



April 10, 2012

Board of Public Works

**RE: West Lafayette Aeration Project
Award Status**

Dear Board Members:

Please allow this correspondence to state our position regarding the award status of the above referenced project. Thieneman Construction was the apparent low responsible, responsive bidder and hereby protest the award if to any other contractor other than Thieneman Construction.

As of yesterday, Thieneman became aware of Wessler's recommendation letter to award this project to another contractor. We do not feel Wessler's evaluation is proper, fair, and complete to properly evaluate our ability to perform this project for the City of West Lafayette. We offer the following observations:

1. We currently have two projects with Wessler. At no time did Wessler communicate any concern with our ability to complete this project per the contract documents. Thieneman has over 200 years of experience within our company specifically building water and wastewater treatment plants.
2. Wessler's calls to two of our former projects and two other projects involving Wessler specifically do NOT fairly represent the overall performance of our firm, nor do the calls provide enough specifics of those projects in question to draw any fair conclusion. These projects represent less than 1% of our work performed in the last ten years. Any issues on those projects are NOT a result of incompetence or professional knowledge of the work. The problems were a result of scheduling conflicts involving multiple parties and associated responsibilities. The manager of three of these projects is no longer with our firm. One individual does not fairly represent the capabilities of the entire firm.
3. Wessler did not call any of the other 28 projects we have included on our list. We are currently building a \$5M treatment plant upgrade project, the same type of project as your project for Mike Darter at Monticello. We have over eight projects with Citizens Energy Group, who manages and owns all of the facilities for the City of Indianapolis. Currently, Thieneman is building the largest aeration project in the State for Citizens at the Belmont facility. We have built over six projects totaling over \$25M for the Corp of Engineers in Lake County, Indiana. We could list more, but all of these owners can verify the technical competence of our firm, as well as, the professional management staff Thieneman has in-house. ***Please call John Sell with Citizens, the Corp of Engineers, and Mike Darter with Monticello.***
4. Thieneman Construction has always been awarded any project when low at bid time. Wessler specifically discussed past issues with the Tipton Utility board. During a meeting, Thieneman committed to assign the best project manager and field staff and to start the project quickly. Thieneman committed to timely communication throughout the project. The Tipton Utility board awarded the project to Thieneman and we performed accordingly. If Thieneman is awarded this project, the same staff will be assigned. ***Please call the Tipton Utility board*** to discuss this project.



5. The second contractor can not be considered a responsive bidder. Per Indiana Code, Form 96 must be complete and properly submitted with the bid. Also, the second bidder's lack of wastewater experience does not properly qualify an additional \$200,000 of exposure for the City of West Lafayette.

Thieneman Construction respectfully requests a conversation with the Board to properly discuss any concerns regarding the award of this project. Thieneman has worked hard to provide the City of West Lafayette a quality bid. We are prepared to start this project immediately and can provide you the assurance necessary for a successful project. Please call me at the Westfield office or on my cell at 219-712-6865 to discuss this project in detail.

Respectfully yours,

Kenneth D. Thieneman
President

Cc: Todd Lemen, Estimating Manager
Josh Morris, Project Manager
Tim Rikken, Gen'l Supt.