



STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

May 23, 2011

Mr. Robert Dennison
Chief Engineer
NYS Department of Transportation
50 Wolf Rd.
Albany, NY 12232

RE: D261655 Exit 122 Project

Dear Mr. Dennison:

Contract D261655 was received by my office for review on May 12, 2011. Unfortunately, the document does not contain the required complete procurement record, especially as it relates to the protests at hand. Therefore, we are returning the contract non-approved since it lacks sufficient information for OSC to make a determination on its merits.

Should you re-submit the contract for review, please provide copies of responses to the following correspondence:

- The Lancaster Development February 22, 2011 letter to Chief Engineer Robert Dennison.
- The Manatt, Phelps & Phillip's March 18, 2011 letter Bruce Feldman, Esq. formerly of DOT's Counsel's Office.
- The Lancaster Development March 30, 2011 letter to Commissioner Joan McDonald.
- The Lancaster Development April 4, 2011 letter to William Howe, DOT's Director of Contract Management.
- Couch White's May 12, 2011 protest to me (copy sent to DOT) formally protesting the procurement.
- The 2 letters from Fox & Kowalewski to Suzanne Charles, Esq. and Jan McLaughlin, Esq. of DOT Counsel's Office dated April 8, 2011.

In addition, in any re-submission, please include copies of the complete original bid documents from both Lancaster Development and A. Servidone.

Please feel free to call me if you have any questions about this matter.

Sincerely,



Charlotte Breeyear
Director, Bureau of Contracts
Office of the State Comptroller

Cc: John Dalton
Vanessa Saiid
✓ Joel M. Howard, Couch White LLP
Edward A. Stein
John J. Faso, Manatt