



# CHARLEY TOPPINO & SONS, INC.

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4/14/2011

Doug Bradshaw  
Senior Project Manager  
City of Key West Facilities Director  
PO Box 1409  
Key West, FL 33041-1409

Re: Protest of American Earth Movers as low bidder of  
the Smathers Beach Renourishment Rebid ITB #11-016

Dear Mr. Bradshaw,

Charley Toppino & Sons, Inc. is protesting the Preparation of the proposal of the low bidder American Earth Movers as being unresponsive and informal to the Rebid Request:

The proposal does not follow the instruction listed in the specifications for the following requirements:

1. "All blank spaces in the Proposal form must be filled in, as required, in BLACK INK. All price information will be shown in both words and figures where required. No changes shall be made in the phraseology of the forms. Written amounts shall govern in case of discrepancy between amounts stated in writing and the amounts stated in figures."
2. "Any Proposal shall be deemed informal which contains omissions erasures, alterations, or additions of any kind, or prices uncalled for, or in which any of the prices are obviously unbalanced, or which in any manner shall fail to conform to the conditions of the published Invitation to Bid."

### 3. SIGNATURE

"The Bidder shall sign his proposal in the blank space provided therefor. If Bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers authorized to sign Contracts on behalf of the corporation. If the Bidder is a partnership, the true name of the firm shall be set forth above, together with the

signature of the partner or partners authorized to sign Contracts on behalf of the partnership. If signature is by an agent, other than an officer of a corporation or a member of a partnership, a notarized power of attorney must be on file with the Owner prior to opening of Proposals or submitted with the Proposal, otherwise the Proposal will be regarded as not properly authorized."

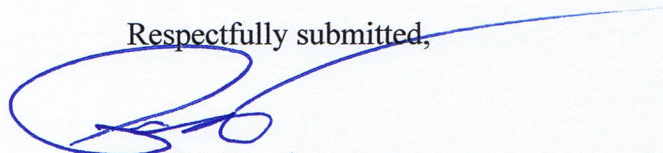
The bidder did not fill in the Words portion of the Bid and merely repeated the numerical figure.

The Bid is obviously grossly unbalanced by disproportionate allocation of the bid price to mobilization.

The bidder failed to sign or seal his bid.

Based upon the irregular, unresponsive and informal proposal submitted by American Earth Movers, said "low bid" fails to conform to the bid requirements and should be disqualified from consideration.

Respectfully submitted,



Paul E Toppino  
Charley Toppino and Sons