, 6, 11, 14, 18, 23, 24, 34, 35, 36, and 40 are all missing the cents as required in 1-02.6.
- b. Bid Items 2, 26, and 39 all have been crossed out and lack an initial.

Last, WRS requests that Reichhardt & Ebe confirm that the proposal was completed in pen as required by 1-02.6. It appears in the scanned document that Ritter Dirt & Asphalt's bid proposal is written in pencil.

The Washington State RCW is clear that bids must be awarded to the lowest responsible bidder with a responsive bid. An incomplete bid is non-responsive.

Western Refinery Services does request acknowledgement of this Bid Protest and confirmation of the Ritter Dirt & Asphalt bid proposal rejection.

We look forward to your prompt response.

Dustin Bliss  
WRS Construction Manager

A handwritten signature in black ink, appearing to read 'Dustin Bliss', is written over a horizontal line.