

AFSAR LAW GROUP

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May 12, 2015

VIA FACSIMILE & U.S. MAIL ONLY

John C. McMillian
Office Engineer
State of California Department of Transportation/Caltrans
Division of Engineering Services
1727 30th Street
Sacramento, CA 95816

Re: Bid Protest - Contract No. 05-1F6104

Dear Mr. McMillian:

As you may recall, this office represents the legal interests of Desert Concepts Construction, Inc. It is my client's understanding that after the rejection of certain bids, Peterson-Chase (hereinafter "Peterson") currently holds the position of "Low Bidder" for the above-referenced contract. This correspondence is provided as a formal bid protest to the bid submitted by Peterson.

The bid submitted by Peterson is non-responsive because it fails to properly indicate a percentage number in column 3 of the Subcontractor List form. The Subcontractor List form requires the bidder to complete columns 1 and 4 with the bid. Columns 2 and 3 can be submitted with the bid or via fax within 24 hours of the bid opening. It is well settled that failure to comply results in a finding that the bid is non-response.

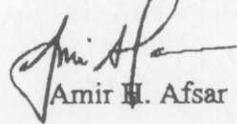
Here, Peterson's bid provides line item 21 with an estimated quantity of 21,000 units and a unit price of \$18.50 creating a total item total of \$388,500.00. Peterson then submits their Certified DVBE Summary listing G & C Equipment Corp. as a material supplier but nowhere do they provide the percentage of the bid item subcontracted as required by column 3. Peterson's failure to submit the percentage of the bid items subcontracted renders their bid non-responsive.

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As always, we appreciate your time in reviewing the bids referenced herein. If we can provide any further assistance with regard to this project, please contact this office or Desert Concepts Construction, Inc. at your earliest opportunity.

Very truly yours,

AFSAR LAW GROUP, A.P.C.



Amir H. Afsar

cc: Client
AHA/jbl
L051115.BidProtest



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May 12, 2015

Total Number of Pages 3 (Including This Cover Letter)

Please deliver the attached pages to:

Company: Department of Transportation – Division of Engineering Services
Office Engineer

Recipient's Fax No.: (916) 227-6282

From: Amir H. Afsar, Esq.
Transmitted From: (760) 345-3220

Re: Bid Protest on Contract Number 05-1F6104

Please see the attached correspondence.

If you have any additional questions, please don't hesitate to contact this office.

Thank you,

Original Sent By U.S. Mail: Yes No

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