



LARRY COCHRAN
PARISH PRESIDENT

ROBERT L. RAYMOND
DIRECTOR OF
LEGAL SERVICES

Pedro Gomez, P.E.
Huseman & Associates, LLC
3925 N. I-10 Service Road
Metairie, LA 70002

Re: St. Charles Parish Courthouse
Chiller Replacement
SCP Project No. GB-07-1-17

Dear Mr. Gomez:

It is my understanding that Huseman & Associates, LLC provided the engineering and professional design services for the referenced project.

It is my understanding that this project was properly advertised for bidding, and public bids were received on January 25, 2018 at the St. Charles Parish Courthouse. It is my understanding that bids were hand-delivered to the St. Charles Parish Courthouse by the following bidders, to-wit:

- (1) Blanchard Mechanical;
- (2) Goote Construction, Inc.;
- (3) JH Refrigeration, LLC d.b.a. All Temp Refrigeration;
- (4) Volute, Inc.; and,
- (5) ARC Mechanical Contractors.

It is my understanding that a sixth bid was submitted electronically by Gallo Mechanical, LLC.

It is my understanding that the bids of Blanchard Mechanical, Goote Construction, Inc., JH Refrigeration, LLC, Volute, Inc. and ARC Mechanical Contractors were publicly opened and read aloud. It is my understanding that you were unable to publicly open and read aloud the electronically submitted bid of Gallo Mechanical, LLC at the time and place the other bids were publicly opened and read aloud, but were able to "open" said bid later that day. It was neither publicly opened nor read aloud.

ST. CHARLES PARISH

DEPARTMENT OF LEGAL SERVICES

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March 9, 2018



My understanding is that the lowest responsible bid was submitted by JH Refrigeration, LLC. Gallo Mechanical's bid was second lowest followed by Goote Construction.

By letter dated January 26, 2018, you informed Mr. Phil Dufrene that the lowest responsible bid was submitted by JH Refrigeration, LLC, and stated that "...There does not appear to be any reason to reject the bid issued by JH Refrigeration..."

Thereafter, by letter dated January 30, 2018, Goote Construction, Inc., through its counsel, entered a formal protest pursuant to Article 23 of the Instructions to Bidders for the referenced project.

The substance of the protest included the following charges:

- (1) "...the failure of the putative low bidder, "JH Refrigeration, LLC D.B.A. All Temp Refrigeration Services, LLC" to attend the mandatory Pre-Bid Conference; and
- (2) "...the failure of St. Charles Parish, as owner, to open and read all bids aloud at the designated bid opening..."

LSA-R.S. 38:2214 A. provides in part as follows:

The public entity desiring to let a public contract shall, in the advertisement for bids, designate the time and place that the bids will be received and shall at that time and place publicly open the bids and read them aloud...

LSA-R.S. 38:2212 E.(1) provides in part as follows:

Public entities shall provide, as an additional bidding option, a uniform and secure electronic interactive system for the submittal of bids for public work requiring competitive bidding...

All of the bids received by St. Charles Parish appear to have been properly submitted. The bid submitted by Gallo Mechanical was not publicly opened and read aloud at the time and place designated for such to occur.

It is apparent that all bids received must be publicly opened and read aloud at the time and place so designated.

LSA-R.S. 38:2214 B. provides that the public entity may reject any and all bids for just cause.

The Louisiana Attorney General opined at Op. No. 91-123 (Mar. 13, 1991) as follows:

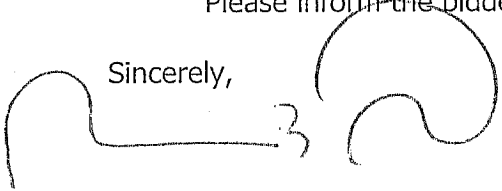
The public opening and reading of all bids received is an essential part of the public bid process and is designated to assure competing bidders that all bids were in hand before any were opened and that no bidder had the advantage of knowing another's bid price before submitting his

bid ... This procedure provides several significant safeguards for the integrity and fairness of the public bid process.

Based on the fact that the properly submitted bid of Gallo Mechanical, LLC was neither publicly opened nor read aloud when the other bids were publicly opened and read aloud, and in order to further the integrity and fairness of the public bid process, the protest submitted by and on behalf of Goote Construction, Inc. is determined to be valid. As such, St. Charles Parish, in accordance with LSA-R.S. 38:2211, et seq. hereby rejects all bids for cause.

Please inform the bidders accordingly.

Sincerely,



Robert L. Raymond
Director of Legal Services

RLR:sf

cc: Larry Cochran
St. Charles Parish Council
Billy Raymond
Phil Dufrene
Michael E. Botnick, Esq.