

April 25, 2016

Rick Brown, Assistant Purchasing Agent
Procurement Division
Metropolitan Government of Nashville and Davidson County
Suite 112, Lindsley Hall
730 2nd Avenue South
Nashville TN 37210

Dear Mr. Brown

Pursuant to R4.36.010 of the Metro Government of Nashville and Davidson County, Tennessee - Code of Ordinances, Opus Inspection respectfully submits this protest in connection with the solicitation, "RFQ 899491 – Vehicle Emission Testing Services". This protest asserts that the RFQ unfairly discriminates against a single potential bidder, Opus Inspection, as described herein.

1. The RFQ requires that only one potential bidder, Opus Inspection, to maintain and operate two (2) inspection stations with five (5) lanes in "Area 2," while allowing other potential bidders to maintain and operate only one (1) station with four (4) lanes in Area 2. This prima facie discrimination unfairly burdens Opus Inspection with higher costs than other potential bidders.
2. The RFQ requires that the existing "Westbelt Drive station will be closed" and a new station be built in "Area 3," which is as close as 2.7 miles away. The existing Westbelt station is well known by Nashville motorists and received customer volume in line with other stations. The burden, and cost, of closing the Westbelt station unfairly impacts only one potential bidder, Opus Inspection. The effects are a) a significant cost increase as this purpose built station will be demolished and replaced with a new station; b) an inconvenience as motorists for more than 20 years have been accustomed to drive to Westbelt station.

As the deadline for submitting proposals is May 2, 2016, Opus Inspection was in the process this week of reviewing our response to the RFQ under competitive considerations. On April 19, we came to the conclusion that the unfair and unequal treatment of Opus Inspection, in relation to other potential bidders, results from Metro's specifications described above. The disadvantage that Opus Inspection faces from the unequal treatment amounts to millions of dollars over the anticipated 10-year contract. Therefore, we are filing this protest within 10 days of realizing the problem per Section 4.36.010 (A). We further assert that the discriminatory specifications are fatal flaws in the RFQ, which can only be remedied by cancellation and complete revision of the RFQ to assure fair and equal treatment of all potential bidders.

Accordingly, we request that “the Metropolitan government shall not proceed further with the solicitation” as Code of Ordinances R4.36.010(F) requires. A stay of the current RFQ will not affect the continuation of emission test services in Metro Nashville. Furthermore, we request an in-person hearing to review directly with the Metro government, the reasons for this protest, and fairness issues with the RFQ.

Opus Inspection reserves the right to supplement the letter if after further inquiry and review other issues or inequities become apparent.

Sincerely,



Lothar Geilen
CEO