

# BORTOLUSSI & WATKIN, INC.

*General Landscape Contractors*

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17 April 2013

State of California, Department of Transportation  
Division of Engineering Services  
Office Engineer, MS 43  
1726 30th Street  
PO Box 168041  
Sacramento, CA 95816-8041  
Fax 916.227.6282

RE: BID PROTEST #2  
CT#: 04-2G3614 (4/9/2013)

Dear John C. McMillan,

Bortolussi & Watkin, Inc. ("B&W") protests the bid of the above-referenced contract of the low bidder, Empire Landscape Inc. ("Empire"). Empire has incorrectly completed column 3 of the subcontractor list.

The subcontractor list states: Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid. Empire has failed to provide complete information in column 3 of the subcontractors list. It appears Empire has listed percentages that reflect the total amount of their bid rather than a percentage of the bid item subcontracted. When completing the bid subcontractor listing the bidder must specify percentages for partial items. In this instance Empire did not specify any partial percentages for items therefore making their subcontractor listing percentages incorrect.

**PRECEDENCE:**

On February 21, 2013 Caltrans issued a Non-responsive bid letter finding the bid of C. Overaa & Co. to be nonresponsive for the exact reason as stated above. Contract 04-014084 (04-Ala-80-2.2) – Oakland Bay Bridge Maintenance Yard, Caltrans found the following: *"Overaa listed percentages that reflect the total amount of their bid rather than a percentage of the bid item subcontracted, therefore the bid is inaccurate"*.

Accordingly, B&W respectfully request that Caltrans reject Empires bid as being nonresponsive and continue to award the project to the lowest responsible bidder.

Sincerely,

**BORTOLUSSI & WATKIN, INC.**

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Michael Reinbolt